

**HEREFORDSHIRE COUNCIL**  
**Examination of Travellers Sites Development Plan Document**

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Dear Mr Singleton & Ms Newey

**INSPECTOR'S POST HEARING ADVICE (2)**

1. The second hearing on 18 March 2019 considered the Council's proposed site allocations at Madley and Bosbury. I am grateful to Council officers and others who attended for their verbal contributions. As indicated in my closing comments this letter sets out advice about how or whether these sites should be progressed and, more generally, about the next steps in the examination process.
2. My final conclusions regarding soundness and procedural compliance will be given in the report and my observations about the two proposed sites are therefore brief. In due course I will need to take account of any representations received following consultation on any proposed Main Modifications or additional evidence that emerges. My views are therefore given here without prejudice to the conclusions that will appear in the report.

**Oakfield, Nash End Lane, Bosbury**

3. My view is that the Council should take this site forward as a proposed Main Modification with relevant details to guide development including the need for landscaping. However, as part of this, the Council should seek further information from the site owners about whether the proposed 4 additional permanent pitches will be delivered within 5 years. This is taking account of the discrepancy between the proposed allocation and the current undetermined planning application for 1 extra permanent pitch and 5 transit pitches. In particular, whether the long-term aspirations of the site owners coincide with the proposed allocation.

**Stoney Street, Madley**

4. I have misgivings about whether this site can provide safe vehicular access onto Stoney Street bearing in mind the potential for conflict with vehicles entering and leaving the adjoining industrial estate. Moreover, that noise from various sources on the estate will give rise to an unsatisfactory living environment for future residents.
5. I appreciate that the Council believes that solutions to both these concerns are feasible but, in order for this site to be demonstrated, further work would be required. This is because the necessary technical assessments and any mitigation or access proposals should not be left to the application stage as

they are central to whether the site is suitable for residential pitches. As part of this regard would need to be paid to the 'agent of change' principle referred to in paragraph 182 of the National Planning Policy Framework. In addition, given that the southern part of the site would be likely to be given over to landscaping or other sound attenuation measures, it is not obvious how the 10 proposed pitches could be accommodated on the remaining area.

6. With this in mind, my advice is that the Council does not include this site as a proposed Main Modification to the Plan. However, from what was said at the hearing, it seems that the Council could reasonably consider including Stoney Street as a broad location for growth for years 6 to 10 as referred to at paragraph 10 b) of the Planning Policy for Traveller Sites.

### **Overall supply**

7. Compared to the identified need for sites there would be a shortfall of 1 pitch if the Council followed my advice. However, compared to the other available options and based on the evidence before me, I consider that it would be preferable to progress proposed Main Modifications now rather than to delay the Plan further.

### **Next steps**

8. Consequently I invite the Council to progress the proposed Main Modifications. In so doing my closing comments (INS005) from 24 May 2018 about the distinction between them and Additional Modifications are relevant and I will not repeat them. My concern is solely with Main Modifications.
9. Before it is published the Council should allow me to review the draft schedule of proposed Main Modifications in order to ensure that it reflects my understanding of the discussion at the hearings and to avoid any obvious soundness issues. Others may have a different opinion about these proposed changes but that will be for me to deal with in due course.
10. In terms of arrangements for consultation this should be for a minimum of 6 weeks. In carrying this out the Council should make it clear that comments should solely be addressed to the proposed Main Modifications rather than other parts of the Plan. Additional Modifications need not be the subject of consultation. However, should the Council wish to include them for completeness then the distinction with Main Modifications should be clearly spelt out and they should be contained in a separate schedule. The Council should keep me informed of progress generally via the Programme Officer and particularly the date of the close of the consultation period for proposed Main Modifications.
11. The Council should also bear in mind the possible need for further Sustainability Appraisal and any necessary assessment under the Habitat Regulations. In addition, owing to the passage of time, it might be useful for the Council to prepare a note regarding any updates to the existing site allocations in the Plan particularly in relation to their funding and delivery.

12. In order for the Council to adopt the Plan I can only recommend Main Modifications if asked to do so by the local planning authority under section 20(7C) of the 2004 Act. If the Council wishes to make this request it should therefore be done before the report is finalised and I will indicate when this is appropriate.
13. The report will only be published after I have given consideration to any responses to the Main Modification consultation. As previously stated it is difficult to be definite at this stage but this is usually about 6-8 weeks after the end of the consultation period. A firmer date will be given to the Council nearer the time.

**Finally**

14. I am not inviting comments from anyone on this advice as it is primarily directed to the Council. Could it let me know as soon as possible if there is anything in the letter that is unclear or requires further explanation.

*David Smith*

INSPECTOR

25 March 2019