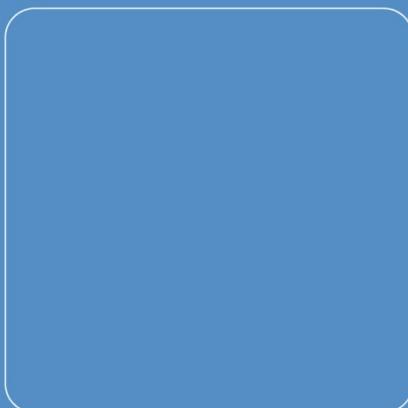
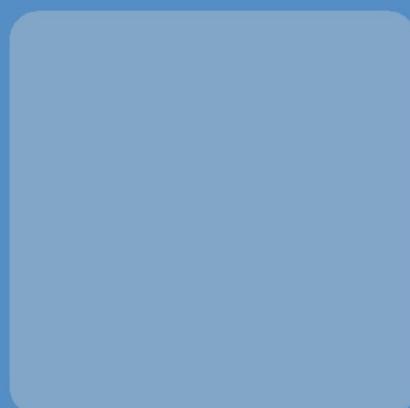


RPS

**Land at Chequers Public House,
Chequers Road, South Weald**

**Representations to the Draft
Brentwood Local Plan 2013-2033
Regulation 18 Consultation**

on behalf of Mr Joseph Manning



RPS

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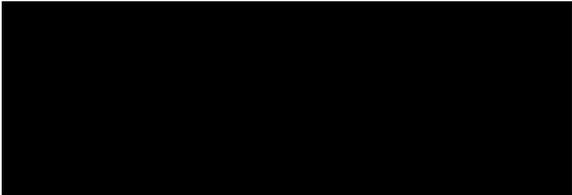
**DRAFT BRENTWOOD LOCAL PLAN
2013-2033
REGULATION 18 CONSULTATION**

**REPRESENTATIONS ON BEHALF OF
MR JOSEPH MANNING**

Date: 23 March 2016

Our Ref: OXF8940

RPS

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A smaller black rectangular redaction box covering contact information.

QUALITY MANAGEMENT

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Date:	23 March 2016
Project Number/Document Reference:	OXF8940/LP Representations/FV

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1 INTRODUCTION

- 1.1 RPS has been instructed by its client, Mr Joseph Manning, a long-standing member of the Showmen's Guild of Great Britain and registered showman in accordance with the Government's requirements, to submit representation to Brentwood Borough Council (the Council or Local Planning Authority/LPA) regarding the draft Brentwood Local Plan 2013-2033 (the 'Local Plan') currently published for consultation (Regulation 18 consultation).
- 1.2 The client owns the property associated with the former Chequers Tavern, Chequers Road, South Weald, CM14 5RG. The property comprises the former Chequers Tavern Public House (last known as The Blush Bar), its ancillary car park, and an area of hardstanding used for stage for some 10+ years. The site area is approximately 0.4ha, and gradually slopes down to Weald Brook, which borders the site to the south. Chequers Road forms the boundary to the west, and Coxtie Green Road forms the boundary to the north. There is substantial landscaping to the east, and beyond the curtilage of a residential dwelling.
- 1.3 The wider surroundings forms primarily undulating agricultural land, with some woodland located along Weald Brook and elsewhere. Beyond this is the M25 motorway, Old MacDonald's Farm, and the communities of St. Vincent's Hamlet, South Weald and Harold Hill area of Romford.
- 1.4 The client has recently submitted a planning application to demolish the public house, remove areas of hardstanding, and in its place erect a single family dwelling and associated garden and car park space, as well as change the use of the hardstanding area used for storage to a showmen's yard (Application Reference: 16/00344/FUL), and is currently being considered by the Council.
- 1.5 These representations only apply to the land to be used for the showmen's yard (see Figure 1).
- 1.6 These representations complement the above application, in that the client wishes to draw to the Council's attention to the lack of provision for a showmen's yard in the Borough. Furthermore, the client has identified a suitable site, and seeks to promote it to meet some of that provision.
- 1.7 This statement should be read in conjunction with:
- Formal completed representation forms (found in Appendix 1);
 - Flood Risk Statement (found in Appendix 2); and
 - 'Figure 1 – Site Location Plan' represents a plan showing the area which the client requests to be allocated/identified for use as a showmen's yard (within the context of the Green Belt). It is the same area subject to the planning application to which the showmen's yard relates. More details of the request can be found in Section 4.

Showman's Yard

1.8 For the avoidance of doubt, a showmen's yard (often also referred to a showmen's 'winter quarters') can be described as a *sui generis* use comprising both a residential and commercial element:

- The residential element is the main home for the showmen and their family living on-site, typically taking the form of mobile or touring caravans, and can occur during the 'winter' period (usually from end of October to beginning of April), or year-round, depending on the age of the family (particularly children), educational/social/health requirements, the tours/fairs in attendance in a given year, or other factors (e.g. timing of Easter or whether they attend Christmas markets that year).
- The business element represents two mutually-connected sub-elements, storage and maintenance. This primarily occurs during the winter period (hence winter quarters), as follows:
 - The storage element comprising the storage of fairground rides, equipment, accessories, transport lorries and other materials associated with the operation of the fairground/rides. This may occur throughout the year or primarily during the winter period, depending on what equipment is needed that year based on the fairs attended.
 - The maintenance element is the carrying out of annual maintenance of the rides, etc as required by the Health and Safety Executive, and this almost always occurs during the winter period. Typically this is carried out by the showpeople themselves, but may also require the support of other tradespeople from time-to-time depending on what maintenance is required.

1.9 More details can be found in Section 2, as well as in Annex 1: Glossary of the Government's Planning Policy for Traveller Sites guidance.

Structure of Report

1.10 This report is structured as follows:

- Section 1 provided a background and introduction.
- Section 2 sets out the policy context regarding showmen's yards, including the Government's guidance, along with other material guidance, etc relevant to showmen's yards.
- Section 3 contains the representations to the Local Plan.
- Section 4 contains representations to submit the site for allocation as a showmen's yard.
- Section 4 provides a conclusion.

2 POLICY CONTEXT

- 2.1 The Local Plan policies regarding showmen’s yards should be prepared within the context of national guidance, as well as information regarding the need (the evidence base) as well as industry-specific guidance. We set these out below.

Government Guidance

National Planning Policy Framework (2012)

- 2.2 The National Planning Policy Framework (NPPF) is the Government’s guidance on planning matters and was published in March 2012.
- 2.3 Paragraph 1 confirms that the framework within which local people can produce their own distinctive local and neighbourhood plans.
- 2.4 Paragraph 4 confirms that the Framework must be read in conjunction with the Government’s policies for traveller sites (as reviewed below). LPAs preparing plans on travellers sites should have regard to the policies of the Framework where these are relevant.
- 2.5 Paragraphs 6 and 7 indicate that the planning system should contribute to the achievement of sustainable development, and there are three dimensions to sustainable development: economic, social and environmental.
- 2.6 Paragraph 14 indicates that there is a presumption in favour of sustainable development, and for plan making, among other things, **“should positively seek opportunities to meet the development needs of their area.”** It should also meet its objectively assessed needs (OAN), unless there are adverse impacts that significantly and demonstrably outweigh benefits, or there are specific policies in the Framework that indicated such development should be restricted.
- 2.7 The core planning principles are set out in Paragraph 17 (there are 12), the most relevant for these representations being:
- Plans should, among other things, be based on joint-working and co-operation to address larger than local issues.
 - All and every efforts should be made to identify development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, and allocate sufficient land taking into account business communities, among others.
 - Allocations should prefer land of lesser environmental value, and encourage the reuse of previously developed (brownfield) land (PDL), so long as it is not of high environmental value, such as the subject site.
- 2.8 Paragraphs 79 – 92 provide Government policies in relation to Green Belt, confirming that its fundamental aim is to **“prevent urban sprawl by keeping land permanently open”**. It continues **“the essential characteristics of Green Belts are their openness and their permanence”**.

- 2.9 Paragraph 80 sets out the five purposes of the Green Belt, which relate to: checking unrestricted sprawl, preventing neighbouring towns from merging, safeguarding the countryside from encroachment, preserving the character of historic towns and assisting in urban regeneration.
- 2.10 Paragraph 81 confirmed that LPAs should plan positively to use the Green Belt beneficially, including an aim to improve damaged and derelict land, such as the subject site.
- 2.11 Paragraph 83 indicates that Green Belts should only be altered in exceptional circumstances. The client agrees with this and is not requesting the site to be taken out of the Green Belt (but allocated within its context).
- 2.12 Paragraphs 87 and 88 reconfirm Government's view that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm caused to the Green Belt by development proposals and very special circumstances shall not exist ***"unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"***.
- 2.13 Paragraph 89 confirms that new buildings should be regarded as inappropriate in Green Belt, except in specific circumstances. Of relevance to the site is exception No. 6 which states ***"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."***
- 2.14 As there will be no operational development as showmen's yard generally do not comprise of 'buildings'. In this respect, the proposed use of the site will have limited if any impact on the openness of the site, given it is already covered in hardstanding and no permanent buildings are proposed, and will not conflict with any purpose of the Green Belt.
- 2.15 Paragraph 104 indicates that the Sequential Test for areas in flood zones 2 and 3 will not apply for allocated development sites. A flood risk statement has been prepared and submitted with these representations which demonstrate the site is suitable for the proposed use within a flood risk context.
- 2.16 Paragraph 111 indicates that decisions ***"should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."*** It goes on to indicate that LPAs should consider whether to set a target for the use of brownfield lands.
- 2.17 Paragraph 154 states that, among other things, the LPs should set out opportunities for development and indicate clearly what will and will not be permitted, and where. Policies should indicate how the LPA would react to development proposals (for a showmen's yard).
- 2.18 Paragraph 157 indicates that Local Plans should be prepared to positively plan for development to meet objectives, principles and policies of the Framework. It also indicates that it should be based on co-operation with neighbouring authorities, public, voluntary and private sector organisation as well as allocate sites to promote development.

- 2.19 As we indicate in the next section, Brentwood and Thurrock should be working together on showmen plot provisions, as well as with the showpeople community itself to address needs going forward.
- 2.20 Paragraph 158 states that, among other things, LPAs should ensure their strategies for other uses, among others, takes full account of relevant market and economic signals.
- 2.21 Paragraph 178 discuss the 'Duty to Cooperate' on planning issues that cross administrative boundaries, and the Government expects joint working on areas of common interest for the mutual benefit of neighbouring authorities. This is further discussed in Paragraph 179-181, and in particular, LPAs should **“work together to meet development requirements which cannot wholly be met within their own areas.”** (Paragraph 179). Furthermore, LPAs should be considering different geographical area, such as travel-to-work areas (Paragraph 180).

Planning Policy for Traveller's Sites (2015)

- 2.22 The Government has published the Planning Policy for Traveller's Sites (PPTS) as a specific policy for traveller sites and it should be read in conjunction with the NPPF. It was published in August 2015.
- 2.23 Paragraph 2 indicates that this policy guidance must be taken into account when preparing Development Plans, such as the LP.
- 2.24 The Government's aim is to ensure fair and equal treatment for travellers, recognising their nomadic way of life while respecting that of the settled community (Paragraph 3).
- 2.25 To achieve this aim, among other things, the policy states in Paragraph 4:

“...

- (a) that local planning authorities should make their own assessment of need for the purposes of planning;**
- (b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;** (our emphasis)
- (c) to encourage local planning authorities to plan for sites over a reasonable timescale;**
- (d) that plan-making and decision-taking should protect the Green Belt from inappropriate development;**
- (e) to promote more private traveller site provisions recognising there will be travellers who cannot provide their own sites;...**
- (h) to increase the number of traveller sites in appropriate locations through planning permissions, to address under provision and maintain an appropriate level of supply;...**
- (j) to enable the provision of suitable accommodation which travellers can access education, health, welfare and employment infrastructure; and**

(k) for local planning authorities to have due regard to the protection of local amenity and environments.”

- 2.26 Broadly, the proposal for the showmen’s yard meets all of these criteria, particular protecting other Green Belt land that is not previously-developed from such use. It also provides a private traveller site to meet the needs of those who may not be able to obtain such a site elsewhere (or live in unacceptable conditions, such as some who live at Buckles Lane, Thurrock).
- 2.27 Paragraph 9 indicates that:
- “Local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.”** (our emphasis)
- 2.28 Paragraph 10 continues and states, among other things, that LPAs identified specific deliverable sites for 5 years’ worth of sites, and either specific or broad locations for growth over 6 to 10 years and 11 to 15 years. It should also consider joint development plans to set targets across authorities, particular of a LPA has special or strict planning constraints. Furthermore, it should relate the number of pitches and plots to specific size and location of the site.
- 2.29 Paragraph 11 indicates that criteria should be prepared to guide land supply applications, or in the absence of identified need, criteria-based policies should be included as a basis for decisions.
- 2.30 It is clear by the Government’s guidance that Brentwood is required to identify locations for showpeople’s plots within the Local Plan.
- 2.31 Paragraph 13 indicates that LPAs, among other things, should ensure policies provide for a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments, not be located in areas of high risk of flooding, and reflect traditional lifestyles, where travellers live and work in the same location.
- 2.32 Policy E deals with sites within the Green belt, and states that traveller sites are inappropriate development in the Green Belt. It goes on to state that: **“Subject to the best interests of children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”** (Paragraph 16)
- 2.33 The following paragraph states that the Green Belt should only be altered through the plan-making process, and not in response to a planning application.
- 2.34 Green Belt matters are discussed in the following section; however, to be clear, the proposal is not seeking to amend adopted Green Belt boundaries.
- 2.35 Paragraphs 18 and 19 deals with travelling showpeople specifically and states:

“Local Planning Authorities should have regard to the need that travelling show people have for mixed-use yards to allow residential accommodation and space for storage of equipment.” (Paragraph 19)

2.36 This paragraph simply acknowledges the mixed-use nature of a travelling showpeople’s yard as discussed in Section 1. It confirms the different nature of showpeople’s yards as oppose to other travellers. It is our view these require special considerations different to other traveller sites.

2.37 Policy H specifically deals with how to determine planning applications for traveller sites, and there are a number of criteria which the LPA may wish to consider in formulating its policy.

2.38 While Paragraph 25 seeks to restrict development in the open countryside, Paragraph 26 indicates that LPAs should give weight to reusing brownfield land, along with other criteria to assess. In this respect, the proposal is not located in the open countryside but reusing a previously developed site.

2.39 Paragraph 27 addresses the issue of the Council maintaining a 5 year supply of deliverable sites, and states:

“If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt...”

2.40 Paragraph 28 provides guidance on the use of planning conditions to overcome objections, including attaching ones related to where business operations can take place, and specifying the number of days when visitors can occupy the site.

Legislative Context

2.41 While normally planning considerations would include the internal arrangements of a site (in the context of whether it is suitable for such development). With respect to showmen’s yards, however, the form and layout of caravan-related sites and related infrastructure is normally influenced by a separate licensing process under the Caravan Sites and Control of Development Act 1960 (‘the 1960 Act’). The 1960 Act describes the relationship of the licensing process with planning control. Essentially, the licensing system is mainly concerned with the ‘internal arrangements’ of the site, whereas planning control is concerned with whether or not a piece of land should be ‘used’ for the purposes of a caravan site having regard to material planning considerations.

2.42 It should be noted that in accordance with Part 10 (1) and (2) of Schedule 1 of the 1960 Act as amended, a site licence is not required for sites that are used by travelling showmen who have a certificate granted by the Minister. The client currently holds such a certificate and it is their intention to only offer the site to those who hold such a certificate.

2.43 Within this context, the client submits as Figure 2 of this report an illustrative layout plan for the showmen’s yard which should provide sufficient comfort that the subject site is suitable for a showmen’s yard.

Other Guidance and Information

Essex-Wide Gypsy, Travellers and Travelling Showpeople's Assessment

- 2.44 The Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was undertaken by Opinion Research Services (ORS) to inform the evidence base for Local Plans in the Essex area (which also included Local Authorities near to but not in Essex County). It was published in July 2014. The GTAA sought to provide an evidence base to enable authorities to comply with their requirements towards gypsies and travellers and travelling showpeople under the Housing Act (2004), NPPF (2012) and the then Planning Policy for Traveller Sites (2012) (since replaced by the PPTS).
- 2.45 Paragraph 1.11 recognises that definition of travelling showpeople as being distinct to that of gypsies and travellers, and quotes the definition found in the Government's PPTS.
- 2.46 In Figure 3 (page 22), it indicates that there are currently no plots for travelling showpeople in Brentwood Borough.
- 2.47 In Paragraph 4.21, it recognises that Essex has a tradition of travelling showpeople and that the area is attractive to those given transport links.
- 2.48 In terms of future site provision, this is covered in paragraphs 4.35-4.37. It states that ***“having a bus stop or a shop within 200 metres is of no importance, but sites should not be too remote...”***
- 2.49 It continues with future site provision conditions and indicates that access to water and electricity is important for safe caravans.
- 2.50 For Brentwood specifically, in paragraph 4.58, it confirms that Gypsy and Traveller residents in the borough have a preference for living in the Green Belt over living near towns and villages.
- 2.51 We note that while under Paragraph 4.75 there was no specifically identified need for long-term pitches during the consultation process, it is important to note that the consultation should be caveated, in that, in Paragraph 4.303, it states: ***“Wider Stakeholders felt the needs of Travelling Showpeople are often overlooked and neglected and, to an extent, this was confirmed by the majority of Officers who had little awareness of, or contact with, the Showpeople’s community.”*** It is within this context that these representations are submitted.
- 2.52 Section 7 discusses Travelling Showpeople specifically. In consultation with the community, it was found that 80% of showpeople are attracted to the area due to proximity to their facilities. In paragraph 7.23, it notes that seven respondents (out of 19) would be likely to seek new accommodation in the area, mainly to have additional space.
- 2.53 While there are no identified households in the Brentwood area, it is noted in Paragraph 8.94 that many showpeople live in Thurrock but work elsewhere and would prefer a ***“greater choice of accommodation across the County.”*** As a result, we consider that the need for plots in Brentwood is significantly underrepresented.

- 2.54 Table 4 on Page 120 identifies that there is a need for 183 new plots in Essex to the period up to 2033, but does not identify any new plots needed in Brentwood in this period (Table 5, Page 123). However, the neighbouring district, Thurrock, has approximately 121 temporary permissions for showmen's yards at a very large site located on Buckles Lane, South Ockendon, and has an additional need of approximately 44 plots during the period to 2033.
- 2.55 RPS has not yet not obtained information regarding how Thurrock will address this additional need for 165 plots going forward (it is only at the initial stages of its new Local Plan process which will be likely to address this); however, the same GTAA report has indicated that showpeople would prefer to live outside of Thurrock but within close proximity for family reasons. Brentwood therefore would be an ideal location to house some of this need, being an adjacent Borough, with good access to the wider road network. The Council is required, of course, to apply the 'Duty to Cooperate' requirements as set out in the NPPF and noted above, and should discuss earnestly how it could assist Thurrock with its provision requirements.
- 2.56 We consider that suitable sites, such as the client's site, should be discussed as part of this Duty, bearing in mind that at present, Thurrock is expected to provide for over 90% of the future need for such yards to the period 2033, but this is contrary to the desires of the actual community.

Showmen's Guild's Model Standards

- 2.57 The Showmen's Guild of Great Britain's 'Travelling Showpeople's Sites - A Planning Focus Model Standard Package' (September 2007)
- 2.58 The Showmen's Guild of Great Britain, of which the applicant is a member, has prepared model standards as planning guidance on showmen's yards (published in 2007) (see Appendix 3). It has formed the main guidance in searching for an appropriate site for this use.
- 2.59 Section 1 of this guidance notes that showmen typically occupy sites during winter months, but more increasingly, their families occupy the sites throughout the year. In light of the reduction of large scale fairs throughout the UK, local permanent bases are required as fairs are more local in nature.
- 2.60 It is noted that in Section 2 there is a discussion of showmen's sites in general, which have declined in number, but that the membership of the Guild has remained constant. This has resulted in overcrowding at many showmen yards/sites throughout the UK, but particularly in Essex (e.g. Buckles Lane, Thurrock).
- 2.61 The purpose of the document is set out in Section 3, and among other things, it is hoped that the guidance will provide LPAs with a better understanding of the requirements of showpeople and their problems in finding adequate sites.
- 2.62 Section 6 sets out a guide to identifying showmen's sites, recognising that showmen's sites represent two distinctive uses: residential and commercial element. Due to their nature, it is noted that these yards do not fit within well within built up residential or commercial areas. A series of criteria are then listed:

“

- ***The site should be relatively flat;***
- ***The site should have good vehicular access, suitable for the ingress and egress of large vehicles;***
- ***The site should be in close proximity to a good road network;***
- ***The site should be close to schools and other community facilities;***
- ***The site may have existing buildings located on it, which could be used for the storage, maintenance and repair of equipment;***
- ***A mature and natural landscaping is of benefit;***
- ***The site should respect amenities of any occupants of residential properties nearby;***
- ***The site should provide amenities normally expected for human occupation; and***
- ***The site should not be located within an area where there is a high risk of flooding.”***

2.63 The proposed showmen’s yard at the subject site broadly meets all of the criteria as set out above, particularly it would provide sufficient space to provide storage of the showmen’s caravan, vehicular parking space and storage for the accompanying fairground rides. There is sufficient existing space on the property to operate a working area in which routine maintenance of equipment can be undertaken. It provides sufficient amenity spaces for both the residential character and the business operations associated with the yard, including appropriate access and transport, there is existing hardstanding areas, there is natural landscaping, and this would not adversely impact on established residential neighbourhoods. While the site may partly be found within a Flood Risk Zone 3 (see Figure 2), the residential elements can be sited outside of the flood risk zone (more details regarding this can be found in the Flood Risk Statement (Appendix 2) and in the following section of this Report).

2.64 Furthermore, it was selected for this use as it is an existing redundant brownfield site that has been vacant for a number of years with existing hardstanding well suited for storage (indeed, it is already being used for storage).

2.65 RPS considers the subject site is suitable with respect to the guidance provided by the Showmen’s Guild.

3 REPRESENTATIONS TO THE LOCAL PLAN

- 3.1 The representations in this section relate to specific policies in the Plan (or a lack thereof), and are complemented by the completed representation forms found in Appendix 1.
- 3.2 The Local Plan as currently drafted contains no reference to, and obviously no provision for showmen's yards. It contains in draft Policy 7.1 as well as supporting text and allocations, dealing with gypsy and other travellers. However, before discussing the detailed representations, we set out the need for travelling showpeople in the Borough, as it appears the Council has not considered this group within the draft Local Plan.

Need For Showmen's Yard

- 3.3 The GTAA is the area's most recent document with respect to determining the need for travelling showpeople's yards and covers Essex County areas and some neighbouring authorities, including Brentwood and Thurrock. This document indicates there is no need for specific provision in Brentwood for travelling showpeople; however, the report discusses the Buckles Lane showpeople's site located in Thurrock, where there is significant under provision, but does not discuss how the Council will deal with the provision.
- 3.4 NPPF Paragraph 54 discusses the need for neighbouring local planning authorities to cooperate in rural areas, being responsive to local circumstances and plan for housing development to reflect local needs, including affordable housing. It is further emphasised by the dedication of several paragraphs to the subject in Paragraphs 157, and 178-181. In addition, the PPTS indicates in Paragraph 4 that in order to secure the Government's aims for travellers, LPAs should be working collaboratively, and private traveller sites should be promoted, recognising there will be travellers who cannot find and secure their own sites. It also states in Bullet Point No. (h) that local planning authorities should increase the number of sites and address under provision. This is further mentioned in Paragraph 9, which states that plot targets should be set, working collaboratively with neighbouring LPAs.
- 3.5 In this respect, the GTAA report found that the majority of the showpeople live in Thurrock Council but work elsewhere and, as part of their surveys, found that these same people would welcome a wider choice of accommodation across the County (paragraph 8.94 of the GTAA). It also found that 7 out of 19 respondents to the survey related to the GTAA indicated that they would likely seek new accommodation in the area during the next 15 years, and this is confirmed in Figure 37 of the same report which indicated a large percentage of showpeople consider their yard to not meet their needs. This should be considered as a 'market signal' with respect to the core planning principles set out in NPPF Paragraph 17 as well as in Paragraph 158.
- 3.6 We consider that this is indicative of a need to ensure the provision of travelling showpeople's yards in neighbouring areas to Thurrock, where no specifically known need has ever been identified but actually exists and is under reported. Indeed, the GTAA acknowledges in Paragraph 4.75 that the majority of planning officers in Essex have little awareness and contact with showpeople to confirm their needs, but in the same section found that travelling showpeople would like opportunities to live in other areas which do not yet have provision for them. Furthermore, this is complemented by the PPTS guidance which states in criteria E of

Policy H (discussed again below) that Councils should take into travellers needs for any traveller and not just those with local connections.

- 3.7 When coupling this with a requirement for the Council to co-operate with Thurrock regarding cross-boundary issues, in particular the overcrowding at Buckles Lane, we consider that this site represents a clear and undeniable opportunity for Brentwood and Thurrock to work together on addressing some of the issues relating to the under provision of showmen's yards in the area.
- 3.8 As a result, the client is a well-known long-established travelling showperson certified by the Government and is proposing a site which would house a limited number of families in an area where currently there is no provision. Indeed, we are unaware from the evidence base of the Council that the Council has considered approaching the Guild or other local showpeople, whether in the Borough or near to it, regarding their need. In the absence of such discussions, we consider that our client's request as sufficient evidence (a 'market signal'), alongside the need to co-operate with Thurrock, that there is a need for a limited number of plots, and the subject site will go some way to addressing the need noted above.

Commentary on Local Plan Policies

- 3.9 We now provide formal representations on the Local Plan, and these representations should be read in conjunction with this entire statement, including the completed prescribed forms found in Appendix 1.
- 3.10 We **object** to the Local Plan in its entirety as 'unsound' with respect to the consideration of and provision for travelling showpeople community. We note that there is only one single reference to travelling showpeople in the draft Local Plan in its entirety, which relates to a title of a document (the GTAA). We consider that this very disappointing and contrary to Government guidance, particularly the PPTS, which requires the Local Plan to provide for all travelling communities. We would consider that the draft Local Plan, as it stands, is **'unsound'** in this context as a result of this glaring omission.
- 3.11 Paragraph 6.31 (related to Policy 6.6: Strategic Sites) – we **support** the reference that non-strategic allocations should be set out in Policy 7.10 instead of Policy 6.6 (which deals with larger allocations), and we **request** that the former Chequers Tavern Public House site is considered for the showmen's yard in this context. Indeed, Paragraph 25 of the PPTS makes it clear that LPAs should be avoiding traveller site development outside of allocations of the Development Plan, particularly where a reasonable allocation is possible.
- 3.12 Section on 'Gypsy and Travellers' (commencing at Paragraph 7.77) – we **support** the requirement that the Council has a duty to identify sites, and that PPTS and other national planning policy requires equal treatment for Travellers, regardless of type, ethnicity, etc. We also agree that the Council must maintain a five year supply of deliverable land for travellers, including those specific to showpeople, whose needs are quite different to other travellers.
- 3.13 Notwithstanding our comment in the previous paragraph, however, we **object** to the whole section regarding 'Gypsy and Travellers' as it **excludes the needs of showpeople** within the Borough. Indeed, there is no reference to travelling showpeople anywhere within the Local Plan (other than a title of a document), which is, in our view, contrary to the PPTS, and clearly

identified need set out above. It also fails to allocate sites for plots. It is **'unsound'** in this respect.

3.14 We **object** to Policy 7.10: Gypsy and Traveller Provision, for the following reasons:

- Paragraph 1 – While we would normally support the Council's intention to meet the identified needs for sites, we must **object** as the Policy contains no references to 'plots' or 'travelling showpeople' with regard to this provision (being 84 'pitches' between 2013-2033). This does not take into account of any requirement for 'plots' in the plan period, contrary to Government guidance. Again, we note that Paragraph 25 of the PPTS is clear that LPAs should be avoiding development of travellers sites that are not allocated. In this respect, this policy is 'unsound' in it does not allocate enough sites to meet its needs, both from pitches and plots. To correct this, we **request** that travelling showpeople's provisions are included in the Policy, alongside allocated sites (including land at Chequers Road).
- Paragraph 2 – We **object** to the Council's approach to identify the provision via both allocations and through the grant of planning permissions. In particular, PPTS Paragraphs 9 and 10 are clear that the Council must identify deliverable sites for the next 5-years (which in Paragraph 7.79 of the same section indicates to be some 59 pitches). This is reinforced in Paragraph 25 where it indicates LPAs should strictly limit the development of new traveller sites are not allocated in the Development Plan. We therefore **request** that allocations for the next five-years, and also for 6-to-10 years are identified in accordance with this guidance. The land at Chequers Road should be allocated in this respect.
- The policy as a whole does not identify any 'plots' and does not identify sufficient 'pitches' for the demand, and in particular, provides no allowance for any issues arising from sites that are allocated but do not come forward for a variety of reasons. As with housing allocations, NPPF Paragraph 47 sets out additional buffers should be incorporated into the plan for housing, and we consider the same should also apply to 'pitches' and 'plots'. We therefore consider that that this paragraph of the draft Local Plan is 'unsound' in respect of both the NPPF and PPTS, in ensuring appropriate provision is planned for. We **request** the Council provide for such provision, as allocated sites.
- Criteria of Paragraph 2 – We **object** to this paragraph generally, as it does not reflect the criteria for considering planning applications as set out in Paragraphs 24 and 26 of the PPTS.
- We also have the specific comments on each criteria.
 - We **object** to Criteria a, on the basis that travelling showpeople's sites are incompatible with being located in well-settled locations (preference to Green Belt was confirmed in GTAA Paragraph 4.58). Paragraph 7.78 of the draft Local Plan already acknowledges that much of the Borough is Green Belt, and there are limited options for sites. We consider the client's site to be a suitable brownfied site (which we discussed in the next section), and we therefore **request** its allocation as a showmen's yard.

- We also **object** to criteria b, on the basis that this reflects a requirement only for other travellers, but it is clear from guidance and elsewhere that showmen's yards should not necessarily be located immediately adjacent to residential neighbourhoods given their mixed-use nature. The GTAA specifically indicates in Paragraphs 4.35-4.37 that there is no benefit for having shops or a bus stop near to the site, and a preference of showpeople to live in Green Belts in Paragraph 4.58 given the reduction in conflict with neighbouring uses. When taking this together with the separation requirements as emphasised in the Showmen's Guild's model standards Section 6, it is clear that 'well-related' is not appropriate when considering the needs of showpeople. We **request** this criteria is deleted.
 - We make no comment on criteria c, d, e, and f which we find acceptable criteria and in accordance with relevant guidance. We also **request** other criteria are also included, particularly those set out in the PPTS.
 - We note that this Policy makes no reference to the 'significant material consideration' of any planning application where the LPA cannot demonstrate a 5-year supply of deliverable sites (Paragraph 27 of PPTS). We consider the policy as a whole is therefore '**unsound**' as it does not ensure the Council maintains a five-year deliverable supply as well as a 6 to 10 year developable supply, or adequately address planning applications in the absence of sufficient allocations, contrary to the PPTS.
 - Paragraphs 3 and 4 – we **object** to these paragraphs, as there is only a reference to an allocation of six pitches, well below the requirement, and does not allocate any 'plots'. It is therefore considered to be 'unsound' when considered against the requirements set out in the PPTS, particularly Paragraphs 9 & 10. We request that the policy properly identify enough pitches and plots, to meet both a five-year deliverable and 6-to-10 year developable requirements of the PPTS. We **request** that land at Chequers Road (where the former Chequers Tavern stands today) be allocated for a showmen's yard for these purposes.
- 3.15 While we agree that much of the land in the Borough is located within the Green Belt as noted in paragraph 7.78, We **object** to the references later in the same paragraph regarding supply, as the proposed policy and supporting text does not adequately allocate provision for pitches and plots, and therefore it does not comply with the requirements of Paragraphs 9 & 10 of the PPTS. We therefore **request** that the paragraph be re-written to indicate that the Council will meet its requirements according to the PPTS guidance, among other things.
- 3.16 Paragraph 7.79 refers to the GTAA, and the need for 84 pitches, but it does not indicate the need for plots in Brentwood as we indicate above. We therefore **object** to this paragraph. We **request** that references to unidentified needs, including those determined via market signals, and through a 'Duty to Cooperate', will be pro-actively addressed by the Council.
- 3.17 We **object** to Paragraph 7.80, which indicates that applications will be determined according to the criteria set out in Policy 7.10. As indicated above, the Policy 7.10 is, in our view, unsound as it does not reflect the criteria of the PPTS, nor does it allocate sufficient sites for plots or pitches. We **request** the Council review the PPTS and reflect the criteria as set out in Paragraphs 24 and 26, as we have indicated above.

- 3.18 We **object** to Paragraph 7.81, which appears to only cherry-pick the Green Belt reference from the PPTS, whereas there is specific guidance regarding supply of sites, criteria to determine planning applications, etc which should also be referenced.
- 3.19 Additionally, we **object** to the reference that a review of the GTAA in 2016 will 'potentially reduce [the pitch requirement]' as a result of PPTS being published. The requirement should be determined by objectively assessing the needs, including market signals (which appear to be ignored), and not because there are planning constraints. Following the needs being correctly established, only then should the Council consider how this provision can be sufficiently met. Any other method for establishing needs would be '**unsound**' against the evidence base.
- 3.20 Indeed, the PPTS does not state that need should be reduced as a result of, among other things, Green Belt concerns, and clearly Paragraph 25 indicates sites need to be identified for the period to 10 years from the Plan date. We **request** the Council delete any references to a lower need due to Green Belts or reviews of the GTAA. We **request** that the Council replace this with references to the Council stating they will meet all requirements regardless of constraints as it always seeks to support all people of the Borough, including the travelling community. In this respect, we have helped the Council by identifying the need for travelling showpeople's plots in the Borough, as noted above, and provided a suitable site.
- 3.21 We **object** to Paragraph 7.82. While the Council may have been able to identify windfall sites in the past, the PPTS is clear in Paragraphs 9 & 10 that the Council should be identifying and allocating sites, and when coupled with Paragraph 25 of the PPTS (restricting development on unallocated sites), it is absolutely clear from the Government's advice that Policy 7.10 should be allocated pitches and plots based on needs. We therefore consider Paragraph 7.82 to be '**unsound**', and needs to be re-written in accordance with the PPTS, taking on board our requests.
- 3.22 We have no comment on Paragraph 7.83.
- 3.23 Turning the Green Belt matters, while we consider the principle of Policy 9.11 (Previously Developed Land in Green Belt) to be a good policy generally (in accordance with the NPPF and PPTS), we **object** to criteria a, in that there are other types of developments, such as showmen's plots or travellers pitches, which may also be suitable to be listed in the policy, particularly given in Paragraph 7.78 it is noted that the Green Belt limits the number of sites available for such purposes. Furthermore, PPTS Paragraph 26 clearly indicates that the Council should attach weight to, among other things, the effective use of previously developed land in considering applications for plots and pitches, which may also be located within the Green Belt. This should be coupled with the NPPF (including Paragraphs 17 and 111), as well as Paragraph 81 which indicates LPAs should plan to use derelict land positively, but does not specify or restrict it to specific uses such as housing. Indeed, Paragraph 87-89 discusses appropriate and inappropriate development in the Green Belt, without specifying uses, allowing for the infilling or redevelopment of Green Belt land subject to criteria in those paragraphs. As such, we **request** that the policy be changed to allow for all suitable uses to be encouraged in the Green Belt.
- 3.24 In this respect, the client has a previously developed site in the Green Belt at Chequers Road which would be suitable for redevelopment as a showmen's yard, and respectfully request its allocations for such in Policy 7.10 in accordance with Policy 9.11 (see next section for details).

- 3.25 We also **object** in the same way to Paragraphs 9.72 – 9.74 (supporting text to the above policy), insofar as these only reference the ability to developed housing on previously developed land, whereas the Council should set criteria to allow for any suitable development on previously developed land, including pitches and plots to ensure it is in line with PPTS. We **request** that the paragraphs also refer to other suitable uses being acceptable in the Green Belt. Should the Council wish to target housing on PDL in the Green Belt, additional paragraphs should be added to that effect without hindering other suitable uses from re-using PDL in the Green Belt.
- 3.26 It should be noted here that the Government is proposing a number of legislative changes, including the Housing and Planning Bill and changes to Paragraph 89 of the NPPF which would better enable suitable redevelopment of PDL in the Green Belt for many suitable uses. Any future revision of the draft Local Plan published after the formalisation of these government changes should incorporate these, including permission-in-principle.

4 REPRESENTATIONS – ALLOCATION OF SITE

- 4.1 In addition to our specific comments on the draft Local Plan, we **request** that the Council allocate the subject site, as shown in Figure 1, for a showmen’s yard in accordance with guidance set out in the NPPF and the PPTS. To be clear, we are not asking for the site to be de-allocated from the Green Belt, but remain inside the Green Belt but also be designated for use as showmen’s yard.
- 4.2 We consider that the subject site is the best site within the Borough at this time for a showmen’s yard as it is ‘deliverable’ in the context of the NPPF (i.e. it is available, suitable and achievable), it is PDL and it is already developed with a similar use operating at present.
- 4.3 In particular, PPTS Policies B and H addresses how a Council should consider this allocation request for the yard, by setting out five criteria: reviewing need, availability of alternative accommodation, circumstances, local specific criteria and determine applications based on any travellers, not just those with local connections. Need was already addressed in the last section, and we address the remainder of the criteria below.

Availability of Alternative Accommodation

- 4.4 The Government’s guidance PPTS indicates that there should be strict limits on traveller site development in the open countryside away from existing development (Paragraph 25) and that Policy E clearly states that travellers sites are inappropriate in the Green Belt and that unmet need (in and of itself) is unlikely to outweigh harms to the Green Belt.
- 4.5 This is reflected in the criteria in Paragraph 26 regarding the weight that should be given when considering a planning application, which includes PDL; sites being well planned/has soft landscaping; promotes opportunities for healthy lifestyles; and not enclosed with hard landscaping, high walls or fences.
- 4.6 As a result, it is considered that bearing in mind that the Green Belt covers some 89% of Brentwood (see Paragraph 7.78 of the draft Local Plan), it is extremely unlikely that suitable sites could be found at the present time to meet the need identified above. RPS is unaware of any that are ‘deliverable’ in terms of the five-year supply (paragraph 27) that should be given weight for comparison purposes. The site is therefore the most readily available site to accommodate the identified need and should be allocated for such.

Local Criteria

- 4.7 As indicated above, the draft Local Plan contains some criteria (although does not reflect the PPTS) to determine such any applications. Notwithstanding our objections set out in the previous section, and while it only indicates there is a need for ‘pitches’ and not ‘plots’, given it is a related use, we assess below this site against it for the avoidance of doubt.
- 4.8 Criteria A relates to unacceptable harm to the Green Belt. Set out later in this section we review the potential harm of the proposal on the Green Belt, and to summarise here, it was found that there is no material harm to the Green Belt with respect to openness or conflicts with the purposes of the Green Belt.

- 4.9 Criteria B requires sites to be well related to community facilities, and notwithstanding our objections and while there appears to be direct conflict between this policy and the evidence base gathered, we consider that the site is only 1.5 miles from the edge of Romford and 1.6 miles from South Weald. We therefore consider the site is within reasonable proximity to those locations, which have sufficient services for the needs of the travelling show people, without creating conflicts between the showmen's yard and neighbouring uses. Furthermore, the GTAA survey found that there was no importance to having bus stops or shops near to these sites (see Paragraph 4.35).
- 4.10 Criteria C requires a suitable access road, and the development proposes an improvement to the safety of the access by the removal of the public house structure and reorientation of the gate. The access road is therefore a satisfactory one.
- 4.11 Criteria D relates to unacceptable living conditions, in which we cannot foresee any reason why conditions on site would not be more than appropriate, and this is confirmed by a registered showman who proposes the development.
- 4.12 Criteria E relates to whether the proposal would harm the character and appearance of the area, or result in an unacceptable visual impact. These are discussed later in this section in Technical Matters; however, there is no change to the visual appearance of the site where the yard will be located as it is already used for storage, and it would effectively appear the same as present. In fact, the allocation of the site, and its redevelopment as indicated by the planning application submitted, the proposal incorporates significant increase in landscape planting, which would reduce any perceived impact.
- 4.13 Criteria F relates to site design. It should be noted that an illustrative layout plan is provided which demonstrates that the site will be well planned, with sufficient space for residential and commercial elements to co-exist without conflicts. It should also be noted that Schedule 10(1) & (2) of the 'Caravan Sites and Control of Development Act 1960' (as amended) permits an exemption from the requirements of obtaining a site licence for winter quarters of certified travelling showpeople as defined in that Act, as discussed in Section 2.

Green Belt Considerations

- 4.14 The subject site is currently identified as being located within the Green Belt (as set out in the Brentwood Replacement Local Plan 2005, as saved by the Secretary of State). The client does not request that the site be taken out of the Green Belt in the new Local Plan.
- 4.15 The change of the current site to a showmen's yard does not require any substantial operational development, other than that normally granted by virtue of the 1960 Act regulating internal arrangements for caravan sites (see Section 2). The showmen's yard merely represents an area of hardstanding as existing, with the temporary siting of caravans as well as the parking and repair of fairground rides, equipment, accessories, etc from time-to-time, as well as the carrying out of maintenance on the stored equipment.
- 4.16 The proposed use will have no impact on the purposes of the Green Belt as set out in NPPF Paragraph 80, in particular, there will be no additional encroachment into the countryside as the area already used as hardstanding is sufficient for the operation of the showmen's yard (see Figure 2). It would, however, improve the Green Belt by removing the derelict Chequer's Tavern Public House building, a permanent structure inherently harmful to the Green Belt.

4.17 In terms of impact on the openness of the Green Belt, again, there is no additional impact. The site will remain primarily open (notwithstanding the storage and hardstanding already there), and without the erection of any permanent structures/buildings.

Very Special Circumstances

4.18 It should be noted here that the client, as part of the application for the showmen's yard as submitted, has put forward the following considerations for 'very special circumstances', which together would in our view clearly outweigh any identified harm to the Green Belt a proposed by that development (should it be found to be inappropriate), and any other harm, in accordance with NPPF Paragraph 89. We re-iterate these here for the satisfaction of the Council that in terms of allocating the site for a showmen's yard, Green Belt considerations can be overcome whether by the proposed development being found to be appropriate (which we consider it is), or by the establishment that very special circumstances exist which outweigh the potential for harm to the Green Belt.

4.19 For completeness, we list these below as relevant to the showmen's yard:

- The site is previously developed land in the Green Belt.
- The proposal will remove a derelict building and eliminate fly-tipping and other illegal activities occurring there at present.
- It will contribute to the provision of showpeople's plots, helping the Authority meet its Duty to Co-operate requirements with Thurrock Council (see above).
- It will enhance the Green Belt, removing a visually prominent building in a very intrusive location, with a similar-sized one in a less prominent and visually-intrusive location.
- It will regularise land uses on the area of hardstanding, which appear to be immune from enforcement action.
- It will improve highway safety, both for users of the highway as well as those gaining access to the highway from the site.
- Improved landscaping and screening.

Technical Matters

4.20 We turn to the main technical matters related to the site's use as a showmen's yard, to confirm the site's suitability for the use as a showmen's yard. These are specifically: transport, flood risk, amenity, and visual impact/landscape character.

Transport

4.21 In terms of transport, the use of the showmen's yard on a day-to-day basis will be primarily from a limited number of private vehicles associated with the residential element, in the same way as any other dwelling. There will be infrequent lorry movements (normally four-to-six days per year). Within this context we assess the site in terms of safety.

4.22 The site access will be in the form of an improved access onto Chequers Road, which will be straightened once the public house is demolished.

- 4.23 In terms of safety, the visibility splays to the south west of the site current access are approximately 2.4m x 100m (to the brow of the hill). Visibility splays to the north east can be achieved at approximately 2.4m x 30m (to the junction). Given the low speed of vehicles on the approach to and through the Chequers Road / Coxtie Green Road junction, these are considered acceptable according to the Essex Design Guide (November 2005).
- 4.24 On the basis of the above, there are not considered to be any transport or highways issues associated with the site which would prevent it from being used for a showmen's yard, and be allocated as such.

Flood Risk

- 4.25 The subject site is located immediate adjacent to Weald Brook to the south. According to the Environment Agency's online mapping, the southern part of the site is located within Flood Risk Zone 3.
- 4.26 While more detailed flood risk information is being prepared (including hydraulic modelling) and will be submitted as soon as it is available, a Flood Risk Statement has been prepared in advance and enclosed in Appendix 2.
- 4.27 That Statement confirms that since the hardstanding area will not be changed by any proposals for the showmen's yard, there will be no increase in surface water. The rides storage will be in the form of transportable lorries, and the illustrative site plan (Figure 2) demonstrates that there is sufficient space to place the residential elements of the yard in areas that are of lower risk of flooding (i.e. Flood Zone 1 and outside of Flood Zone 3). While the Council should not specifically address site layout issues related to the yard (as noted in Section 2 these are matters for site licensing), the illustrative plan should satisfy the Council that the use of the land for the showmen's yard activities can be easily achieved within the context of flood risk considerations.

Amenity

- 4.28 There are two aspects to amenity considerations of the proposed use, which are neighbouring amenity as well as the amenity of the occupiers of the subject site.

Neighbouring Occupiers

- 4.29 In terms of policy set out above, it is considered that the proposal causes no harm to the amenity of neighbour properties.
- 4.30 At present the site is surrounded primarily by agricultural land to the north and west, by mature woodland and a brook to the south. At the eastern boundary there exists a single dwelling and its curtilage. However, the residential dwelling is set some distance away from the site boundary, and, furthermore, the land within the subject site adjacent to the eastern boundary contains a number of substantial trees which are intended to act as a buffer to any activities occurring on site.
- 4.31 Any activities that occur on the site of the showmen's yard will be primarily carried out some distance away from the boundaries, as shown on Figure 2, and is only likely to occur during winter months. Most of the year, particularly when it is warm and the enjoyment of one's

property can be maximised, the site will have limited occupation at best, being mostly the family of the showman, who will have no impact on neighbouring properties.

- 4.32 The application submitted for the site incorporates a new residential dwelling on land to the west of the showmen's yard. This site will be located some distance from the showmen's yard, separated by new landscape planting and garden space. The maintenance activities and storage facilities will be located some distance from that residential dwelling, thereby limiting any perceived impact on amenity, in the same way as the existing residential site to the east.

Amenity of Future Occupiers

- 4.33 With respect to the showmen's yard, the residential amenity of the property can be achieved, as demonstrated in Figure 2, in accordance with Paragraphs 4(h) and 26(c) of the PPTS, as well as Showmen's Guild's model standards (notwithstanding that site layout matters are under site licensing control). In addition, there is sufficient and secure space near to the former site of the public house that can be specifically used for children's play areas.

Visual Impact & Landscape Character

- 4.34 The visual impact of the showmen's yard, given that the hardstanding already exists on site, it will not be changed in any way and is already used for storage, the proposed yard use can be combined with the installation of enhanced landscape planting, which would result in an improvement as the visual appearance of any vehicles or storage will be reduced. Indeed, this is already indicated in the application details.
- 4.35 In terms of landscape character, the additional landscape planting as well as the removal of the public house building would enhance the landscape setting of the site in the wider area, particularly within the context of there being a 'Special Landscape Character' being located across Coxtie Green Road, as indicated in the current Local Plan.

Sustainable Development

- 4.36 The NPPF is clear that Local Plans and planning decisions should be supporting sustainable development, with a presumption in favour of such development. As such, we review the site with regards to the three dimensions of sustainable development as set out in the NPPF, Paragraph 7.

Economic Considerations

- 4.37 The showmen's yard will ensure the employment of a number of showpeople by ensuring they have the facilities to continue their employment activities (such as operating a travelling fair), which would need to be balanced against the loss of employment by the removal of the former public house (although this is unviable). There will be some employment for specialist tradespeople who may, from time-to-time, visit the site to provide mechanical assistance for the maintenance activities.
- 4.38 RPS considers on balance that the showmen's yard will result in an economic benefit.

Social Considerations

- 4.39 The proposed showmen's yard development will result in significant social benefits in our view. In particular, it will partly assist in addressing a substantial underprovision of showpeople's plots in the County (in particular, Thurrock) by providing better accommodation for a number of showpeople and their families. This is particularly important given the PPTS states in Paragraph 4 that the provision of private travellers sites should be promoted recognising that many travellers cannot provide their own sites, for planning or financial reasons.
- 4.40 RPS considers that the showmen's yard would result in a social benefit.

Environmental Considerations

- 4.41 The following are considered to be environmental benefits of the proposal:
- The showmen's yard would reuse previously developed land.
 - It would require no substantial operational development, with the re-use of the established hardstanding area. The only development may take the form of associated security fencing and landscape planting.
 - The showmen's yard would likely result in no change to lighting features on site, as lighting use is unlikely to change with the showmen's yard as compared to the storage use.
 - The showmen's yard is neutral in terms of flood risk, as there would be no change to the land with the showmen's yard, as discussed above.
 - The showmen's yard would likely result in minor transport improvements as compared with the storage use, given the site would likely be used less often, most typically during in the wintertime.
 - The showmen's yard will result in transport improvements regarding visibility splays at the junction of Chequers and Coxtie Green Road, where the removal of the public house building will remove an impediment to the splays at that junction.
- 4.42 On balance, it is viewed that the proposed development will result in substantial net environmental benefits.
- 4.43 It is RPS's view that the proposed showmen's yard would amount to sustainable development, and by meeting a specified need, it should therefore be allocated in the Local Plan for such purpose.

Summary

- 4.44 RPS considers that the site is acceptable for use as a showmen's yard given the criteria found in the PPTS, the draft emerging Local Plan as well as the Showmen's Guild of Great Britain's guidance. It is also found to be sustainable development within the context of the NPPF. We therefore *request* on behalf of our client that the site is allocated for a showmen's yard use in the Local Plan.

5 CONCLUSIONS

- 5.1 RPS has prepared these representations on behalf of the client, who owns land at the former Chequers Public House, Chequers Road, South Weald, CM14 5RG. The client has proposed to use part of the land for a showmen's yard, and has submitted a planning application to formalise the use. The representations in this section relate to specific policies in the Plan (or a lack thereof), and are complemented by the completed representation forms found in Appendix 1.
- 5.2 The Local Plan as currently drafted contains no reference to, and as a result obviously no provision for showmen's yards. It contains in draft Policy 7.10 as well as supporting text and allocations covering only gypsies and travellers. A review of the evidence base, along with Government guidance, we consider that there are clear signals of a need to provide for showmen's plots/yards in the Borough, particularly in light of most of the future provision for Essex being overly concentrated in Thurrock and Brentwood has a Duty to Cooperate to resolve this matter. Brentwood is required by the PPTS to identify sites for the provision, particularly 'deliverable' and 'developable' sites, but has not done so.
- 5.3 As a result, we have found that the draft Local Plan is **'unsound'** with respect to travelling showpeople's provision and in this respect, we have recommended changes which in our view would make the plan sound. We also indicate significant specific objections to policy and proposals relating to Policy 7.10.
- 5.4 We support the Council's attempts to introduce a policy (Policy 9.11) reflecting the redevelopment of PDL land within the Green Belt; however, we **request** that Council broaden the policy's allowance of uses to all suitable uses, and not simply housing uses, in accordance with the NPPF and other guidance.
- 5.5 Land at Chequers Road has been reviewed in terms of planning policies and other guidance, including sustainable development definitions, and found to be a suitable site for allocation as a showmen's yard, and we **request** the Council allocate the site. In particular, it has been found to amount to sustainable development, and presumption in favour should be applied.

APPENDICES

APPENDIX 1

Completed Representation Forms
To the draft Brentwood Local Plan 2013-2033



**BRENTWOOD
BOROUGH COUNCIL**

Draft Local Plan

2013 - 2033

February 2016

COMMENT FORM

From 10 February to 23 March 2016 we are consulting on the Draft Local Plan for Brentwood Borough. You can view and comment on the Draft Local Plan online at www.brentwood.gov.uk/localplan

Alternatively, please use this form to share your views on the contents of the Draft Plan.

All responses should be received by Wednesday 23 March 2016

Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email them to planning.policy@brentwood.gov.uk

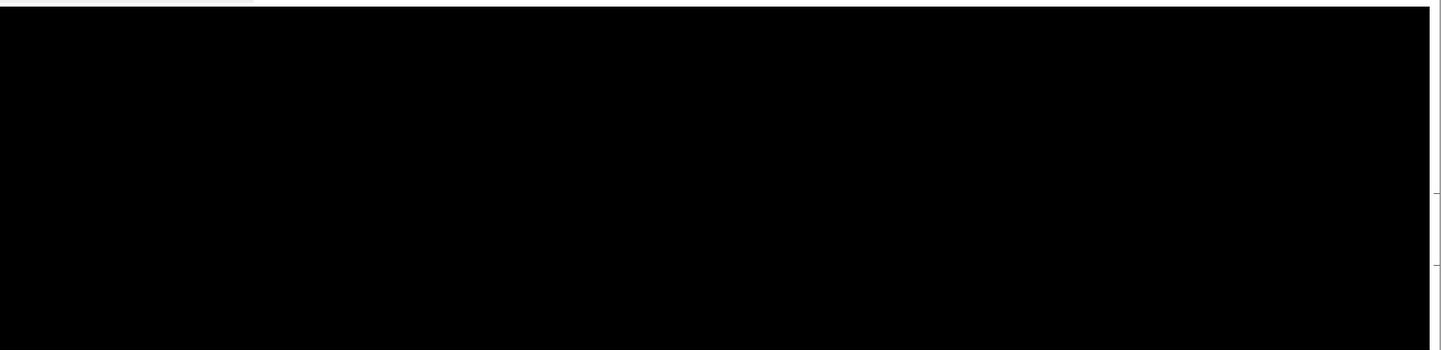
Data Protection

All personal information that you provide will be used solely for the purpose of the Local Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form you are agreeing to these conditions.

PERSONAL DETAILS

Title:	<input type="text" value="Mr"/>	First Name:	<input type="text" value="Joseph"/>	Last Name:	<input type="text" value="Manning"/>
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YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Local Plan, with respect to travelling show people

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk



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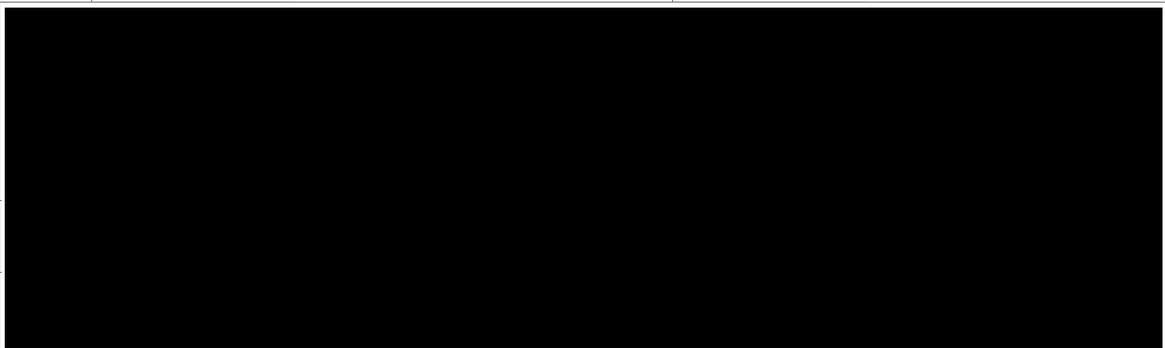
PERSONAL DETAILS

Title: First Name: Last Name:

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):
Paragraph 6.31

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk



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By submitting this form you are agreeing to these conditions.

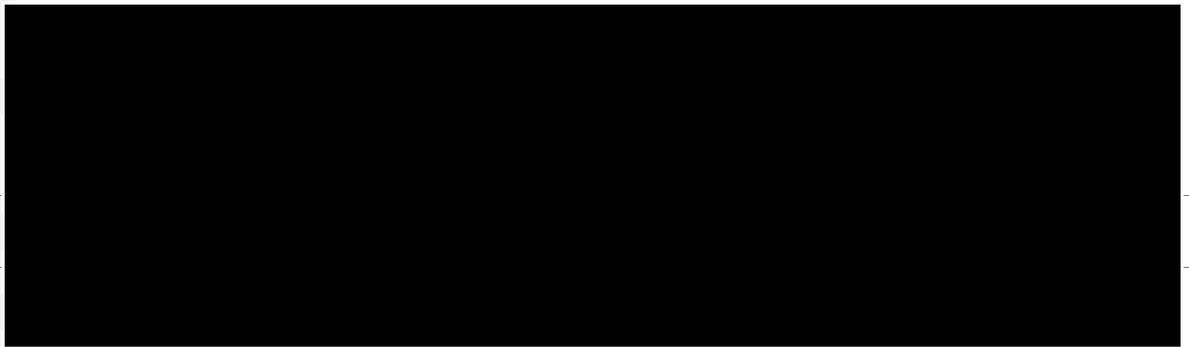
PERSONAL DETAILS

Title: First Name: Last Name:

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Section on Gypsies and Travellers

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk



**BRENTWOOD
BOROUGH COUNCIL**

Draft Local Plan

2013 - 2033

February 2016

COMMENT FORM

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By submitting this form you are agreeing to these conditions.

PERSONAL DETAILS

Title: **Mr**

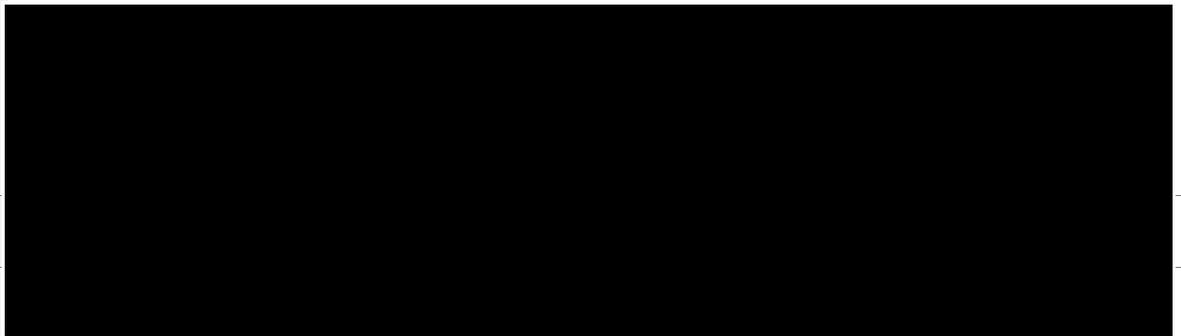
First Name: **Joseph**

Last Name: **Manning**

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Policy 7.10, including Paragraphs 1, 2, 3 and 4 of that Policy, and the Criteria listed in that policy.

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

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By submitting this form you are agreeing to these conditions.

PERSONAL DETAILS

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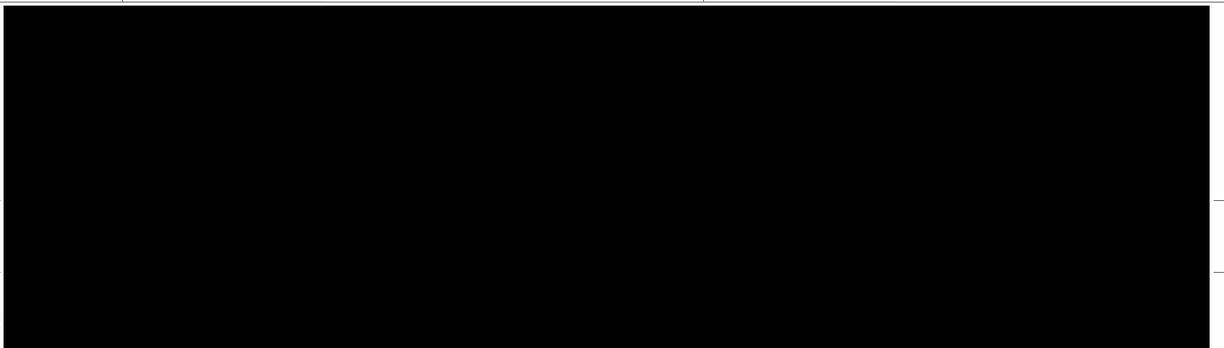
First Name:

Last Name:

Address:

Post Code:

Email Address



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Paragraphs 7.78, 7.79, 7.80, 7.81 and 7.82.

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

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PERSONAL DETAILS

Title: **Mr**

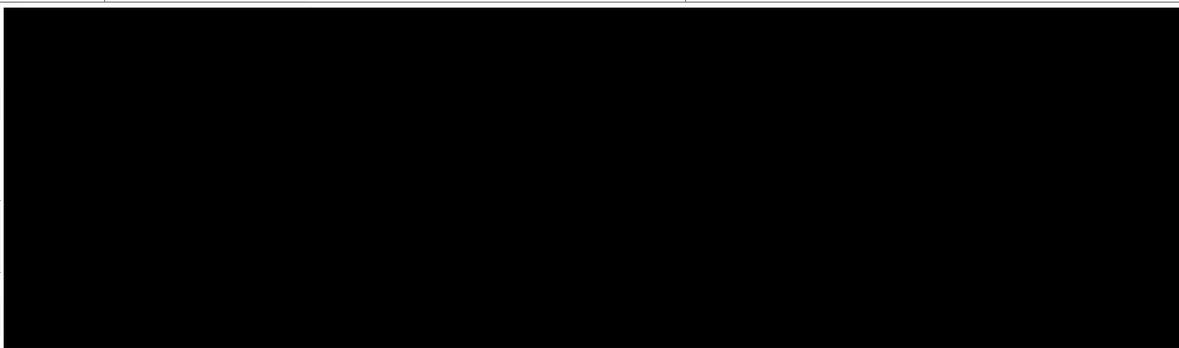
First Name: **Joseph**

Last Name: **Manning**

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Policy 9.11

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk



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PERSONAL DETAILS

Title:

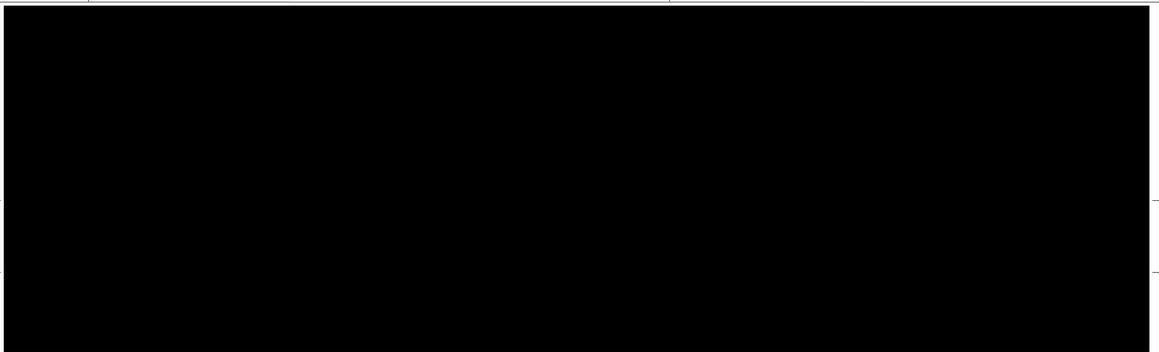
First Name:

Last Name:

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Paragraphs 7.92 – 7.94

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Please see enclosed representation statement.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk



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PERSONAL DETAILS

Title:

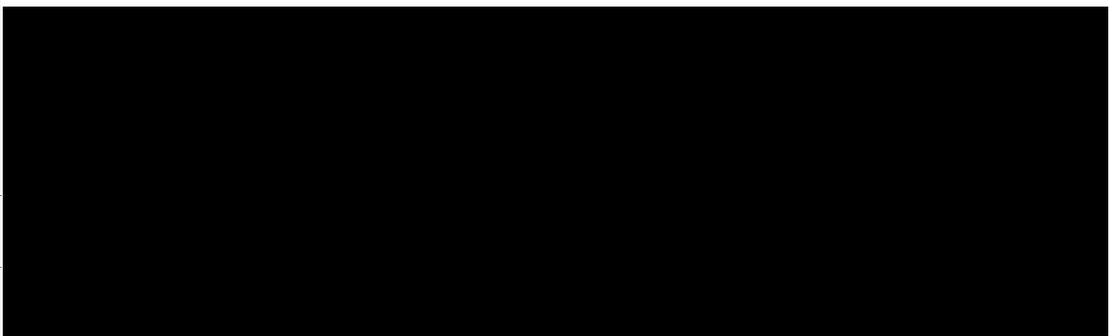
First Name:

Last Name:

Address:

Post Code:

Email Address:



YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

Policy 7.10 (site allocation request for showmen's yard)

Please specify if you Support, Object or are providing a General Comment:
(tick as appropriate)

Support

Object

General Comment

Comments (please use additional sheet if required):

Request that land located at Chequers Road, associated with the former Chequers Tavern Public House, as demarked on enclosed Figure 1, be allocated for use as a showmen's yard.

Please see enclosed representations statement for more information.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to planning.policy@brentwood.gov.uk

APPENDIX 2

Flood Risk Statement



RPS Health, Safety & Environment
Unit 12, Watersedge Business Park, Modwen road, Salford Quays, M5 3EZ

Our Ref: DP/MB/RCEF339552-003 LR Final

Date: 23 March 2016

By Email: [Redacted]

Dear Nayan,

**Flood Risk Statement
Chequers Public House**

Introduction

RPS has been commissioned to undertake a Flood Risk Statement for land at the former Chequers Public House for use as a showmen's yard comprising residential accommodation and the storage and maintenance of fairground rides. This statement supports the clients request to have the site allocated in the Local Plan for a showmen's yard.

This statement has been prepared in accordance with the guidance detailed in the National Planning Policy Framework (NPPF). Reference has also been made to the CIRIA SuDS Manual (C753) and the Brentwood Strategic Flood Risk Assessment. Therefore, this statement evaluates the potential flood risk to the proposed development and outlines the appropriate mitigation requirements and also the potential for incorporating SuDS techniques within the proposed development.

Background

The site is approximately 0.61 ha in area and is located at the junction between Chequers Road and Coxtie Green Road at grid reference 555085, 195039. The site currently comprises the former Chequers public house, which comprises a residential dwelling at first floor level, and associated hardstanding area which is currently used for storage purposes. An area of soft landscaping is located along the northern boundary of the site.

RPS understands that the proposed development comprises the change of use of the existing site to use as a showmen's yard for the storage and maintenance of fairground rides. The proposal also includes an area for the provision of accommodation for the showmen's family which is likely to comprise touring or static caravans. along the northern boundary of the site. Development plans are included as Appendix A.

The proposed storage element of the development is classified as 'less vulnerable' within the NPPF.

The proposed accommodation use of the site is classified as 'more vulnerable' within the NPPF.

Planning Policy

The Brentwood Replacement Local Plan was formally adopted by the Council on 25th August 2005. The Replacement Local Plan supersedes the first adopted Brentwood Local Plan. The Replacement Local Plan does not contain any policies relating to flood risk or surface water drainage as these policies were not saved beyond August 2008. The Council is currently preparing a new Local Plan for the Borough which once adopted, will supersede saved policies in the Replacement Local Plan.

The new Local Plan 2013 –2033, which is currently within a consultation period, contains the following policies relating to flood risk and drainage:

Policy 10.13: Flood Risk

The Council will work in partnership with the Environment Agency, the Lead Local Flood Authority (Essex County Council) and the Internal Drainage Boards to manage and mitigate flood risk. All development proposals in areas at risk of flooding will need to submit a Flood Risk Assessment (FRA) in accordance with Sustainable Drainage Policy 10.14, commensurate with the scale of the flood risk and recognising all likely sources of flooding.

Proposed development will be required to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change by:

- a. applying the Sequential Test, directing development to areas at lowest risk of flooding;*
- b. if necessary, applying the Exception Test;*
- c. safeguarding land from development that is required for current and future flood management;*
- d. using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- e. demonstrating that the applicant has contacted the sewerage provide to identify whether the sewerage network has adequate capacity both on and off site to serve the development and to contribute to any additional off site connections for the development. Where capacity is identified as insufficient development will only be permitted if it is demonstrated that improvements will be completed prior to occupation of the development.*

In areas designated as function flood plains, development will only be permitted in accordance with national policy and guidance, and then only if:

- f. proposals are located in the lowest appropriate flood risk zone with regard to guidance set in the Brentwood Strategic Flood Risk Assessment as part of the sequential test;*
- g. development would not constrain the natural function of the flood plain, either by impeding flow or reducing storage capacity; and*
- h. development is constructed so as to remain operational event at times of flood through resistant and resilient design.*

Where development is permitted within flood risk areas it must demonstrate that, where required, it will reduce fluvial and surface water flood risk and manage residual risks through appropriate flood mitigation measures including emergency planning and response.

These measures may include, but are not restricted to:

- i. land management, landscape and planting measures;*
- j. SuDS, including source control techniques;*
- k. strategic water storage*

Policy 10.14: Sustainable Drainage

All developments should incorporate appropriate Sustainable Drainage Systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

Applications should meet the following standards:

A QUANTITY – on brownfield developments SuDS features will be required so as to achieve a reduction from the existing runoff rate but must at least, result in no net additional increase in runoff rates. In all cases, including on brownfield sites, runoff should where possible be restricted to the greenfield 1 in 1 year runoff rate during all developments upto and including the 1 in 100 year rainfall event with climate change. If it is deemed that this is not achievable, evidence must be provided and developers should still seek to achieve no increase in runoff from greenfield sites and a 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield); and

b. sites over 0.25 hectares in Flood Zone 1 will be required to submit a drainage impact assessment. Larger sites over 1 hectare in Zone 1 or all schemes in Flood Zone 2 and 3 must be accompanied by a Flood Risk Assessment (FRA).

c. QUALITY – the design must following the SuDS surface water management train, maximise source control, provide the relevant number of ‘treatment stages’ and identify how the ‘first flush’ will be dealt with, where feasible, through appropriate attenuation measures. Source control techniques such as green roofs permeable paving and swales should be used so that rainfall runoff in events up to 10 mm does not leave the site.

d. AMENITY AND BIODIVERSITY – SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that benefit public amenities in the area.

e. Redeveloped brownfield sites should disconnect any surface water drainage from the foul network.

f. The preferred hierarchy of managing surface water drainage from any development is through infiltration measures, secondly attenuation and discharge to watercourses, and if these cannot be met, through discharge to surface water only sewers.

g. When discharging surface water to a public sewer, developers will be required to provide evidence that capacity exists in the public sewerage network to serve their development.

Consultation

A formal request for Environment Agency data has confirmed that the floodplain mapping is based on J-flow data and therefore there is no flood level data available for the site.

Informal consultation with the Environment Agency's Partnership and Strategic Overview Team (Lucy Hayward, 03/02/2016) has confirmed that the Environment Agency will require hydraulic modelling to be undertaken as the proposed residential dwelling is located close to the floodplain and there is lack of Environment Agency modelled flood level data. Hydraulic modelling will be required in order to determine the actual extent of flooding within the site and whether the residential area will be impacted and any potential mitigation measures need to be included within the development. The modelling will be required to support a full Flood Risk Assessment for submission with a future planning application.

Consultation has been undertaken with the Watercourse Regulation team at Essex County Council. The Council have also confirmed that the site is not located within a Critical Drainage Area.

RPS have also contacted the Sustainable Drainage Systems Team at Essex County Council and are currently awaiting a response.

The Brentwood Borough Council Strategic Flood Risk Assessment (SFRA) identifies and maps flood risk from all sources at a borough-wide scale as well as providing guidance on producing site specific FRAs. Relevant information from the SFRA has been referenced within this statement.

Hydrological Setting

Reference to Ordnance Survey mapping identifies that the nearest Environment Agency defined Main River is Weald Brook which forms the southern boundary of the site as it flows in southerly direction.

An ordinary watercourse is identified within the southern area of the site. The watercourse is shown to flow in a south westerly direction, eventually discharging into Weald Brook.

The Environment Agency's online indicative flood plain mapping indicates that a majority of the site is located within Flood Zone 3 whereby the annual probability of fluvial flooding is classified as being greater than 1 in 100. The northern area of the site is identified to be located within Flood Zone 1 whereby the annual probability of fluvial flooding is classified as being less than 1 in 1000.

Reference to the Environment Agency's online Risk of Flooding from Surface Water mapping identifies that the southern area of the site has a low risk of surface water flooding. The northern area of the site is identified to have a very low risk of surface water flooding.

Reference to the Environment Agency's Risk of Flooding from Reservoirs map identifies that the site is located in an area that is not at risk from reservoir flooding.

Reference to the Brentwood Borough Council Level 1 Strategic Flood Risk Assessment identifies that the site is located in an area that is not susceptible to surface water or ground water flooding.

Hydrogeological setting

BGS online mapping identifies that the northernmost area of the site is underlain by superficial deposits from the Lowestoft formation which is described as comprising Diamicton. The southern area of the site is identified to be underlain by superficial deposits of Head which are described as comprising Clay, Silt, Sand and Gravel. The remaining area of the site is shown to not be underlain by any superficial deposits. The entire site is shown to be underlain by bedrock deposits from the London Clay Formation.

Reference to SFRA mapping identifies that the site is located in an area where there is no potential for infiltration into the ground.

Existing drainage

At this stage no information relating to existing surface water drainage has been made available. As the site is partly developed it is considered that surface water and foul water from the existing building will be positively drained to Anglian Water sewers or to a septic tank system. It is likely that surface water runoff from the remaining area of the site discharges into Weald Brook at an uncontrolled rate, following the natural topography of the site.

Flood Risk

Currently, Environment Agency floodplain mapping identifies that the majority of the site is located within Flood Zone 3. The northern area of the site, including the area of proposed accommodation for the showmen's family, is located within Flood Zone 1, whilst the remainder of the site will be used as a showmen's yard for the storage and maintenance of fairground rides. Consultation with the Environment Agency has identified that hydraulic modelling of Weald Brook should be undertaken to confirm the extent of flooding.

A showmen's yard comprises no operational development, and there will be no built development associated with the watercourse as part of the proposed use.

Reference to Environment Agency mapping and the Brentwood Borough Council Level 1 Strategic Flood Risk Assessment indicates that the northern part of the site has a very low risk of surface water flooding.

Surface Water Management

RPS has contacted the SuDS team at Essex County Council who act as the Lead Local Flood Authority. *RPS are currently awaiting a response from the Council.*

It is noted that soft landscaping and hardstanding within the site is likely to remain as per the existing situation, or enhance through additional planting, post development therefore there will be no increase in surface water run-off from the site. The use of attenuation techniques, if required, will be considered within the full Flood Risk Assessment.

Sequential and Exception Tests

The NPPF requires the Local Authority to apply the Sequential Test in consideration of new development. The aim of the Test is to steer new development to areas at the lowest probability of flooding. While the subject site has not yet been allocated as one of the Council's proposed future development sites, it has not been specifically assessed with the

SFRA (although this statement accompanies a request by the Client for the site to be allocated for use as a showmen's yard) Therefore the Sequential Test is based on the Environment Agency Flood Zones and information contained with the SFRA.

The proposed showmen's yard, which comprises both a storage and maintenance element, is classified as 'less vulnerable' within the NPPF and is therefore considered appropriate within Flood Zone 3 without the requirement to apply the Exception Test. The residential accommodation, classified as 'highly vulnerable' will be located in Flood Zone 1 and therefore outside of the area of flood risk.

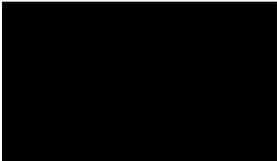
Summary and Conclusions

The proposed development comprises the demolition of the former Chequers Public House and the change of use of the existing site to a showmen's yard for the accommodation storage and the storage and maintenance of fairground rides.

The proposed storage and maintenance uses of the site are classified as 'less vulnerable' within the NPPF. Developments classified as 'less vulnerable' are considered acceptable within Flood Zone 3.

It is likely that surface water drainage will run-off into Weald Brook as per the existing situation. The areas of hardstanding within the site will remain post development and it is therefore likely that there will be no increase in surface water run-off from the proposed development. As such, from a strategic point of view, there is no flood risk reason not to allocate the site for a showmen's yard use.

Yours sincerely
for RPS Health, Safety & Environment



Daniel Percival
Environmental Scientist

- Figures
Figure 1 – Site Location Plan
Figure 2 – Environment Agency Flood Map

- Appendices
Appendix A – Development Plans

Figure 1

SITE LOCATION PLAN





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Unit 12, Watersedge Business Park, Modwen Road, Salford Quays, M5 3EZ
 T +44 (0)161 874 3737 F +44 (0)161 877 3959 W rpsgroup.com

Client: Leisure Attractions Ltd

Date: March 2016 Scale: NTS

Project: Chequers Public House

Figure: 01 Rev: 00

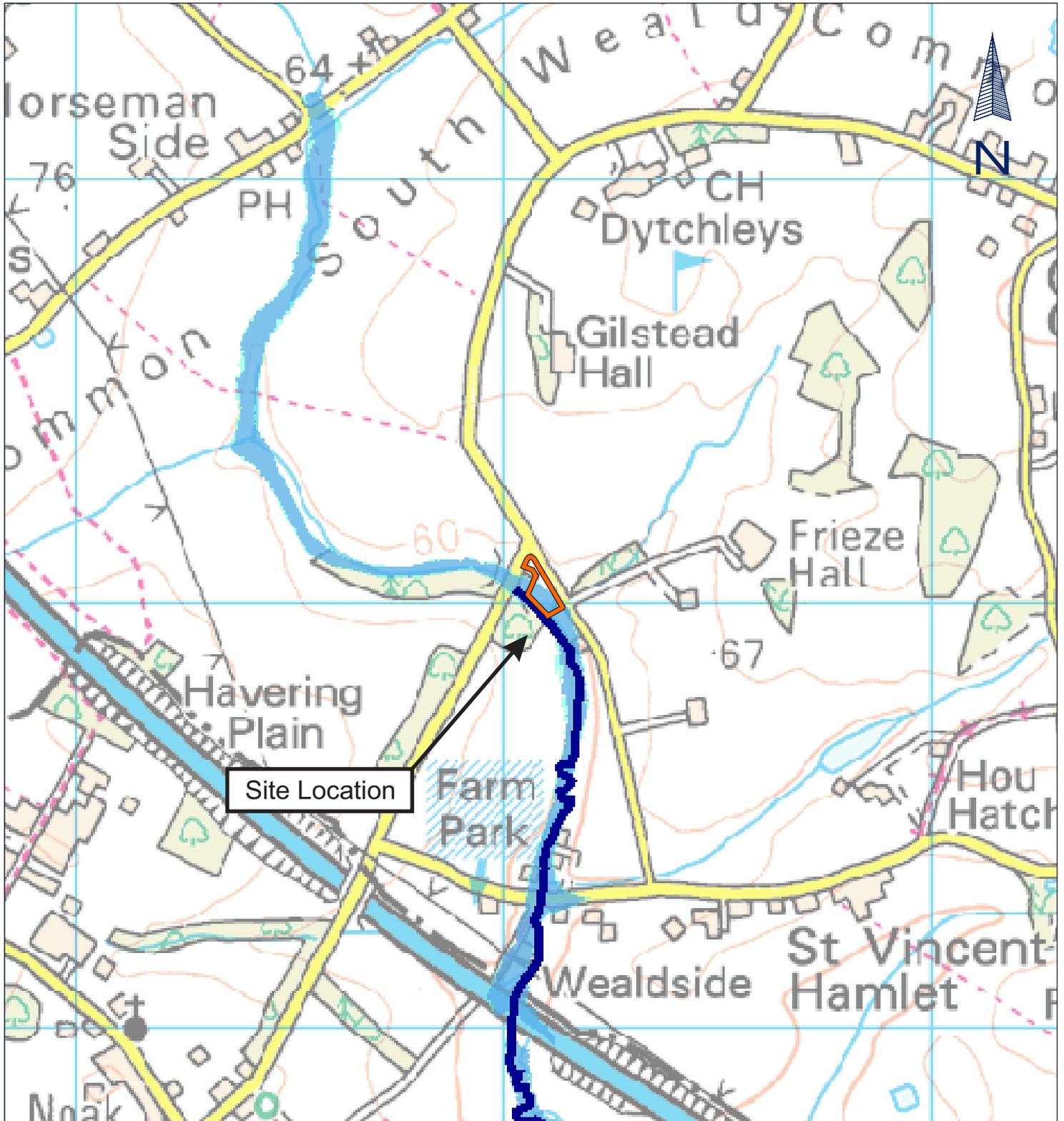
Title: Site Location Plan

Job Ref: RCEF39552

Figure 2

RPS SITE WALKOVER OBSERVATIONS





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Unit 12, Watersedge Business Park, Modwen Road, Salford Quays, M5 3EZ
 T +44 (0)161 874 3737 F +44 (0)161 877 3959 W rpsgroup.com

Client: Leisure Attractions Ltd

Date: March 2016 Scale: NTS

Project: Chequers Public House

Figure: 02 Rev: 00

Title: Environment Agency Flood Map

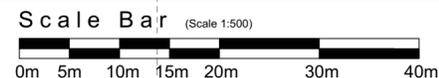
Job Ref: RCEF39552

Appendix A

DEVELOPMENT PLANS

The logo for RPS, consisting of the letters 'RPS' in white, bold, sans-serif font, centered within a dark blue rounded rectangle.

RPS



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 Notes
 1. This drawing has been prepared in accordance with the scope of RPS's appointment with its client and is subject to the terms and conditions of that appointment. RPS accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.
 2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

Legend

- Site Boundary
- Existing woodland
- Existing hedge
- Existing tree
- Existing hedge
- Environment Agency advised flood risk area Zone 3

Rev	Description	Date	Initial	Checked



20 Western Avenue, Milton Park, Abingdon, Oxfordshire, OX14 4SH
 T: +44(0)1235 821 888 E: rps@rpsgroup.com F: +44(0)1235 834 698

Client **Mr Joseph Manning**

Project **The Blush Bar**

Title **Block Plan for Showmans Yard**

Status **FINAL** Drawn By **AJC** PM/Checked by **NG**

Job Ref **OXF8940** Scale @ A2 **1:500** Date Created **March '16**

Figure Number **6** Rev **-**

APPENDIX 3

Showmen's Guild of Great Britain's 'Travelling Showpeople's Sites
– A Planning Focus Model Standards Package', September 2007

TRAVELLING SHOWPEOPLE'S SITES – A PLANNING FOCUS

MODEL STANDARD PACKAGE

Revised September 2007

The Showmen's Guild of Great Britain

Founded 1889



CONTENTS

- 1 Introduction
- 2 Travelling Showpeople's Sites
- 3 History and Way of Life of Travelling Showpeople
- 4 The Showmen's Guild of Great Britain
- 5 The Planning Background
- 6 Site Criteria
- 7 Model Standards
- 8 Planning Conditions and Section 106 Agreements

(1)



INTRODUCTION

The traditional lifestyle of travelling showpeople has been of peripatetic nature, with showpeople travelling from fair to fair predominantly through the summer months, and settling on more permanent sites known as “winter quarters” during the winter months. Increasingly, however, sites are being occupied all year round by other family members. A reduction in the number of large scale fairs has also led to more localised travelling with a need for more permanent bases.

Within the planning framework it is these permanent sites where travelling showpeople are experiencing difficulties. Many of these sites are historical and have an established use, but where new sites are needed travelling showpeople have experienced great difficulty in securing valid use for the land. With the publishing of Circular 04/07 by the Department of Communities and Local Government, the Guild issues this booklet not only for guidance to its members but also for reference by Local Planning Authorities, who are becoming increasingly aware of the problems experienced by travelling showpeople.

This package incorporates model standards for the layout of new sites – a useful tool for travelling showpeople when laying out their sites and also for Local Planning Authorities when considering this specific use of the land.

TRAVELLING SHOWPEOPLE'S SITES

Travelling showpeople require a permanent base where they can store, maintain and repair their equipment and where they can station their caravans, when they are not travelling for the purpose of their business. This has traditionally been known as the winter quarters site as historically it has only been through the winter months - 1st October until Easter - when a permanent base has been required. Today, however, more showpeople are wishing to occupy these sites during periods of the summer; older family members require less seasonal occupation and a more permanent base assists in the education of children.

Generally throughout the country the number of showmen's site has diminished, primarily through different forms of redevelopment and sometimes as a result of compulsory purchase. At the same time Membership to the Guild has remained constant. Where traditional showmen's sites have survived there has been a tendency for these to become overcrowded and, as single family units have expanded, other showpeople have been displaced. As a result of redevelopment and displacement some showpeople have been left to find their own sites.

A situation has arisen in many parts of the country where demand for showpeople's sites exceeds supply and where there is a clear and established need for additional showpeople's sites.

HISTORY AND WAY OF LIFE OF TRAVELLING SHOWPEOPLE

Today's showman is the heir to a long tradition of providing popular entertainment. We can only speculate on the first appearance of his earliest ancestor; like the institution of the fair itself, it pre-dates recorded history.

The first generation of strolling performers undoubtedly relied on their physical and artistic skills to amuse the crowds at the fair. Tumblers, conjurers and other entertainers who wandered from place to place can be found in Roman records. In this country the first glimpses of these "jongleurs", as Chaucer was to describe them, can be seen in the margins of medieval missals such as the Luttrell Psalter. The illustrations of everyday life used to decorate these religious texts depict figures of minstrels, dancers and balancers performing feats with knives and balls.

Their presence at the great trading fairs of the Middle Ages was equally marginal, these peripatetic performers only coming into their own after the day's business was done and the fairgoers sought refreshment and relaxation at the alehouse or inn.

As the trading aspect of the fair declined, the showman took the centre stage. By the 17th century, the booths of the illusionists, puppeteers, theatricals and acrobats were the main attractions at events such as the legendary Bartholomew Fair in London's Smithfield. The diarist Samuel Pepys wrote vivid accounts of his visits to the fair, thronged by rich and poor alike. Such was the popularity of fairs after the Restoration that, when the Thames froze in January of 1684, booths for puppets and plays were set up on the ice and remained there for over a month.

At the start of the 19th century contemporary engravings depict the grand booths of the theatrical companies and the menageries dominating the fairground scene. Only on the periphery of the fair can be spotted small riding devices such as hand-turned roundabouts and swinging boats.

The elevation of these rides from minor to major attractions had to wait until later in the century. It was the invention of a practical form of steam engine to turn a roundabout that enabled the development of the magnificent Galloping Horses, the Swichback Railways and all their successors down to the present day.

The shows that had given him his title were soon to be eclipsed by these lavishly-decorated "merry-go-rounds and whirligigs", but the showman - now riding master - quickly responded to the changing circumstances with an age-old adaptability. In maintaining the tradition of the fair, the showman was demonstrating more than mere economic self-interest. His way of life was - and still is - largely driven by its momentum, born perhaps out of the essential nature of the fair itself.

Since it evolved out of the annual festivals of pre-historic times, held on the downland slopes of southern England, the fair has been an integral part of the social fabric of this country. In the Middle Ages it was paramount as the only venue for the exchange of goods other than sold at the weekly market. As a result of the Black Death in the 14th century and the consequent Statute of Labourers, the hiring of workers was added to its function - an aspect of the fair that continued into this century.

Over the centuries the fair has nurtured or developed kindred forms of entertainment. The theatre survived the zeal of Cromwell well by seeking refuge on the fairground, while pantomime owes its

inspiration to the "forains" or strolling players who crossed over from France to perform at fairs in the late 17th century. An audience for moving pictures - and hence the cinema - was created in the Bioscopes of the enterprising showmen of the 1890's.

Before the age of mass entertainment the arrival of the fair was a highlight of the year in most communities. It brought a form of amusement that was unpretentious and available to all. These same qualities exist today: it is the accessibility and undemanding nature of the fair that ensures its continuing - if underestimated - appeal.

(4)

THE SHOWMEN'S GUILD OF GREAT BRITAIN

The Showmen's Guild of Great Britain is a democratic organisation set up at the turn of the century, with the principal objective of protecting the interests of its members - travelling showpeople who gain their livelihoods by attending fun fairs. Its objective is achieved in two ways; by its code of rules for members and through the legal and constitutional processes of the land.

The Guild is accepted at both the national and local levels as the negotiating body for travelling showpeople. It has a parliamentary agent acting on behalf of the showpeople in respect of proposed legislation and a delegation of officers who deal with matters involving Local Authorities.

Some of the Central Council's powers have been delegated to the three main Committee's; Management, Appeals and Safety. With particular reference to the Safety Committee, this ensures that Members maintain and operate their equipment to the highest of standards. It ensures that they comply with the Code of Safe practice at Fairs, published by the Health and Safety Executive, and with specific Guidance Notes issued for individual types of fairground rides. Each year Members of the Guild submit their equipment for inspection by a firm of independent engineers. This ensures a consistently high standard of repair and safety.

The Guild is concerned with the retention and promotion of existing fairground sites - as with travelling showpeople's sites, redevelopment schemes have taken their toll. The loss is felt by the town which loses part of its heritage, by the people who are denied an essentially popular form of entertainment, and by the showmen who loses part of his livelihood.

Of equal concern to the Guild is the diminishing number of showpeople's sites, as identified in the preceding section. It is hoped that, by the preparation of this model standard package, Local Planning Authorities will be able to obtain better understanding of the requirements of travelling showpeople and the problems that they face in retaining and/or finding a permanent site.

The Guild's Head Office is in London and there are ten regional sections within the UK. For development control purposes relevant to individual Local Planning Authorities, each of the ten sections will be able to assist. The ten sections of the Guild, together with correspondence addresses, are set out in Appendix A.

THE PLANNING SITUATION

Whilst travelling showpeople enjoy permitted development rights, and hence do not require express planning permission for the use of the land when travelling for the purpose of their business, planning permission is required for the change of use of land and/or buildings for travelling showpeople's sites, whether these sites are proposed to be occupied on a traditional winter quarters basis or where more permanent occupation is envisaged.

Travelling showpeople do not enjoy any priority status in respect of seeking planning permission and, whilst there is a commonly held misconception that their use of land is similar to that of gypsies, this is not the case and indeed they are specifically excluded from the definition of gypsies under the Caravan Sites Act 1968. They do not benefit from the duty on Local Authorities under that same legislation to provide gypsy accommodation and historically they have had little assistance in providing sites for themselves.

The present planning scene, insofar as it affects travelling showpeople's sites, is affected by the following:

1. The Town and Country Planning Act 1990
Planning and Compensation Act 1991
Planning and Compulsory Purchase Act 2004
The Housing Act 2004
The Human Rights Act 1988

Major changes to the planning system have been brought about through the Planning and Compulsory Purchase Act 2004, including the way in which the development plan is prepared, with Regional Spatial Strategies replacing county plans and Local Development Frameworks replacing the Local Plan.

A presumption in favour of development that is in accordance with the development plan is given in Section 38 (6) of the 2004 Planning Act. Hence, in the determination of planning applications, Local Planning Authorities should determine the application in accordance with the development plan unless material considerations indicate otherwise.

The Housing Act 2004 requires Local Authorities to undertake Gypsy and Traveller Accommodation Assessments as part of their wider housing strategies. The Act includes travelling showpeople within the definition 'gypsies and travellers' for the purposes of undertaking the assessment.

In the Human Rights context, Local Authorities should consider the consequences of interfering with one's right to their home, private and family life and demonstrate why it is necessary to do so by reference to the particular planning harm attributable to the exercise of these rights.

2. Department of Communities and Local Government Circular 04/07.

Circular 04/07 has replaced previous policy guidance relating to travelling showpeople contained within Circular 22/91. A replacement circular had been considered necessary because evidence had showed that the guidance had failed to address the accommodation needs of travelling showpeople. The new Circular therefore aims to increase the number of sites in appropriate locations over the next three to five years and to maintain an appropriate level of provision through the development plan.

Policy Guidance as set out in Circular 04/07 can be summarised as follows:

- i. The Development Plan – The Circular highlights the importance of assessing showpeople's needs at a regional and local level and for Local Planning Authorities to develop strategies to ensure those needs are met. The data collected through the Gypsy and Traveller Accommodation Assessment process should inform the preparation of regional strategies and Local Development Frameworks. The Showmen's Guild of Great Britain and other travelling showpeople may be approached as sources of information when carrying the assessment. The Regional Spatial Strategy should identify the number of pitches required, although it will not give their location. These should be given within Development Plan Documents, which form part of a Local Development Framework.
- ii. Sustainability – Local Planning Authorities should consider identifying sites in terms of accessibility to existing local community facilities and services, including public transport. Sites should not place undue pressure on the local infrastructure, although projected vehicle movements should be assessed on an individual basis. Sustainability issues arising from the distances travelled by showpeople from their home to their work should be considered. Sites on previously developed or derelict land may be acceptable as may sites on the outskirts of built-up areas. A well-planned travelling showmen's site may be seen as positively enhancing the environment.
- iii. Planning Applications – These should be determined in accordance with the development plan unless material considerations indicate otherwise. It is emphasised that very special circumstances must be demonstrated to justify allowing development for purposes not normally appropriate in green belts. These may include the likely impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (lack of) alternative sites and other personal circumstances. Local Planning Authorities should not refuse applications solely because the applicant has no local connection. In nationally designated areas, Local Planning Authorities should consider the site's effect in terms of the designation given, but these should not be used in themselves to refuse permission for showpeople's sites. Current restrictions on development in specially protected areas contained in others circulars and Planning Policy Guidance notes and Planning Policy Statements still apply.
- iv. Enforcement Action – Local Planning Authorities should have regard to whether the local need for sites and absence of existing provision may prejudice enforcement action being taken. Reference is made to Planning Policy Guidance Note 18, which in part states that Local Planning Authorities should consider the underlying reasons for

any breach of planning control and investigate whether the use could be allowed to continue on a modified and hence acceptable basis.

- v. General – Local Planning Authorities should be ready to discuss showpeople’s needs at any early stage, both while development plans are being prepared, as well as in the development control context. It encourages pre-application discussions and Local Planning Authority involvement to enable showpeople to secure their own sites. Local Planning Authorities should offer practical advice to travelling showpeople wishing to purchase land for development, however travelling showpeople should first consult local planning authorities as to the planning merits of the site.

The Guild sees that it is of the utmost importance that Local Planning Authorities are aware of the needs of travelling showpeople during the stages of preparation of development plans, in order that site-specific or more general policies can be incorporated within these development plans to allow both for the current and future requirements of travelling showpeople.

(6)

SITE CRITERIA

Showpeople's sites do not fit neatly into any definition of any one land use category. The sites combine a residential use, attained by the siting of their mobile caravans, with a commercial use – that of storing and maintaining fairground equipment. Quite often the sites themselves may be subdivided to allow for these two distinctive uses.

As a result of the joint use, and it is essential that these are combined, sites do not fit easily into existing land use categories; because of the commercial use they do not fit easily within any built up residential area and because of the residential use, which requires amenities, they do not easily within any built up industrial area.

Whilst each site must be considered on its own particular merits, in general the following criteria can be applied:

1. The site should be relatively flat;
2. The site should have good vehicular access, suitable for the ingress and egress of large vehicles;
3. The site should be in close proximity to a good road network;
4. The site should be close to schools and other community facilities;
5. The site may have existing buildings located on it, which could be used for the storage, maintenance and repair of equipment;
6. A mature and natural landscaping is of benefit;
7. The site should respect amenities of any occupants of residential properties nearby;
8. The site should provide amenities normally expected for human occupation;
9. The site should not be located within an area where there is a high risk of flooding.

MODEL STANDARDS

Introduction

The Showmen's Guild of Great Britain recommend the following model standards with respect to the layout of new sites used by showpeople when they are not travelling and the provision of facilities, services and equipment. They are model standards, i.e. they represent the standards normally to be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any services or facilities that may already be available within the convenient reach or other local conditions. Further information in connection with specific requirements in force should be obtained through the relevant Statutory Authorities and it should be noted that these standards may require adaptation to meet particular requirements of Statutory Authorities.

The model standards apply to sites for individual showmen, sites in multiple occupation and sites in multiple ownership, where individual plots within the site have been formed.

Site Boundaries

1. Boundaries to the site (or individual plots) should be clearly marked and the site or plot made secure from members of the public.

Site Layout

2. There should be separate areas identified for the stationing of caravans and for the storage, maintenance and repair of fairground equipment.

It is recommended that a three metre wide area should be kept clear within the inside of all boundaries.

Density and Spacing of Caravans

3. Caravans used for the purposes of human habitation should be positioned not less than six metres from any other caravan, subject to the following variations:
 - Porches may protrude one metre into the six metre spacing and should be of the open type;
 - Where awnings are used, the distance between any part of the awning and an adjoining caravan should not be less than three metres;
 - The six metre recommended guide can be relaxed in the cases of showmen's specialist caravans used for solely living accommodation and any touring caravan used solely as sleeping accommodation, but these should in any event be positioned not less than three metres from any other caravan.

- Other extensions or attachments can be permitted between units only if of non-combustible materials and as long as they do not impede means of escape.
4. The density should not exceed 20 caravans per hectare, calculated on the basis of usable area allocated for residential purposes on that site and excluding lakes, communal services and other areas unsuitable for the siting of caravans. The density should be consistent with safety standards and health and safety requirements.

Storage and maintenance of Fairground Equipment

5. A separate area shall be allocated within each site for the storage, repair and maintenance of fairground equipment.

Any buildings erected in connection with the above should comply with the Building Regulations in force at the time. In any event these buildings should not be less than six metres from any caravan used for the purposes of human habitation.

Any lorries, trailers, trucks, vans etc. not used during the course of daily activities should be parked within this allocated area.

No equipment exceeding five metres in height should be stored on sites.

Roads, Gateways and Footpaths

6. Roads and footpaths should be designed to provide adequate access for fire appliances. Roads of suitable material should be provided so that no caravan standing is more than 50 metres from a road. Such access routes should not be less than 3.7 metres wide, should have clear, unobstructed width and should have no overhead structure or cable less than 4.5 metres above the ground. Emergency vehicle routes within the site should be kept clear of obstruction at all times.

The access to the site and internal road layout should be designed to maximise highway safety.

Hardstandings

7. Where possible, every caravan and item of fairground equipment should stand on a hardstanding of suitable material.

Fire Fighting Appliances/Fire Points

8. Fire points should be clearly marked, easily accessible and housed in a water proof structure. They should be established so that no caravan or site building is more than 30 metres from a fire point.

Fire fighting equipment shall be provided in a prominent position on any fairground equipment.

Suitable fire fighting equipment should be installed and suitably protected against damage by frost. Suitable fire fighting equipment can include water stand pipes with hose reels to B.S. standards, fire hydrants to B.S. standards (installed within 100 metres of any caravan

standing), water extinguishers (2 x 9 litres) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump. Access to hydrants and other water supplies should not be obstructed or obscured.

A means of raising the alarm in the event of a fire should be provided at each fire point. This must be appropriate to the size and layout of the site.

Each fire point should exhibit a notice indicating the action to be taken in case of fire, including details of the muster point, and the location of the nearest telephone. This notice should include the following:

“On discovering a fire

Ensure the affected unit is evacuated;

Raise the alarm;

Call the fire brigade (the nearest telephone is located at.....)

If it is safe to do so, attack the fire using the fire fighting equipment.”

All alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person. A log book should be kept to record all tests and any remedial action.

Fire Hazards

9. Long grass and vegetation should be cut at frequent and regular intervals when the site is occupied to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

Storage of Liquefied Petroleum Gas (LPG)

10. Liquefied Petroleum Gas storage and installations should meet statutory requirements, relevant Standards and Codes of Practice. Liquefied Petroleum Gas (LPG) cylinders should not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

Electrical Installations

11. Where feasible, sites should be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans and maintenance facilities. Any electrical installations which are not Electricity Board works should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers (IEE) Regulations and other regulations in force at the time. Electrical installations and appliances should be worked on by competent persons and inspected periodically, as appropriate and a minimum of every three years in accordance with the recommendations in force at the time. Any overhead lines should be clearly marked.

Water Supply

12. All sites provided with a water supply should in accordance with the appropriate Water Byelaws and statutory quality standards.

Drainage, Sanitation and Washing facilities

13. Satisfactory provision should be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the Statutory Authorities.

Properly designed disposal points for the contents of chemical closets should be provided with an adequate supply of water for cleaning the containers.

On occasion, communal toilet blocks can be provided which should be sited conveniently so that all site occupants may have reasonable access.

Refuse disposal

14. It is a duty on the local authority to collect refuse. The site shall be kept clean and free from refuse.

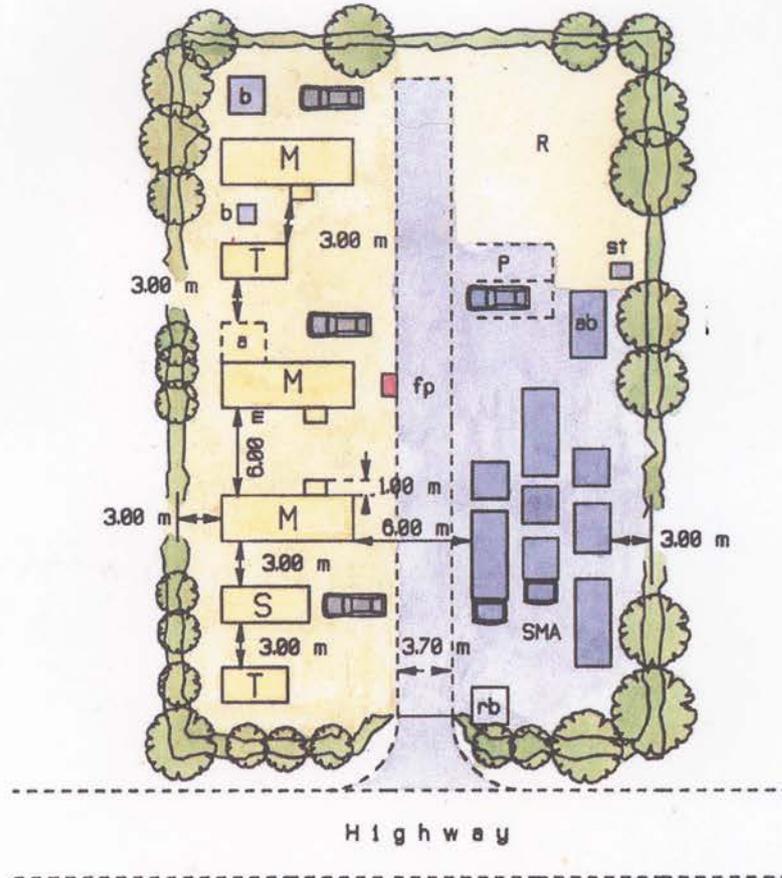
Parking

15. Only one car may be parked between adjoining caravans of six metres spacing, provided that the door to the caravan is not obstructed. Other car parking spaces should be made available where necessary to meet additional requirements of the occupants and their visitors.

Recreation Space

16. Some recreation space should be provided around caravans or in a specially designated area for children's games and/or recreational purposes.

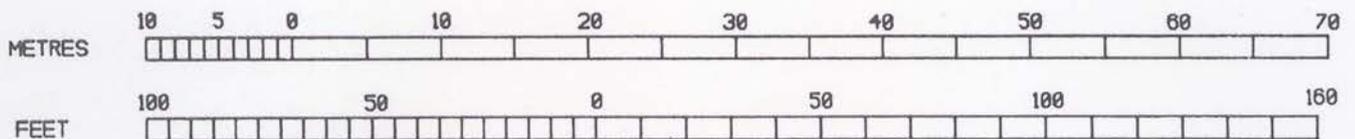
MODEL SITE LAYOUT For Small Site



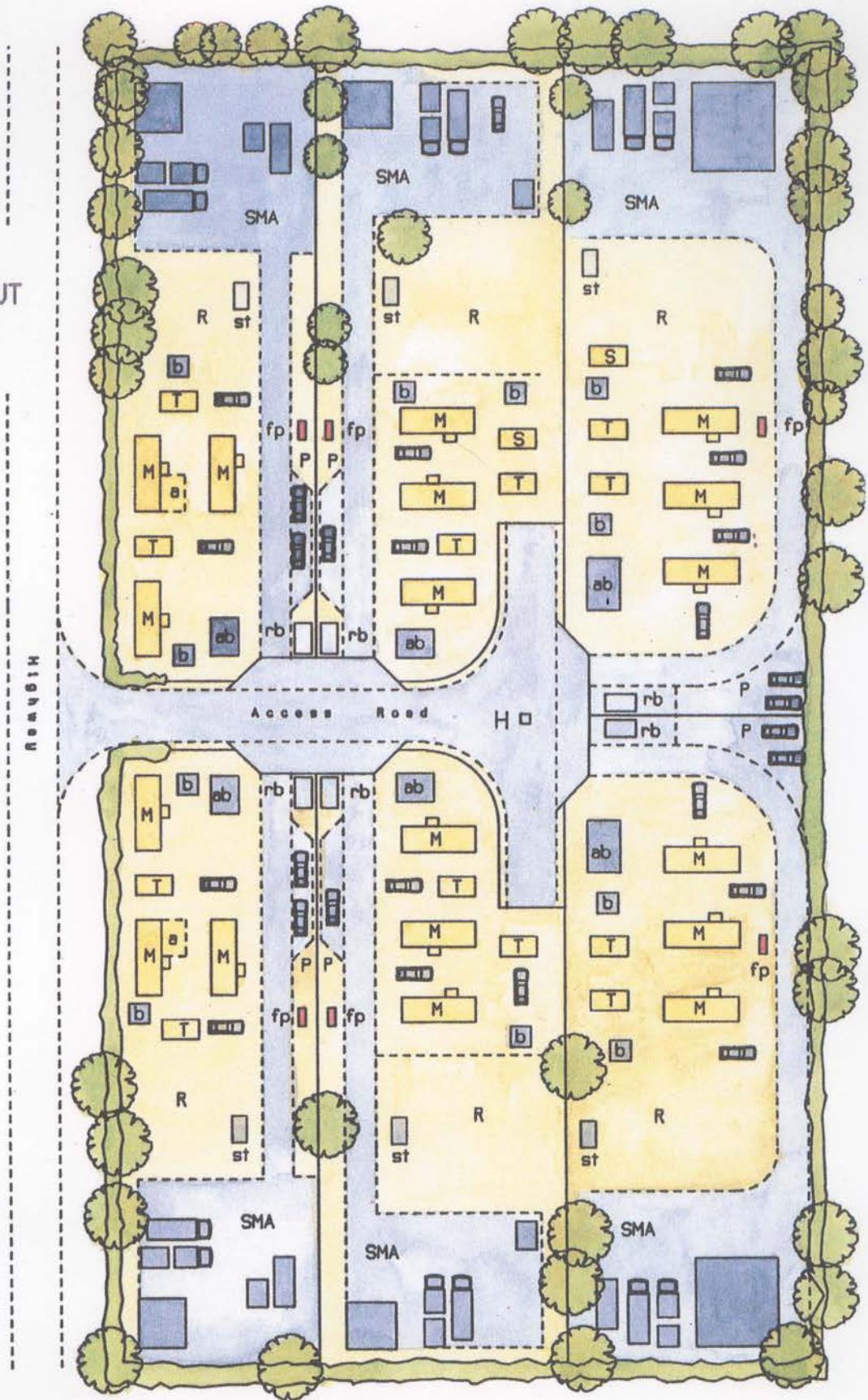
KEY

- M Mobile Home
- T Touring Caravan
- S Specialist Caravan
- SMA Storage and Maintenance Area
- R Recreational Area
- P Additional Parking Area
- st Septic Tank/Cesspool (or mains drainage)
- fp Fire Point
- rb Rubbish Bins
- ab Chemical Toilet Disposal Point (Toilet-Laundry Optional)
- b Non Combustible Building
- a Awning / Pull out section

SCALES



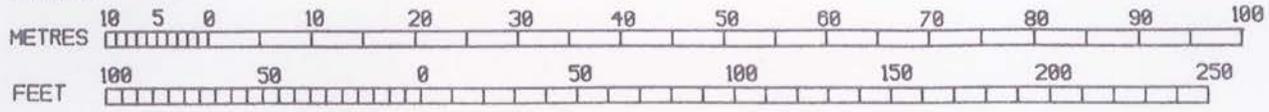
MODEL SITE LAYOUT
For Large Site



KEY

- | | | | |
|-----|------------------------------|----|--|
| M | Mobile Home | fp | Fire Point |
| T | Touring Caravan | rb | Rubbish Bins |
| S | Specialist Caravan | ab | Chemical Toilet Disposal Point (Toilet-Laundry Optional) |
| SMA | Storage and Maintenance Area | b | Non Combustible Building |
| H | Hydrant | a | Awning / Pull Out Section |
| R | Recreational Area | st | Septic Tank/Cesspool (or Mains Drainage) |
| P | Additional Parking Area | | |

SCALES



PLANNING CONDITIONS AND SECTION 106 AGREEMENTS

Where Local Planning Authorities are considering granting planning permission for the use of land as a travelling showpeople's site, they have the power to impose conditions which would enable the change of use to take place where it would otherwise have been necessary to refuse planning permission. The conditions should however be fair, reasonable and practicable and they should be precise and relevant, both to the planning objectives and to the development to be permitted.

By the imposition of conditions, Local Planning Authorities may well find that the use of land is more acceptable and that the development is more controlled. Conditions that have been imposed on some travelling showpeople's sites include, for example, the restriction of height for the storage of vehicles and equipment, the restriction of hours for the testing, maintenance and repair of equipment, a condition restricting the number of caravans and/or vehicles on site, and a condition ensuring that a comprehensive landscaping scheme is undertaken and thereafter maintained.

Where further controls or obligations are deemed to be necessary, and where these controls cannot be secured by condition, a legal agreement may be entered into between the Local Authority and the travelling showpeople under Section 106 of the Town and Country Planning Act 1990. Such agreements may relate to the provision of sewerage or other services and restrictions on occupancy of the land.

APPENDIX A

OFFICES OF THE SHOWMEN'S GUILD OF GREAT BRITAIN

Central Office:-

Guild House
41 Clarence Street
STAINES
Middlesex
TW18 4SY
Telephone 01784 461805/6
Facsimile 01784 461732

1. Northern Section

Secretary
P.O. Box 26
Spennymoor
CO DURHAM
DL16 6GS

Telephone 01388 813856
Facsimile 01388 813856

3. Yorkshire Section

Secretary
151A King Street
Drighlington
LEEDS
BD11 1EJ

Telephone 01132 853341
Facsimile 01132 853329

5. Norwich and Eastern
Counties Section

Secretary
13 Lime Kiln Close
Newton Flotman
NORWICH
NR15 1PL

Telephone 01508 471772
Facsimile 01508 471772

8. Derby, Notts, Mid and
South Lincs. Section

Secretary
23a Guildhall Drive
Station Road
SELSTON
Notts
NG16 6GJ

Telephone 07885 971796



2. Lancashire Section
Secretary

11 St. Mary's Place
BURY
Lancs. BL9 0DZ

Telephone 01617 629502
Facsimile 01617 615430

4. Midland Section

Secretary
Suite 2G1
Park Business Centre
Wood Lane
Erdington, BIRMINGHAM
B24 9QR

Telephone 0121 386 6668
Facsimile 0121 386 6798

6. London and Home Counties
Section

Secretary
Guild House
41 Clarence Street
STAINES
Middlesex
TW18 4SY

Telephone 01784 454780
Facsimile 01784 449490

7. Western Section

Secretary
1 Broad Lane
Yate
BRISTOL
BS37 7LD

Telephone 01454 228890
Facsimile 01454 228895

9. South Wales Section

Secretary
13 Warwick Cresecent
PORTHCAWL
Mid Glamorgan
CF36 3LH

Telephone 01656 784569
Facsimile 01656 772047

10. Scottish Section

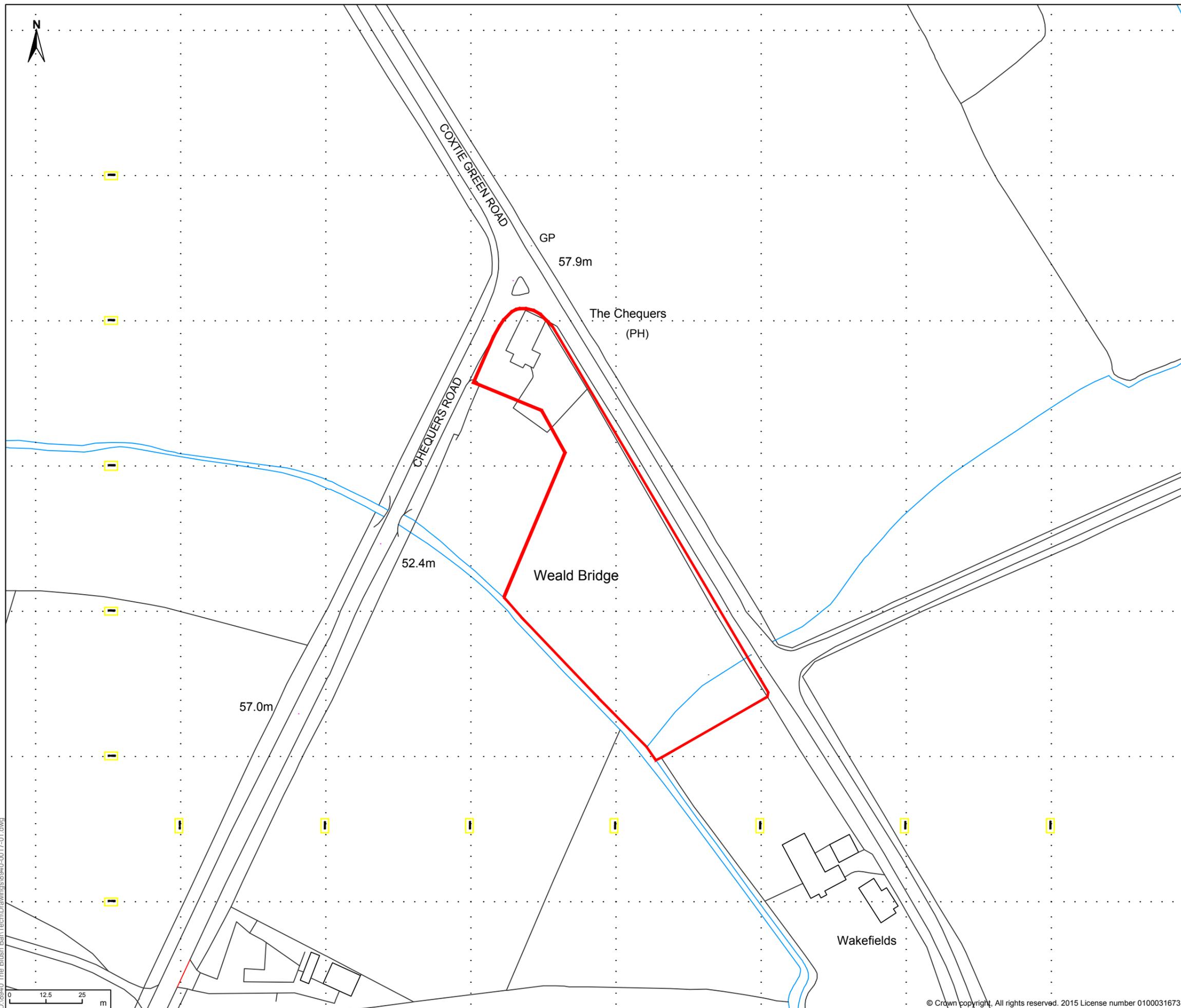
Secretary
8 Fitzroy Place
GLASGOW
Scotland
G3 7RH

Telephone 0141 221 7297
Facsimile 0141 204 3190

FIGURES

FIGURE 1

Site Location Plan



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 2. If received electronically it is the recipients responsibility to print to correct scale. Only written dimensions should be used.

Legend

 Site boundary

Rev	Description	Date	Initial	Checked



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 T: +44(0)1235 821 888 E: rps@rpsgroup.com F: +44(0)1235 834 698

Client **Mr Joseph Manning**
 Project **The Blush Bar**
 Title **Site Location Plan**

Status	Drawn By	PM/Checked by
FINAL	AJC	.
Job Ref	Scale @ A3	Date Created
OXF8940	1:1,250	March '16
Figure Number		Rev
1		-

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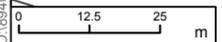
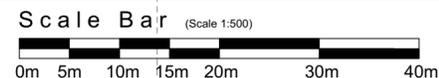


FIGURE 2

Illustrative Site Layout



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 2. If received electronically it is the recipient's responsibility to print to correct scale. Only written dimensions should be used.

Legend

- Site Boundary
- Existing woodland
- Existing hedge
- Existing tree
- Existing hedge
- Environment Agency advised flood risk area Zone 3

Rev	Description	Date	Initial	Checked



20 Western Avenue, Milton Park, Abingdon, Oxfordshire, OX14 4SH
 T: +44(0)1235 821 888 E: rps@rpsgroup.com F: +44(0)1235 834 698

Client **Mr Joseph Manning**
 Project **The Blush Bar**
 Title **Block Plan for Showmans Yard**

Status	Drawn By	PM/Checked by
FINAL	AJC	NG
Job Ref	Scale @ A2	Date Created
OXF8940	1:500	March '16

Figure Number	Rev
6	-