

Fareham Borough Council

THE LOCAL PLAN PART 2: DEVELOPMENT SITES AND POLICIES ISSUES AND POLICIES

Southern Water's response to the Inspector's Issue 8: Other Housing Issues – including gypsies (DSP41-47)

Question 8.2 Is the allocation of land for a gypsy and traveller site at The Retreat, Newgate Lane justified?

Southern Water is the statutory sewerage undertaker for the area covered by Fareham Borough Council. The Retreat, Newgate Lane is located next to Peel Common Wastewater Treatment Works, which is one of Southern Water's largest operational sites serving large parts of South Hampshire.

Southern Water strongly objected to the allocation of Newgate Lane as a permanent and expanded gypsy and traveller site, both at the draft and the submission stage of the Local Plan Part 2. We do not consider that the allocation of this site is justified, as fully explained in our representation. We note that Fareham Borough Council has not proposed any modifications to policy DSP47 in response to our written representations.

It is not our intention to repeat our previous representation here. However, guidance has been published since our submission which we would like to draw to the Planning Inspector's attention. The Department for Communities and Local Government (DCLG) is also consulting on proposed changes to planning policy and guidance in relation to travellers.

This statement is intended to supplement our original representations on this matter and should not be read in isolation. Our original submission provides a comprehensive explanation of our position as well as a detailed reply to the Council's *'Draft Plan Consultation Responses Paper'*.

With regard to new guidance, the Institute of Air Quality Management (IAQM) issued '**Guidance on the assessment of odour for planning**' in May 2014. The IAQM states that the guidance contains best practice and '*it is hoped it will assist with and inform current and future planning appeals and decisions*'. Section 2.1 on page 5 of the guidance states '*The relevant Planning Authority must consider whether a proposed development (an odour source itself or nearby new receptors such as residential dwellings) will be a suitable use of landThe planning system has the task of guiding development to the most appropriate locations.*'

The guidance explains the distinction between loss of amenity and nuisance (section 2.2.3): '*Loss of amenity or disamenity does not equate directly to nuisance and significant loss of amenity will often occur at directly lower levels of emissions than would constitute a statutory nuisance*' This links to advice from Environmental Health Officers to Fareham Borough Council which

seems to focus on the number of complaints. Odour can be perceived as offensive and have an unacceptable impact on amenity even when Environmental Health Officers considers that it does not constitute a statutory nuisance.

Turning to the proposed policy changes published for consultation by DCLG ('**Proposed changes to national planning policy and Planning Policy for Traveller Sites**'), paragraph 2.3 of that document is clear that when permission is sought for a permanent site, the Government considers that it should '*be considered as any other application for a permanent caravan site would be i.e. not in the context of Planning Policy for Traveller Sites*'. Also paragraph 3.13 indicates that the personal circumstances and unmet need for traveller sites are unlikely to outweigh '*any other harm*'. Accordingly, the lack of other deliverable sites does not warrant the selection of Newgate Lane, as this does not outweigh the harm caused to the amenity of this site by the proximity of Peel Common Wastewater Treatment Works.

As explained above, Southern Water considers that the gypsy and traveller site at The Retreat is not justified or consistent with national policy and so policy DSP47 is unsound. To make the policy sound we **propose the following amendments:**

The sites listed below and shown on the Policies Map, ~~are~~ is allocated for a permanent gypsy and traveller sites, and should be developed in accordance with the principles set out in its ~~their~~ respective development briefs:

- ~~The Retreat, Newgate Lane; and~~
- 302A Southampton Road.

Question 8.3 **Is criterion (vi) of policy DSP47 sufficiently clear? Does it relate to the living conditions of both existing residents and the gypsies and travellers? Should it include a reference to noise and odour?**

It is not entirely clear whether the 'living conditions' referred to are those of the occupants of gypsy and traveller sites and/or the occupiers of neighbouring development. We assume that the intention is to include both, and that this would be appropriate. Clarification could be provided through minor amendments.

The implication of the wording of policy DSP47 is that '*the loss of sunlight, daylight, outlook and privacy*' is a complete list of the impacts that should be considered in respect of any planning application. It does not give the suggestion that there could be other considerations, such as noise and odour. Government guidance is clear that odour is a land use consideration (e.g. National Planning Practice Guidance reference ID: 34-005-20140306). The occupiers of gypsy and traveller sites are considered a 'High Sensitivity Receptor' by the IAQM, as they fall under the description of '*users can reasonably expect enjoyment of a high level of amenity; and people would*

reasonably be expected to be present here continuously, or at least regularly for extended periods, as part of the normal pattern of use of the land (see table 2 on page 10 of '**Guidance on the assessment of odour for planning**'). Therefore, we consider that odour should be identified in policy DSP47.

The National Planning Practice Guidance (Reference ID: 30-003-20140306) is clear that local plan-making should take account of the acoustic environment and in doing so consider whether or not a good standard of amenity can be achieved.

As explained in our original representations to the Local Plan Part 2, Southern Water is unable to support policy DSP47 as sound. We proposed an additional criteria in order to make the policy sound. As an alternative, criteria (vi) could be clarified to address our concern. If this is the preferred approach, we **propose the following amendments:**

Does not have unacceptable adverse impact upon living conditions of the occupants or those of neighbouring development by way of the loss of sunlight, daylight, outlook, noise, odour and privacy.