

Newport City Council
Local Development Plan

Hearing Session 21: Gypsy and Traveller Transit Provision

10am – Monday 13th October 2014



1. Examination of need for transit site provision in Plan.

i) **Does the evidence (Gypsy and Traveller Accommodation Needs Assessment January 2010 (SD106)) demonstrate an immediate requirement for a transit site of 7 pitches within Newport? If it does not, what level of provision does the evidence point to – and over what timescale?**

1.1 The Gypsy and Traveller Accommodation Needs Assessment (SD106) is the main background document that the Council has relied upon in order to estimate its Gypsy/Traveller requirements for the Plan Period.

1.2 The Assessment stresses the immediate need for residential pitches; however the need for transit sites is not as pressing. Paragraph 8.15 of the Assessment explains how the transit site need has been estimated. It states that there were 11 unauthorised encampments in Newport in November 2009 (average of 1.5 caravans per unauthorised pitch). Six indicated that they would need permanent residential accommodation in Newport, whilst the remaining five indicated a desire to have access to a space on a transit site. The Assessment noted that some spare capacity should also be included to allow for variation in the size of unauthorised encampments and therefore a requirement of seven pitches would adequately meet the needs of the transient population in Newport.

1.3 The Assessment looks at need in Newport for the next 10 years, so up to November 2019. As noted, the residential need is immediate. The Council's preferred approach is to provide residential pitches first and provide accommodation for those families currently residing in Newport who require permanent accommodation and who the Council has a duty to house. The provision of a transit site will then follow which will cater for the more fluid movements of Gypsy/Travellers seeking temporary short-term accommodation while travelling through Newport. The Council believes that a transit site of up to seven pitches needs to be in place by the end of 2019. This is in line with the Assessment.

1.4 The provision of a transit site prior to a residential site is not considered appropriate. If a transit site is provided first, those currently on unauthorised encampments who have a desire for permanent accommodation will be forced to relocate to the transit site. As the transit site is only for temporary accommodation, they would only be permitted on the site for a short period. Therefore this would simply result in them returning to an unauthorised encampment somewhere in Newport. The priority is to address the immediate permanent residential site need.

1.5 Having reviewed its evidence in the light of representations received, the Council agrees that its evidence identifies an immediate need for a permanent residential site, and identifies a need for up to seven pitches on a transit site by November 2019 (ten years from the date of the study).

ii) **What other approaches to addressing identified gypsy and traveller transit site need in the LDP (e.g: monitoring linked to appropriate trigger thresholds; short-term management measures; commitment to identify and develop transit facilities within an appropriate timescale) would be an appropriate response in the light of the evidence?**

1.6 The Council proposes that the Former Allotments site should be removed from the Plan. This approach is supported by Gallagher Estates. The Welsh Government has no objection to this proposal subject to an appropriate monitoring indicator and trigger.

- 1.7 Having reviewed its evidence, as set out above, the Council now proposes to include a monitoring indicator to ensure that a new transit site is identified by the start of 2018 and planning permission for that site is in place by the start of 2019, with construction and completion of the site by the end of 2019. The proposed indicator is shown below.

CORE AND LOCAL INDICATORS	SOURCE OF INFORMATION	MONITORING TARGET	TRIGGER POINT
LOCAL – Need for Gypsy/Traveller transit site	NCC Planning Policy	Provide a site capable of accommodating Newport’s need of up to 7 pitches by the end of 2019.	Failure to identify a site by the start of 2018. Failure to obtain planning permission by the start of 2019.

- 1.8 In providing the transit site of up to seven pitches to accommodate Newport’s requirement, the Council considers that there are 2 options available. The first option would be to reopen the scrutiny work and search for a new site within Newport’s boundary which is capable of accommodating 7 pitches. The second option involves a partnership approach with neighbouring authorities.
- 1.9 A recent document released for consultation (September 2014) by the Welsh Government, entitled ‘Undertaking Gypsy and Traveller Accommodation Assessments’¹ appears to be encouraging a partnership approach to developing a network of transit sites in the most appropriate locations around Wales. The document notes:

“Accurately understanding the likelihood of needing to provide transit sites is likely to require an even greater level of cooperation with other local authorities. Section E of the questionnaire seeks to capture the transit requirements of Gypsies and Travellers throughout Wales, which should go some way towards providing an evidence base of likely needs in other local authorities. This data will need to be shared within the partnership area and with other local authorities where need is anticipated.

The Welsh Government will encourage local authorities to work in partnership to develop a network of transit sites in the most appropriate locations around Wales. The All-Wales Gypsy and Traveller Accommodation Forum offers an ideal platform for discussions on this

Caravan Count data should also provide very useful information of the likely transit needs within the local authority area. This is because the log of

¹ Available at <http://wales.gov.uk/docs/dsjlg/consultation/140901-gypsy-traveller-accommodation-guidance-en.pdf>

unauthorised sites component of the Caravan Count system will record the locations of encampments when local authorities respond to them. Reviewing this data should provide local authorities with the number of encampments throughout the year, the most occupied locations, the number of caravans present on each encampment and the duration of the stay. This information can be analysed to understand whether there is need for a transit site and its required size”.

- 1.10 The Council appreciates that there is a need to provide a transit site for Gypsy/Travellers passing through Newport. The Council will either tackle this issue itself and will only cater for its own need, or, as suggested in the recent Welsh Government consultation document, providing timescales allow, it will liaise with neighbouring authorities to understand the regional need for a site or network of sites, and engage in this process.
- 1.11 In terms of addressing the short term management measures, the Council will continue to deal with illegal encampments through its usual enforcement protocols.

2. Examination of evidence submitted by Gallagher Estates concerning soundness of allocation of former Ringland Allotments Site (Proposed MAC 5.8).

- Would the site provide an acceptable noise environment for occupiers, in the light of the Wardell Armstrong Noise Assessment dated March 2014?
- 2.1 The Council has commissioned Hepworth Acoustics Ltd to review the Wardell Amstrong report submitted on behalf of Gallagher Estates and their conclusion remains the same. The Ringland Allotments site can provide an acceptable noise environment for occupiers of a Gypsy/Traveller Transit Site. Their findings and further detail is evidenced in Appendix 1.
- Do other constraints to development identified in submissions on behalf of Gallaghers (access/highway safety; site topography; presence of pylons and overhead lines; landscape and visual impact considerations) render the site unsuitable for the proposed purpose?
- 2.2 The Council is seeking the removal of the Ringland Allotments site due to its risk to the delivery of the Llanwern Village development, which is a strategic housing allocation. The Council maintains its position that there are no physical constraints preventing the site from becoming a Gypsy/Traveller Transit Site.
- 2.3 The access to the site is not considered to be an issue. A Transport Statement has already been submitted to the examination as Appendix 5 in the Council’s responses to Hearing Session 5. A topographical survey has been undertaken for the site and whereas it is accepted that some ground re-profiling works will be required, this is not a significant obstacle to development. The Council acknowledges the location of the pylon and understands that this will need to be fenced off, but it will not impact on the overall capacity of the site. No health implications of the pylons have been raised by Environmental Health or the Utility Providers. In terms of landscape and visual impact, the computer generated images provided by Gallaghers in the Matters Arising Changes submission do not, in the Council’s opinion, portray an unacceptable visual impact. With the 2.5m high noise

attenuation fence adjacent to the SDR boundary, the Council believes the site will be well screened and visually acceptable.

- Is the site demonstrably deliverable – have considerations of ownership and feasibility of acquisition, acquisition and development costs and delivery timescales all been properly taken into account?

2.4 The Council is currently in ownership of the site. It will be passed to Gallaghers as part of the Section 106 planning agreement for Llanwern Village. The Council is of the view that the site can be compulsory purchased from Gallaghers. However, in the light of the evidence submitted by Gallaghers, the Council acknowledges that there are likely significant time delays as well as dispute between the Council and Gallaghers with regard to development costs, compensation etc. that may impact on the delivery the transit site. The feasibility of compulsory purchase is entirely possible, but understanding the exact nature, timeframes, cost etc. is difficult to accurately predict. This provides uncertainty regarding site delivery.

- Has the effect of the allocation on delivery of the nearby strategic housing allocation of Llanwern Village properly been taken into account?

2.5 With the submission of new evidence from the major house builders, the Council acknowledges that there is a significant risk to the delivery of the Llanwern Village development if the transit site allocation remains at Ringland Allotments. This in turn would have a significant potential impact on delivery of the LDP growth strategy.

APPENDIX 1 - Hepworth Acoustics Ltd review of the Wardell Amstrong report

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25 September 2014

Lindsay Christian
Newport City Council

Via email to: Lindsay.Christian@newport.gov.uk

Dear Lindsay,

**Re: Ringland Allotments -
Review of Road Traffic Noise Assessments re Potential Gypsy/Traveller Site**

Further to your instruction I have reviewed the following:

- Noise assessment report prepared by Wardell Armstrong LLP (WA) relating to the proposed allocation of the Ringland Allotments site as a Gypsy/Traveller site (report ref CA10758/01, dated March 2014)
- Noise assessment report prepared Hepworth Acoustics Ltd (HAL) report relating to three separate sites in Newport for potential use as Gypsy/Traveller sites, including Ringland Allotments (report ref 30394.1v1, dated April 2013)

It is understood that a hearing into this matter is scheduled for 13th October 2014 and that the Inspector has set an agenda including a number of questions. The question pertinent to this review is as follows:

“Would the site provide an acceptable noise environment for occupiers, in the light of the Wardell Armstrong Noise Assessment dated March 2014?”

The purpose of this review is therefore to address this question.

Introduction

The Ringland Allotments site is bounded by the A48 Southern Distributor Road to the west and by Cot Hill to the north. The site generally slopes gently upwards moving east away from the A48.

A sketch plan provided to HAL in March 2013 for the proposed use at the site indicates that a further 6m buffer between the western site boundary and nearest pitch is affordable. The plan shows 7 pitches in a linear array parallel to the A48, but not within ~40m of Cot Hill. This sketch plan is provided in Figure 1.

WA Report

WA report CA10758/01 describes a noise assessment undertaken at the Ringland Allotments site in March 2014. The introduction acknowledges the proposal for 7 pitches at the site, but does not describe the potential arrangement.

The report cites a number of relevant guidance documents taken into account within the assessment. Of note, the report cites Technical Advice Note 11: Noise – 1997 (TAN11), British Standard 8233: 1999 (BS8233) and the World Health Organisation Community Noise Guidelines – 1990 (WHO). However of these, further description of the guidance is given only for TAN11 and WHO, not for BS8233.

TAN11 itself refers to BS8233 (the 1987 version, as was extant at the time of publication) but not to WHO. Further it is noted that BS8233 was revised recently in 2014, coming into effect on 28 February 2014.

The WA report is therefore based upon the recommendations of WHO, citing the following noise limits to be achieved in caravans at the Ringland Allotments site:

- 35dB $L_{Aeq,16hour}$ during the daytime (0700-2300hrs) in noise sensitive rooms other than bedrooms
- 30dB $L_{Aeq,8hour}$ / 45dB $L_{Af,max}$ during the night-time (2300-0700hrs) in bedrooms

An external noise limit of 55dB $L_{Aeq,16hour}$ during the daytime in outdoor living areas is also mentioned.

The WA report describes a noise survey undertaken at the site over the course of 11-13 March 2014, including daytime and night-time periods. This included locations on the site boundaries with the A48 and with Cot Hill, however, for clarity, only the A48 boundary is discussed hereafter (in this review), as it is clear that this boundary is where the greater noise levels prevail.

It is noted that the times of the measurements set out in the relevant section of the main report body do not seem to tally fully with those set out in Appendix A, which provides greater detail on the individual measurements. It is assumed for the purpose of this review that Appendix A is correct, as this contains more detail.

Daytime monitoring was undertaken during ‘peak’ hours of 0700-1000hrs and over 3 consecutive daytime hours within the period 1000-1700hrs. Night-time monitoring was undertaken during the latter part of the night-time period. Table 3 of the WA report summarises the overall daytime and night-time noise levels derived from the noise measurements.

For the A48 boundary, the following noise levels are stated:

- 71dB $L_{Aeq(0700-1000hrs)}$ for the ‘peak’ hour
- 64dB L_{Aeq} for the night-time
- 63dB $L_{Aeq,16hour}$ for the daytime, based on the Shortened measurement procedure set out in the DoT document Calculation of Road Traffic Noise -1988 (CRTN).

Subsequent text states that “to ensure a robust assessment... measured ‘peak daytime’ noise levels will be used in the assessment.” This approach is erroneous and would result in noise levels somewhat higher than the $L_{Aeq,16hour}$ parameter, upon which the suggested daytime noise limits are based.

It is also noted in the WA report that the “noise monitoring carried out does not include what is normally considered to be the quieter hours (i.e. between 2300 and 0400 hours) and consequently the average noise levels for 2300-0700 hours are over-estimated”.

With regard to the stated daytime noise level 63dB $L_{Aeq,16hour}$ based on CRTN, this is clearly incorrect. Based on the values given in Appendix A of the WA report, the correct daytime noise level based on CRTN is 69dB $L_{Aeq,16hour}$.

The following section of the WA report deals with an assessment of likely increases in road traffic noise resulting from the adjacent Llanwern development to the east of the Ringland Allotments site. The assessment is based on projected traffic flow data for a baseline year of 2011 and future year of 2026, both with and without development. This is undertaken at 4 locations on site, however, for clarity, only the location identified as ‘CRTN 4’ is discussed hereafter (in this review), as this relates to the southwest corner of the Ringlands Allotments site, and so may be considered the most pertinent.

The predicted increase in 2026 at CRTN 4 as a result of the Llanwern development is stated to be 0.9dB, although higher increases are predicted at other locations. It is noted however that in the calculations presented in Appendix C of the WA report the mean speeds used for Cot Hill and the A48 south of Cot Hill appear to be the wrong way around, hence resulting in potentially erroneous results.

Moreover, it is considered that the calculations presented are unnecessarily complicated. Based on the projected traffic flow data quoted in Appendix B of the WA report for A48 south of Cot Hill (stated as A455 south of Cot Hill in the appendix; it is presumed this should read A48), which dictates noise levels on the Ringland Allotments site, it may be simply calculated that an increase of 0.7dBA will result on this link due to the Llanwern development.. This is based on the following relationship:

$$\text{Increase in Noise Level} = 10 \times \log_{10} [2026 \text{ flow with development} / 2026 \text{ flow without development}]$$

$$\text{Therefore: Increase in Noise Level} = 10 \times \log_{10} [31000/26100] = 0.7\text{dBA}$$

In the final stages of the WA report, the projected noise level increases as a result of the Llanwern development are added to the aforementioned measured noise levels. Conclusions are drawn on this basis that the site falls into NEC D of TAN11 (for which the given advice is that planning permissions should normally be refused) and seeks to demonstrate that a 2.5m high acoustic screen to control road traffic noise would not be adequate to achieve the noise limits cited by the WA report. Therefore the WA report concludes that the site is not suitable for use as a Gypsy/Traveller site.

HAL report

HAL report 31394.1v1 describes a noise assessment of three separate sites in Newport for potential use as Gypsy/Traveller sites, including the Ringland Allotments site. This review deals only with the Ringland Allotments site.

The brief for the assessment, provided by Newport City Council, was to determine typical prevailing daytime (0700-2300hrs) and night-time (2300-0700hrs) noise levels attributable to road traffic and to provide assessment and recommendations with regard to potential noise mitigation that may be employed in order to achieve road traffic noise levels at Gypsy/Traveller caravans / pitches at the site, not exceeding the following:

- External Daytime – 55 dB $L_{Aeq,16\text{hour}}$ in outdoor living areas
- Internal Daytime – 40 dB $L_{Aeq,16\text{hour}}$ in habitable rooms within caravans
- Internal Night-time – 35 dB $L_{Aeq,8\text{hour}}$ in habitable rooms within caravans

The above internal noise levels are therefore 5dBA less onerous than those cited within the WA report. However, as discussed, the WA noise limits were based on WHO, whereas TAN11 refers to BS8233.

The current version of this standard (British Standard 8233:2014, ‘Guidance on sound insulation and noise reduction for buildings’) recommends target internal L_{Aeq} values consistent with those set out in WHO, however it is also stated in Note 7 to Table 4 of the Standard that “where development is considered necessary or desirable ... the internal target levels may be relaxed by up to 5dB and reasonable internal conditions still achieved. It is therefore considered that the noise design criteria in the brief provided by Newport City Council are consistent with the latest advice in BS8233:2014 in terms of achieving a reasonable and hence acceptable noise environment.

Regarding outdoor living areas, BS8233: 2014 states that “it is desirable that the external noise level does not exceed 50dB $L_{Aeq,T}$, with an upper guideline value of 55dB L_{Aeq} , which would be acceptable in noisier environments. However, it is recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas such as city centres or urban areas adjoining the strategic transport network, compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, developments should be design to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited”.

The HAL report describes a noise survey undertaken at the site over the course of 9-10 April 2013, including daytime and night-time periods. Like the WA survey, daytime noise measurements were based on the CRTN shortened measurement procedure. For the night-time survey, measurements were undertaken over the first two hours of the night-time period. In our experience the $L_{Aeq,T}$ noise level over the first two hours of the night-time period is typically representative of the overall $L_{Aeq,8hour}$ night-time noise level at sites where the dominant noise source is a major road traffic route. Notwithstanding this, it is conceded that this may represent a slight under-estimation of the overall night-time noise levels, just as the WA report conceded that their adopted approach may represent an over-estimation of the same.

Noise measurements were undertaken at two locations 6m back from the site boundary to the A48, in accordance with the sketch plan provided by Newport City Council, towards the north and south ends of this boundary. Measurements were also taken at a location 10m further back (i.e. 16m total) from the boundary at the more southern location described above, to determine representative noise levels at the centre of a 20x20m pitch, in addition to the worst-case values.

The worst-case values, at 6m from the boundary towards the south, were as follows:

- 66dB $L_{Aeq,16hour}$ for the daytime
- 56dB $L_{Aeq,8hour}$ for the night-time

Towards the north of the boundary (at 6m) noise levels were 1dBA lower, and to the centre of a potential pitch (at 16m from the boundary) noise levels were 4dBA lower, both relative to the worst-case values.

Based on the daytime noise level derived from Appendix A of the WA report using the CRTN Shortened measurement procedure of 69dB $L_{Aeq,16hour}$, the WA and HAL assessments correlate well, given that HAL measurements were 6m further from the A48.

For the night-time noise levels, WA measured a level of 64dB $L_{Aeq,8hour}$, which based on the above would correspond to 61dB $L_{Aeq,8hour}$ at 6m further from the A48. This compares to 56dB $L_{Aeq,8hour}$ measured by HAL. Taking account for the stated potential for over-estimation and under-estimation of the respective methods, a night-time noise level at 6m from the boundary no greater than 59dB $L_{Aeq,8hour}$ would seem reasonable to assume. A 7dBA difference between daytime and night-time values would be highly typical of this type of environment.

As stated in the HAL report, based on a worst-case daytime noise level of 66dB $L_{Aeq,16hour}$ a reduction of up to 11dB would be required to achieve the level set out in the brief for the HAL assessment in outdoor living areas. However, at the centre of these plots the required reduction would be just 7dBA.

The HAL report states that “it is considered that an acoustic screen of approximately 2.5m in height, extending the full length of the boundary of the pitches nearest to the A48, and returned at least half-way along the side of the northernmost and southernmost pitches only, will provide adequate control of external noise in external living areas”. Whilst, given the purposes of the HAL report at that stage, this recommendation is in outline form, rather than being a precise specification of acoustic screen design, this order of mitigation will indeed achieve the required reduction. This is demonstrated to be the case as follows:

Based on a separation distance of 16m from the centre of the nearside (southbound) A48 carriageways to the nearest proposed pitch, and hence a potential acoustic barrier location (10m from the boundary plus a further 6m buffer as described) and a receiver location, say, 5m from the screen to the other side, and taking a source height of 0.5m above the A48 nearside carriageways and a receiver height of 1.5m above site level, a ‘path difference’ of 0.2m may be calculated (i.e. direct line from source to receiver minus [source to apex of screen + apex of screen to receiver]). Based on CRTN, this will provide a reduction of 11dBA.

Acknowledging the uncertainties and lack of available control in terms of the sound insulation provision of any caravan that might be brought on to site, the HAL report based the outline assessment of internal noise levels on an anticipated overall single-figure noise reduction of around 20-25dBA, outside to inside, with windows closed. The noise reduction may be towards the upper end of this range with any ventilators closed and towards the lower end of the range with the ventilators open. With windows open an overall single-figure noise reduction of around 10-15dBA, outside to inside, was assumed, which is a commonly accepted noise reduction for buildings of any kind with windows partially open. BS8233: 2014 cites a potential reduction of 15dBA via a partially open window. Given that the noise reduction in this situation would be dictated by the opening, rather than the surrounding building fabric, it is reasonable to assume that this potential reduction would not be compromised significantly in a caravan compared to a conventional dwelling. It is further reasonable to assume that, even in a caravan, at least a moderate further reduction would be achieved with that window closed, even if not necessarily to the same extent that would occur in a conventional dwelling.

Therefore, assuming that the external daytime criteria is achieved even in worst-case locations on potential plots (i.e. 55dB L_{Aeq}), a further 15dBA reduction is required to achieve the internal daytime criteria and this will readily occur based on the above assumptions. The night-time situation, which is ostensibly the more critical, would be better than this, as the difference between daytime and night-time noise levels of 7dBA taken above is greater than the difference between daytime and night-time target values.

With regard to the predicted increase in road traffic noise at the site as a result of the Llanwern development, it has been demonstrated that this is anticipated to be 0.7dBA. Based on commonly accepted principles, this would be considered a negligible increase and not one that would be perceptible and hence does not prejudice the findings set out above.

Context of Proposed Use

Notwithstanding the technical aspects of the above assessment, it is of some note that the understanding of HAL in undertaking the assessments of all 3 site considered was that these were to be considered for use as permanent Gypsy/Traveller residential sites. It is on this basis, as reinforced by reference to relevant guidelines given above, that it is agreed the noise limit targets set out in the brief are appropriate.

However, it is understood that the current proposal of the Ringlands Allotments site is for use as a transit site, whereby users would be allowed to reside at the site only for limited periods and only for a certain number of times per year, not as a permanent residence. Application of the relevant guidance documentation on acceptable noise environments at dwellings referred to herein is based on extensive research as to people's needs and expectations for a reasonable environment in the context of a permanent residence. The extent to which this should be applied to a temporary residence is debatable.

Conclusion

Based on the review of the relevant material described herein it is concluded that, notwithstanding the content of the Wardell Armstrong Noise Assessment dated March 2014, the Ringland Allotments site is suitable for the provision of an acceptable noise environment for occupiers of a Gypsy/Traveller site.

I trust that the above is clear and satisfactory. If you have any questions please contact me.

Yours sincerely
for Hepworth Acoustics



Graham Bowland BSc MIOA
Chief Consultant

Figure 1 – Sketch Plan provided by Newport City Council for Potential Gypsy/Traveller Site

