

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – 12 JANUARY 2016

Title of report	GYPHY AND TRAVELLER SITE ALLOCATION DPD: DRAFT FOR CONSULTATION
Key Decision	a) Financial No b) Community Yes
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Planning and Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p>
Purpose of report	To outline for Members proposals to formally commence the preparation of a Gypsy and Traveller Site Allocations Development Plan Document as part of the North West Leicestershire Local Plan and to undertake consultation in respect of what the document might contain and to issue a call for sites.
Reason for Decision	To approve the proposals for consultation
Council Priorities	Value for Money Homes and Communities
Implications: Financial/Staff Link to relevant CAT	<p>The cost of preparing the DPD will be met from within existing and proposed budgets. Moving forward if the Council provides sites this will have budgetary implications.</p> <p>None</p>
Risk Management	A failure to prepare a timely Gypsy and Traveller Site Allocations Development Plan Document could affect the soundness of the North West Leicestershire Local Plan as it could be concluded that the Local Plan does not meet the district's objectively assessed needs for housing. Furthermore, not providing a range of sites for the Gypsy and traveller community could be seen as discriminatory under the Equalities Act 2010 and would also make

	it difficult to resist proposals for the provision of sites in the absence of an agreed strategy.
Equalities Impact Screening	A full equality impact assessment has been prepared.
Human Rights	European Convention on Human Rights art.8 imposes a positive obligation on the State to facilitate the Gypsy and Traveller way of life.
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is Satisfactory
Comments of Section 151 Officer	The report is Satisfactory
Comments of Deputy Monitoring Officer	The report is Satisfactory
Consultees	None
Background papers	Report to the Local Plan Advisory Committee – Appendix 1
Recommendations	<p>THAT CABINET AGREES TO:</p> <p>(I) COMMENCE PREPARATION OF A GYSPY AND TRAVELLERS SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT; AND</p> <p>(II) COMMENCE CONSULTATION AND A CALL FOR SITES AS SET OUT IN THE REPORT TO THE LOCAL PLAN ADVISORY COMMITTEE</p>

1.0 BACKGROUND

- 1.1 There is a shortage of authorised sites for Gypsies and Travellers at a national, regional and local level and as a consequence many Gypsies and Travellers have no option but to live on unauthorised and/or unsuitable sites. If sites can be identified through the planning process it will prevent the need for illegal encampments which often cause conflict with the settled community.
- 1.2 North West Leicestershire District Council has a duty, under the Housing Act 2004, to assess, identify and plan to meet the district's housing needs including those of gypsies and travellers and travelling showpeople. When plan-making, local planning authorities are required to identify and update annually, a five year supply of specific deliverable sites and to also identify a supply of specific, developable sites or broad locations for the following five to ten years.

- 1.3 The Council's draft Local Plan which has recently been the subject of consultation proposes that the identification of sites for gypsy, travellers and travelling showpeople be done through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD).
- 1.4 Forty three responses were received to the specific question in the consultation on this issue. Of those who expressed whether they supported the policy or not, 22 supported and 11 did not. In terms of detailed comments the concerns raised include impact upon the environment and local communities, need for consistency with other policies in the Local Plan and some questioning of the need to identify sites. Some suggested amendments to the policy have also been put forward.
- 1.5 A report was considered by the Local Plan Advisory Committee (LPAC) at its meeting on 16 December 2015 (attached at Appendix 1).
- 1.6 LPAC supported the need to commence preparation of the DPD and agreed the recommendations. They also agreed a further recommendation that "the Council support working with other public bodies and private operators to bring forward sites, including the management of sites".
- 1.7 Approval is now being sought from Cabinet to undertake the consultation as proposed in the report to LPAC.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 16 DECEMBER 2015

Title of report	GYPSY AND TRAVELLER SITE ALLOCATION DPD: DRAFT FOR CONSULTATION
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To outline for Members proposals to formally commence the preparation of a Gypsy and Traveller Site Allocations Development Plan Document as part of the North West Leicestershire Local Plan and to undertake consultation in respect of what the document might contain and to issue a call for sites.
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Homes and Communities</p>
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	A failure to prepare a timely Gypsy and Traveller Site Allocations Development Plan Document could affect the soundness of the North West Leicestershire Local Plan as it could be concluded that the Local Plan does not meet the district's objectively assessed needs for housing. Furthermore, not providing a range of sites for the Gypsy and traveller community could

	be seen as discriminatory under the Equalities Act 2010 and would also make it difficult to resist proposals for the provision of sites in the absence of an agreed strategy.
Equalities Impact Screening	A full equality impact assessment has been prepared.
Human Rights	European Convention on Human Rights art.8 imposes a positive obligation on the State to facilitate the Gypsy and Traveller way of life.
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	<p>National Planning Policy for Traveller Sites https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf</p> <p>Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013) https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%20Leicestershire%20and%20Rutland%20GTAARefresh%20-%20May%202013.pdf</p> <p>North West Leicestershire Local Plan: Draft for Consultation https://www.nwleics.gov.uk/files/documents/north_west_leicestershire_local_plan_draft_for_consultation_september_20151/Final%20Draft%20September%202015.pdf</p> <p>Equalities impact assessment of the Gypsy and Traveller Site Allocation DPD: Draft for Consultation</p>
Recommendations	<p>THAT THE ADVISORY COMMITTEE:</p> <p>(i) NOTES PROPOSALS TO COMMENCE PREPARATION OF A GYPSY AND TRAVELLERS SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT;</p> <p>(ii) NOTES THE PROPOSAL TO ISSUE A CONSULTATION PAPER AND CALL FOR SITES IN JANUARY 2016; AND</p> <p>(iii) COMMENTS ON THE DRAFT CONSULTATION PAPER.</p>

2.0 BACKGROUND

- 2.1 There is a shortage of authorised sites for Gypsies and Travellers at a national, regional and local level and as a consequence many Gypsies and Travellers have no option but to live on unauthorised and/or unsuitable sites. If sites can be identified through the planning process it will prevent the need for illegal encampments which often cause conflict with the settled community.
- 2.2 North West Leicestershire District Council has a duty to assess, identify and plan to meet the district's housing needs including those of gypsies and travellers and travelling showpeople. When plan-making, local planning authorities are required to identify and update annually, a five year supply of specific deliverable sites and to also identify a supply of specific, developable sites or broad locations for the following five to ten years.
- 1.3 It is intended for these needs to be met through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD). The DPD will identify sites for gypsy, travellers and travelling showpeople in a sustainable way which balances meeting the accommodation needs of these groups and the protection of the natural and built environment.
- 1.4 As a first step in the preparation of a Gypsy and Traveller Site Allocations DPD, a consultation paper has been prepared (Appendix A) to provide an opportunity for residents, landowners, businesses, organisations and stakeholders with an interest in provision for Gypsies, Travellers and Travelling Showpeople to give their views on a number of key issues regarding accommodation needs and the identification of potential sites.

2.0 THE DRAFT NORTH WEST LEICESTERSHIRE LOCAL PLAN

- 2.1 The North West Leicestershire Local Plan Draft for Consultation published in September 2015 sets out the Council's strategic approach to meeting the accommodation needs of Gypsies and travellers and travelling showpeople at Policy H7 (see Appendix A). Policy H7 therefore provides the context for the preparation of the Gypsy and Traveller Site Allocations DPD by setting out the minimum accommodation need that is required to be met in North West Leicestershire and criteria for the identification of sites and safeguards existing sites. Policy H7 also sets out the intention to prepare a Gypsy and Traveller Site Allocations DPD as means of identifying a range of sites to meet the identified need.
- 2.2 Consultation on the Draft Local Plan ends on Monday 30 November 2015. This postdates the preparation of this report so any consultation feedback on this policy area will be reported verbally by officers at the Advisory Committee meeting.
- 2.3 There is an on-going risk that the North West Leicestershire Local Plan may not be found sound due to the way in which it addresses the accommodation needs of travellers. This issue has recently been highlighted in Essex where, in May 2015, the interim findings of the Inspector examining the Maldon District Local Development Plan concluded that it was not sound because the Plan's policy for the provision of travellers' accommodation does not identify accurately the need for pitches and does not identify specific sites to meet the requirement (see Appendix B). In particular, the Inspector said that 'that there are well founded reservations about the Council's track record in producing evidence of need for,

and then delivering, traveller sites.’ The Inspector was also concerned about ‘a serious adverse outcome in equality terms for the protected Romany Gypsies and Irish Travellers racial groups’. The Inspector was not convinced about Maldon District Council’s commitment to the preparation of a separate Traveller Local Plan. Subsequently, following a request from Maldon District Council, the Secretary of State has exercised powers under section 21(4) of the Planning and Compulsory Purchase Act 2004 to direct that the Maldon District Council Local Development Plan is submitted to the Secretary of State for approval. This is an unprecedented action from which the outcome is currently awaited and if there is any change in circumstances this will be reported verbally at the meeting of the Advisory Committee.

- 2.4 To mitigate the risks to the North West Leicestershire Local Plan, detailed work on a Gypsy and Traveller Site Allocations DPD must be well advanced at the time of the examination of the Local Plan especially with regard to the identification of sites.

3.0 GYPSY AND TRAVELLER ACCOMMODATION NEEDS

- 3.1 The provision of sites should be based on up-to-date evidence of need. The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013) provides an estimate of additional numbers of pitches and plots required in the district for the period from 2012 to 2031.
- 3.2 A “pitch” refers to a space on a gypsy and traveller site, whilst a ‘plot’ refers to a space on a ‘travelling showpeople’ site (sometimes referred to as a ‘yard’). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment as well as residential accommodation.
- 3.3 For the period up to 2031 the assessment identifies a need in North West Leicestershire for a total of 68 permanent pitches and 20 transit pitches for Gypsies and Travellers and 9 Travelling Showpeople plots. The Needs Assessment Refresh forms the basis of the accommodation requirements set out in Local Plan Policy H7.
- 3.4 At September 2015, there were 67 private traveller pitches (mostly authorised sites with permanent planning permission) and one public pitch in the district (see Appendix C). Since then, the supply of pitches has reduced as the result of two Lawful Development Certificate applications (Refs: 15/00528/CLE and 15/00534/CLE) having been granted at sites in Sinope. In both cases, the permitted gypsy caravan sites have been occupied by non-travellers for over ten years. The effect of these two decisions is to reduce the supply of private traveller pitches by around 36 pitches. However, it is understood that the 2013 needs assessment assumed that these sites were occupied by Gypsies or travellers and that as the forecast of needs was partly based on existing supply it may have artificially inflated the calculated needs at that time.
- 3.5 A planning application (Ref: 15/00717/VCI) to increase the number of caravans from three to eight at an existing site at Shortheath Road, Moira is undetermined at the time of writing this report. There are five Travelling Showpeople’s site in North West Leicestershire accommodating around 21 plots.

- 3.6 A new planning policy document for Gypsies and travellers was published by the Department for Communities and Local Government in September 2015. Among the various revisions, the National Planning Policy for Traveller Sites amends the planning definition of “traveller” and “travelling showpeople” for planning related purposes so that it excludes those who have permanently ceased from travelling. The requirement for local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople remains. As noted in a separate report to the Advisory Committee in respect of the Housing and Planning Bill 2015, local authorities in England will no longer have to assess Gypsies' and travellers' housing needs in a separate category to other residents. However, until such time as the Bill becomes an Act there is still a need to undertake a separate assessment of needs.
- 3.7 The revised definition of “traveller” could change the assessment of the numbers of pitches and plots required, while the supply of pitches has changed significantly since the Needs Assessment was last prepared as outlined above. Accordingly, the Council is working collaboratively with other local planning authorities in the Leicester and Leicestershire Housing Market Area to update the pitch targets for gypsies and travellers and the plot targets for travelling showpeople. It is anticipated that this update will be completed in summer 2016. This approach will help maintain and provide a robust and up to date evidence of need that may give rise to revisions to Local Plan Policy H7 and inform the emerging Gypsy and Traveller Site Allocations DPD.

4.0 SITE ALLOCATIONS

- 4.1 Notwithstanding the need to update the pitch targets for gypsies and travellers and the plot targets for travelling showpeople, the Council will need to identify a supply of specific deliverable sites and specific developable sites or broad locations for growth. Specific sites would be identified on a proposal map with a clear site boundary, whilst broad locations would be shown on the proposal map as a general area within which a site would later be identified.
- 4.2 Options for the way in which future pitch/plot requirements may be met include (but are not limited to):
- Intensification of existing authorised sites (i.e. by allowing more ‘pitches’ or ‘plots’ on a site but without extending the site)
 - Expansion of existing authorised sites on to adjoining land
 - Allocation of new sites
- 4.3 In view of the current identified scale of need it is unlikely that accommodation needs can be met without allocating new sites. As a consequence the proposed consultation provides an opportunity for individuals, organisation and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople to suggest sites that may be suitable for allocation. A ‘Call for Sites’ form will be provided setting out the key information sought from respondents.
- 4.4. To identify as wide a range as possible of Gypsy and traveller sites and broad locations for development, the Council should not simply rely on sites that they have been informed about through the ‘Call for Sites’ process. Other types of sites and sources of data that may be relevant in the assessment process may include:

- Planning permissions for housing that are unimplemented;
- Planning applications that have been refused or withdrawn;
- Sites submitted as part of the Council's Strategic Housing and Employment Land Availability Assessments that are unlikely to be taken forward for development through the emerging Local Plan;
- Land in the Council's ownership;
- Public sector land that is surplus, or likely to become surplus;
- Vacant and derelict land and buildings;
- Land safeguarded, severed or otherwise affected by infrastructure projects.

4.5 Potential sites will be considered for their suitability, deliverability and availability. They will be assessed using the criteria for the identification of sites set out in Local Plan Policy H7. It is then anticipated that a shortlist of potential sites will be identified and these will be subject to a further public consultation.

5.0 NEXT STEPS

5.1 It is proposed to formally commence preparation of the Gypsy and Traveller Site Allocations DPD the consultation paper set out at Appendix A be published in January 2016.

5.2 An eight-week consultation period will be advertised on the Council's website and residents, landowners, businesses, organisations and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople will be contacted directly. Consultees will include Leicestershire County Council, adjoining county and local planning authorities, parish councils, representatives of the Gypsy, traveller and Travelling Showpeople communities, the Leicester and Leicestershire Multi-Agency Travellers Unit and specific consultees such as the Highway Agency, Environment Agency, English Heritage and the Coal Authority.

5.3 It is anticipated that a summary of the responses received will be reported to the Local Plan Advisory Committee following the consultation. Thereafter it is important, for the reasons set out in paragraph 2.4, to ensure that significant progress has been made (to include the identification of potential sites) in the preparation of the Gypsy and Traveller Site Allocations DPD prior to the examination of the North West Leicestershire Local Plan (currently anticipated to be in September 2016).

North West Leicestershire District Council

Gypsy and Traveller Site Allocation Consultation (January 2016 – March 2016)

1 Introduction

- 1.1 The shortage of authorised sites for Gypsies and travellers and travelling showpeople is a national, regional and local issue which often leads to unauthorised developments in many parts of the country. This situation creates a considerable amount of uncertainty for both travelling and settled communities, with decisions being made through the appeals process.
- 1.2 North West Leicestershire District Council has a duty to assess, identify and plan to meet the districts housing needs including those of Gypsies and travellers and travelling showpeople. This duty includes identifying suitable sites and when plan-making local planning authorities are required to identify and update annually, a five year supply of specific deliverable sites and to also identify a supply of specific, developable sites or broad locations for the following five to ten years.
- 1.3 The North West Leicestershire Local Plan will plan to meet these needs and it is the current intention for this to be done through the production of a specific Gypsy and Traveller Site Allocations Development Plan Document (DPD). It will identify new sites for gypsy, travellers and travelling showpeople, in a sustainable way which balances meeting the accommodation needs of these groups and the protection of the natural and built environment.
- 1.4 The District Council is inviting the submission of information regarding potential sites to meet the needs of the gypsy, traveller and travelling showpeople community as well as representations about how we might best plan to meet these needs

Purpose of this Consultation Paper

- 1.5 This consultation paper provides an opportunity for all individuals, organisations and stakeholders with an interest in provision for Gypsies, traveller and travelling showpeople to give their view on a number of key questions set out in this paper, including a summary below. However please note that the issues listed are not exhaustive and if you consider there to be additional issues that are relevant to this issue please let us know.
- 1.6 Background Information is also provided, to assist in forming your response. **Appendix 1** provides the planning policy context and **Appendix 2** details the evidence of local need.

KEY QUESTIONS

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| <ul style="list-style-type: none"> 1. Apart from the Needs Assessment Refresh and the planned Update is there any other evidence of future need that we should be aware of? 2. Should the District Council seek to identify sufficient sites for the period up to 2031, or should sites initially be identified for a shorter period? 3. What are your suggested approaches to site provision? 4. Do you agree that a series of smaller sites would be preferable to a larger site? 5. Should the document include a Rural Exception Site Policy for Gypsy and Traveller and Travelling Showpeople Sites? |
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| 6. Can you suggest any sites that you consider suitable for use as transit sites?
7. Are you aware of the level of affordable accommodation needed? i.e. the need for sites that are not privately owned?
8. What are your suggested approaches to site management? |
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- 1.7 The Council is also undertaking a “Call for Sites” in which the Council is seeking assistance in the identification of potentially suitable land for future Gypsy, Traveller and Travelling Showpeople sites. Details of sites must be submitted using the [SITE PROPOSAL FORM](#) attached to this paper.

CALL FOR SITES

Please submit details of any sites that you consider suitable for use as either a Gypsy or Traveller site or a Travelling Showpeople Site

How to Respond

- 1.8 The period for making any representation is for a period of eight weeks from 29 January 2016 to 21 March 2016. **Representations must be submitted no later than 5.00pm on 21 March 2016.**
- 1.9 Representations may be made in writing or by way of electronic communications, giving your name and address, to the following address;
Planning Policy Team
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ
Email: planning.policy@nwleicestershire.gov.uk
- 1.10 Copies of this consultation document are available on the Councils website at xxxxx. Alternatively you can request a copy by contacting the Planning Policy Team at the above address.
- 1.11 Please note that responses cannot be treated as confidential and must be provided in a lawful way. The Council will not consider offensive and/or racist representations. Where a response is considered to be racist/offensive the Council will write to the respondent explaining that it is unlawful and cannot be considered or disclosed. Where a response is considered to be racist/offensive but also contains non racist/offensive material, the Council will write to the respondent explaining that only the non racist content will be considered or disclosed.

2.0 Background

- 2.1 Local authorities must assess and meet the accommodation needs for all sections of its community, including gypsies and travellers and travelling showpeople, and also identify a supply of deliverable and developable sites to meet the need. In producing its Local Plan

the authority must identify and update annually a supply of specific deliverable¹ sites sufficient to provide five years worth of sites against their locally set targets. A supply of specific developable sites or broad locations should then be identified for the following five years and where possible for a further five years.

- 2.2 National Planning Policy for Traveller Sites (2015) also provides the following and amended planning definition of “traveller” and “travelling showpeople” for planning related purposes and is defined in Appendix 1. The definitions now exclude those who have permanently ceased from travelling.
- 2.3 As in most other areas of the County there is currently a shortage of authorised sites in the district and historically there has been a poor level of provision. Lack of provision has already been considered at a number of recent appeals against the refusal by the District Council of planning permission for sites for gypsies and travellers and has been cited by Planning Inspectors as a reason to grant permission contrary to local wishes.
- 2.4 Lack of accommodation not only results in accommodation needs not being met but also leads to unauthorised developments i.e. sites that have been established without planning permission. This can then lead to significant cost to the Council incurred through enforcement processes and other actions that may be necessary such as site clearance. The setting up of unauthorised sites can also become a source of tension between the gypsy and traveller community, the settled population and the local authority, as well as result in uncertainty for all. The identification and allocation of suitable sites would provide a degree of certainty for the Gypsy, traveller and travelling showpeople community and the settled population. It would also provide certainty when planning applications are determined.
- 2.5 The allocation of sufficient land to meet the identified need will
- ensure that sites are developed in the most suitable locations,
 - strengthen the Councils position at any appeals,
 - help to reduce tensions between the travelling community and the settled population
 - improve the opportunities for the gypsy and traveller community to access support and services.
 - strengthen the Council's ability to enforce against unauthorised sites in a more speedy and efficient way and so reduce pressures upon the public purse
 - reduce the number of unauthorised sites and associated costs

3.0 KEY QUESTIONS

What is the Identified Need?

- 3.1 The provision of sites should be based on up-to-date evidence of the need. In our case the [Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh \(2013\)](#) (subsequently referred to as the Needs Assessment Refresh thereafter) provides

¹ To be considered deliverable, sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable (Source: (Planning Policy for Travellers - 2015).

an estimate of additional numbers of pitches and plots required in the district for the period from 2012 to 2031. For the period up to 2031 the assessment identifies a need for a total of 68 permanent pitches and 20 transit pitches for Gypsies and travellers and 9 travelling showpeople plots, within the district.

- 3.2 A “pitch” refers to a space on a gypsy and traveller site, whilst a ‘plot’ refers to a space on a ‘travelling showpeople’ site (sometimes referred to as a ‘yard’). This allows there to be differentiation between the two, as a travelling showpeople plot may need to incorporate storage space for equipment due to the nature of their work, as well as space for residential accommodation.
- 3.3 In light of the revised definition of “traveller” and “travelling showpeople”, the assessment of the number of pitches and plots required could change. Accordingly, the Council is working collaboratively with other local planning authorities in the Leicester and Leicestershire Housing Market Area to update the pitch targets for gypsies and travellers and update the plot targets for travelling showpeople. This approach will help maintain and provide a robust and up to date evidence of need.

QUESTION 1

Apart from the Needs Assessment Refresh and planned Update is there any other evidence of future need that we should be aware of and that should be taken in to account?

Identification of Site Allocations

- 3.4 Local Planning Authorities must maintain a five year supply of deliverable sites against locally set targets of accommodation need. Thereafter a supply of specific developable sites or broad locations for growth should be identified for the following years 6-10, and where possible for years 11-15. Specific sites would be identified on a proposal map with a clear site boundary, whilst broad locations would be shown on the proposal map as a general area within which a site would later be identified.
- 3.5 However the Needs Assessment Refresh suggests that evidence of need should be reviewed and refreshed on a five yearly basis. Such an approach would help maintain and provide a more robust and up to date evidence of need.

QUESTION 2

Should the District Council seek to identify sufficient sites for the period up to 2031, or should sites initially be identified for a shorter period, such as up ten years (i.e. to 2022), to allow a future refresh assessment to inform site provision for years 2023 to 2031?

What is the best way to make Future Site Provision?

- 3.6 Potential options for the way in which future pitch/plot requirements may be met include:-
- Intensification of existing authorised sites (i.e. by allowing more ‘pitches’ or ‘plots’ on a site but without extending the site)
 - Expansion of existing authorised sites
 - Allocation of New Sites

QUESTION 3

- a. Are the above approaches to site provision considered appropriate?
- b. Are there any alternative ways in which future pitch/plots can be provided?

3.7 It is suggested that a series of smaller sites would be preferable to the provision of fewer larger sites, as this approach would provide greater opportunity to meet the diverse needs of separate groups.

QUESTION 4

Do you agree that a series of smaller sites would be preferable to a larger site?

Rural Exceptions Sites

3.8 Where there is a lack of affordable land to meet local traveller needs, local authorities are able to allocate and release sites solely for affordable Traveller sites through a Rural Exception policy. This approach is only suitable if there is a local need, and those seeking accommodation are either a current resident of the community or have an existing family or employment connection within the community. Such sites would then only be used for affordable traveller sites in perpetuity. We do not currently have any evidence of any such specific need.

QUESTION 5

Do you have any evidence of need for affordable traveller sites? If there is evidence of need should the document include a Rural Exception Site Policy for affordable Gypsy and Traveller Sites? If not what approach should we take?

Transit Sites

3.9 Transit sites are authorised sites which are used for short stays by Gypsies and travellers. Transit pitches are specifically to allow families travelling through Leicestershire to stop for a maximum period of three months. Pitches can be provided on existing residential sites or sites can be solely provided for transit provision. It is however suggested that transit sites should be located on main travel routes.

QUESTION 6

Can you suggest any sites that you consider suitable for use as transit sites?

Tenure

3.10 It is likely that there will Gypsies and travellers or travelling showpeople who cannot provide their own sites. Therefore, there may be a need for provision to be made by public bodies, such as local authorities or social landlords. Due to the lack of affordable provision, the Needs Assessment Refresh recommends that 50% of site provision should be affordable.

QUESTION 7

Is there any other evidence of affordable need that we should be aware of?

Is there any other evidence that would indicate that 50% affordable provision is not the appropriate approach?

Management of Sites

- 3.11 There are a number of management options to consider for future sites. One is for Gypsy and travellers and travelling showpeople to develop and manage their own sites. Family ownership can help reduce the breakdown of traditional family structures and help ensure young people and new forming households within the community are not forced to move away.
- 3.12 An alternative method of managing sites is to allow private developers/Housing Associations to make provision for the basic infrastructure required for a site before selling or renting individual pitches to Gypsies and Travellers and Travelling Showpeople. Finally the local authority could develop the site and lease the pitches or plots.

QUESTION 8
Of the above approaches to site management which is considered the most appropriate?
Is there any other information or examples of site management that we should be aware of?

Call for Sites

- 3.13 This is an opportunity for you to suggest any sites that you consider to be suitable for allocation as a Gypsy and traveller, or travelling showpeople sites.

QUESTION 9
Can you suggest any sites that you consider suitable for use as Gypsy and traveller sites or a travelling showpeople site?
Please submit details using the SITE PROPOSAL FORM attached to this consultation paper. Also available at [Website details to be inserted] or from the Planning Policy Team

4.0 Next Stage

- 4.1 Following the end of this consultation the responses received will be used to inform the preparation of future policies for the provision of sites for Gypsies and travellers and travelling showpeople. In addition the potential sites submitted will be considered for their suitability and deliverability. At a further date the draft policies and proposed sites to be allocated will be published for public consultation.

APPENDIX 1

5. Policy Context

- 5.1 This consultation paper has been prepared taking into account national policy for Gypsy, travellers and travelling showpeople.

National Planning Policy (March 2012)

- 5.2 The [National Planning Policy Framework](#) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a threefold definition of sustainable development, covering economic, social and environmental issues, and the role of planning is to contribute to the achievement of sustainable development. One of its Core Planning Principles is for planning to identify and then meet the housing needs of an area.

National Planning Policy for Traveller Sites (August 2015)

- 5.3 [National Planning Policy for Traveller Sites](#) (PPTS) sets out the Government's planning policy for traveller sites and must be taken into account in the preparation of development plans, and is a material consideration in decision taking.

- 5.4 The overarching aim of Government is:
"to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interest of the settled community."
(para 3)

- 5.5 This document also provides a definition of gypsies and travellers:
"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
And for travelling showpeople:
"Members of a group organised for the purpose of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above."

- 5.6 In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- whether they previously led a nomadic life
 - the reasons for ceasing the nomadic habit of life
 - whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 5.7 The Government's aims in respect of traveller sites are for local authorities to:
- make their own assessment of needs for the purpose of planning

- develop fair and effective strategies to meet need through the identification of land for sites;
- plan for sites over a reasonable timescale;
- promote more private traveller site provision whilst recognising that some travellers cannot provide their own sites
- reduce the number of unauthorised developments and encampments and make enforcement more effective.
- ensure that local plan policies are fair, realistic and inclusive
- increase the number of appropriately located sites to address under provision and maintain an appropriate level of supply
- reduce tensions between settled and travelling communities
- enable provision from which travellers can access education, health, welfare and employment infrastructure
- have due regard to the protection of local amenity and local environment

5.8 Local Plans must also include pitch targets for gypsies and travellers, and plot targets for travelling showpeople, to address both permanent and transit site accommodation needs. A five year supply of specific deliverable² sites against the locally set targets should be identified for the first five years and a supply of specific developable³ sites or broad locations should then be identified for the following five years. And:

“... if a local planning authority cannot demonstrate an up-to-date five-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 permission⁴. (Paragraph 25, PPTS, 2012)

5.9 Local Planning Authorities should very strictly limit new traveller sites in open countryside that is away from existing settlements or is outside areas allocated in the development plan. For sites in a rural areas they should respect the scale, of, and not dominate the nearest settled community nor place an undue pressure on local infrastructure.

5.10 In instances where there is a lack of affordable land available to meet local traveller needs, local authorities should consider allocating and releasing sites solely for affordable traveller sites. This could include the application of a rural exception site policy, an approach which would allow small sites to be used specifically for affordable traveller sites, in small rural communities⁵ that would not normally be used for traveller sites. These sites should only be used for affordable travellers' sites in perpetuity and address the needs of the local community by accommodating households who are either residents or have an existing family or employment connection.

² To be considered deliverable, sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable

³ To be considered developable, site should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

⁴ There is no presumption that a temporary grant of planning permission should be granted permanently.

Emerging Local Plan Policy

- 5.11 The North West Leicestershire Local Plan: Draft for Consultation published in September 2015 sets out the Council's strategic approach to meeting the accommodation needs of gypsies and travellers and travelling showpeople at Policy H7 therefore provides the context for the preparation of the Gypsy and Traveller Site Allocations DPD by setting out the minimum accommodation need that is required to be met in North West Leicestershire and criteria for the identification of sites and safeguards existing sites. Policy H7 also sets out the intention to prepare a Gypsy and Traveller Site Allocations DPD as means of identifying a range of sites to meet the identified need.

Policy H7: Provision for Gypsies and Travellers and Travelling Showpeople

- (1) ***Provision will be made to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople between 2012- 2031 for a minimum of:***
- ***2012 – 2017: 27 pitches plus 20 transit pitches***
 - ***2017 – 2022: 11 pitches plus 3 plots for showpeople***
 - ***2022- 2027: 14 pitches plus 3 plots for showpeople***
 - ***2027- 2031: 16 pitches plus 3 plots for showpeople***
- (2) ***The required provision will be identified through the production of a Gypsy and Traveller Site Allocations Development Plan Document, taking into account the most-up-to-date Gypsy and Traveller Accommodations Needs Assessment.***
- (3) ***A five year supply of deliverable sites will be identified as well as a supply of developable sites or broad locations for the following years. The following criteria will be used to guide the site allocation process, and for the purposes of considering planning applications for such sites.***
- (4) ***Proposals for new sites or extensions to existing sites should meet the following requirements:***
- (a) ***Be located in or near an existing settlement which has access to a range of services, such as shops, schools, welfare facilities and public transport***
 - (b) ***Be proportionate to the scale of the nearest settlement, its local services and infrastructure***
 - (c) ***Have suitable highway access, and is not detrimental to public highway safety***
 - (d) ***Provides for adequate on-site parking and turning of vehicles as well as appropriate facilities for servicing and storage***
 - (e) ***Be serviced by adequate essential services including water supply, power, drainage sewage disposal, and waste disposal facilities***
 - (f) ***Be compatible with landscape, environment and biodiversity as well the physical and visual character of the area,***
 - (g) ***Be compatible with the amenities of neighbouring properties and land uses.***

- (5) Authorised, existing and new, sites will be safeguarded for Gypsy and Travellers and Travelling Showpeople groups unless they are no longer required to meet an identified need.**
 - (6) Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.**
- 5.12 Consultation on the Draft Local Plan ends at 5pm on Monday 30 November 2015. This postdates the preparation of this consultation paper so any consultation feedback on this policy area will be reported separately.

APPENDIX 2

6.0 Existing Gypsy and Traveller and Travelling Showpeople provision in North West Leicestershire

Background Information

- 6.1 North West Leicestershire is highly accessible by road and is at the intersections of the M1 and the A42 motorways, providing links to the north, south and south west. The A50 provides the primary east west transport corridor. Due to its location and accessibility to the road network the district is a popular destination for gypsies and travellers.
- 6.2 Survey work⁶ undertaken highlights the travel patterns of gypsy and travellers through the district and also illustrates a pattern of wider cross-county travel. Travel can be seen to occur along:
- the A50 route down from Derbyshire through to North West Leicestershire
 - the A1 route on the boundaries of Lincolnshire and Leicestershire, with travel between Grantham, Lincolnshire and up to Nottinghamshire or across to North West Leicestershire
 - travel along the M1 to Northampton

Evidence of Need for Accommodation

- 6.3 The accommodation needs for additional Gypsy and Traveller accommodation and Travelling Showpeople in the district was initially assessed in the [Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment \(2006-2016\)](#). The methodology used to provide an estimate of additional pitches and plots in the district took into account a range of factors such as the movement between sites and housing, unauthorised developments and encampments, new household formation, new sites in the pipeline, survey work and assumptions professional experience.
- 6.4 These estimates are provide purely on the basis of 'need where it arises' i.e. estimates were calculated on the basis of the existing population in the district and does not take into account any issues relating to where this need can be met. It therefore mirrors the uneven pattern of provision and distribution across the district.
- 6.5 However due to the time that has elapsed since the above assessment a number of Leicestershire authorities commissioned DeMontford University to undertake an update and refresh of the GTAA that was published in 2007. The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013) as produced and published and provides a update of the findings of the original GTAA taking into account site provision that has occurred since and new data that has been collected. A similar methodology was used to calculate future estimates in that the existing population was identified and the likely future needs were projected forward. For calculations looking beyond 2017 and up to 2031 the refresh study maintains the use of an assumed rate of household growth of 3% per annum for gypsy and traveller provision, and an assumed rate of 1.5% per annum for travelling showpeople.

⁶ Leicestershire, Leicester and Rutland Gypsies' and Travellers' Accommodation Needs Assessment (2006-2016)

- 6.6 The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013) provides an estimate of additional numbers of pitches and plots required in the district for the period from 2012 to 2031. It identifies the following need:
- 2012-2017: 27 pitches plus 20 transit pitches
 - 2017-2022: 11 pitches plus 3 plots for showpeople
 - 2022-2027: 14 pitches plus 3 plots for showpeople
 - 2027- 2031: 16 pitches plus 3 plots for showpeople

For the period up to 2031 the assessment identifies a need for a total of 68 permanent pitches and 20 transit pitches for Gypsies and travellers and 9 travelling showpeople plots. The Needs Assessment Refresh forms the basis of the accommodation requirements set out in the Draft Local Plan Policy H7.

- 6.7 For the purposes of this consultation paper and the resulting Gypsy and Traveller Site Allocation document, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may need to incorporate space or to be split to allow for the storage of equipment.⁷

⁷ Planning policy for traveller sites (August 2015) – Annex 1

APPENDIX 3 – Useful Web Address

[Leicestershire, Leicester and Rutland Gypsy and Traveller Accommodation Needs Assessment \(2006-2016\).](#)

[Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh \(2013\)](#)

[National Planning Policy Framework](#)

[National Planning Policy for Traveller Sites](#)