

North West Leicestershire District Council

Gypsy and Traveller Site Allocation Consultation

(Monday 1 February to Monday 4 April 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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| 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 |

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| <p>should sites initially be identified for a shorter period?</p> <p>3. What are your suggested approaches to site provision?</p> <p>4. Do you agree that a series of smaller sites would be preferable to a larger site?</p> <p>5. Should the document include a Rural Exception Site Policy for Gypsy and Traveller and Travelling Showpeople Sites?</p> <p>6. Can you suggest any sites that you consider suitable for use as transit sites?</p> <p>7. Are you aware of the level of affordable accommodation needed? i.e. the need for sites that are not privately owned?</p> <p>8. What are your suggested approaches to site management?</p> |
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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**.

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| 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 Monday 1 February to Monday 4 April 2016. **Representations must be submitted no later than 5.00pm on 4 April 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 http://www.nwleics.gov.uk/pages/planning_policy. 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,

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).

- 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 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.

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| 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.

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| QUESTION 2 |
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| 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? |
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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

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| QUESTION 3 |
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| a. Are the above approaches to site provision considered appropriate? b. Are there any alternative ways in which future pitch/plots can be provided? |
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- 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.

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| QUESTION 4 |
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| Do you agree that a series of smaller sites would be preferable to a larger site? |
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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.

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| QUESTION 5 |
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| 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? |
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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.

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| QUESTION 6 |
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| Can you suggest any sites that you consider suitable for use as transit sites? |
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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.

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| QUESTION 7 |
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| Is there any other evidence of affordable need that we should be aware of? |
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| Is there any other evidence that would indicate that 50% affordable provision is not the appropriate approach? |
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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.

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| QUESTION 8 |
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| Of the above approaches to site management which is considered the most appropriate? |
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| Is there any other information or examples of site management that we should be aware of? |
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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. In considering potential sites please have regard to the criteria set out in Policy H7 of the draft Local Plan as set out in Appendix 1.

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| 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. Also available at http://www.nwleics.gov.uk/pages/planning_policy 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 purposed 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 dependents' 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:

- a) whether they previously led a nomadic life
- b) the reasons for ceasing the nomadic habit of life
- c) 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

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.

*subsequent planning decision when considering applications for the grant of temporary planning permission*⁴. (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.

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**

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

- (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

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

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.

- 6.6 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 Reference Documents

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

