

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### LOCAL PLAN ADVISORY COMMITTEE – 16 DECEMBER 2015

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| Title of report  | <b>GYPSY AND TRAVELLER SITE ALLOCATION<br/>DEVELOPMENT PLAN DOCUMENT: DRAFT FOR<br/>CONSULTATION</b>  |
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| Purpose of report  | <p>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.</p>   |
| Council Priorities                                       | <p>These are taken from the Council Delivery Plan:<br/>Value for Money<br/>Homes and Communities</p>  |
| Implications:<br>Financial/Staff<br>Link to relevant CAT | <p>None</p> <p>None</p>   |
| Risk Management  | <p>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.</p>  |

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| 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                            | Local Plan Project Board   |
| Background papers                     | <p>National Planning Policy for Traveller Sites<br/> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf</a></p> <p>Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013)<br/> <a href="https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%2C%20Leicestershire%20and%20Rutland%20GTAARefresh%20-%20May%202013.pdf">https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%2C%20Leicestershire%20and%20Rutland%20GTAARefresh%20-%20May%202013.pdf</a></p> <p>North West Leicestershire Local Plan: Draft for Consultation<br/> <a href="https://www.nwleics.gov.uk/files/documents/north_west_leicestershire_local_plan_draft_for_consultation_september_20151/Final%20Draft%20September%202015.pdf">https://www.nwleics.gov.uk/files/documents/north_west_leicestershire_local_plan_draft_for_consultation_september_20151/Final%20Draft%20September%202015.pdf</a></p> <p>Equalities impact assessment of the Gypsy and Traveller Site Allocation DPD: Draft for Consultation</p> |
| Recommendations                       | <p><b>THAT THE ADVISORY COMMITTEE:</b></p> <p><b>(i) NOTES PROPOSALS TO COMMENCE PREPARATION OF A GYSPY AND TRAVELLERS SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT;</b></p> <p><b>(ii) NOTES THE PROPOSAL TO ISSUE A CONSULTATION PAPER AND CALL FOR SITES IN JANUARY 2016; AND</b></p> <p><b>(iii) COMMENTS ON THE DRAFT CONSULTATION PAPER.</b></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 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).