

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LOCAL PLAN ADVISORY COMMITTEE – 27 JULY 2016**

Title of report	<b>GYPSY AND TRAVELLER SITE ALLOCATION DPD: PROGRESS REPORT</b>
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Purpose of report	To outline for Members the progress that has been made to prepare a Gypsy and Traveller Site Allocations Development Plan Document.
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Homes and Communities</p>
Implications:	<p>Financial/Staff: None</p> <p>Link to relevant CAT: None</p> <p>Risk Management: See paragraphs 2.2 and 2.3 of the report.</p> <p>Equalities Impact Screening: A full equality impact assessment has been prepared.</p> <p>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.</p> <p>Transformational Government: Not applicable</p>

Comments of Head of Paid Service	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	Local Plan Project Board
Background papers	<p>Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft  <a href="http://www.nwleics.gov.uk/files/documents/gypsy_and_traveller_site_allocation_consultation_document/Gypsy%20and%20Traveller%20Site%20Allocation%20DPD%20Draft%20for%20Consultation%20-%20hard%20copy.pdf">http://www.nwleics.gov.uk/files/documents/gypsy_and_traveller_site_allocation_consultation_document/Gypsy%20and%20Traveller%20Site%20Allocation%20DPD%20Draft%20for%20Consultation%20-%20hard%20copy.pdf</a></p> <p>National Planning Policy for Traveller Sites  <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)  <a href="https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%2C%20Leicestershire%20and%20Rutland%20GTAA%20Refresh%20-%20May%202013.pdf">https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%2C%20Leicestershire%20and%20Rutland%20GTAA%20Refresh%20-%20May%202013.pdf</a></p> <p>North West Leicestershire Local Plan: Publication  <a href="http://www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.pdf">http://www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.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>(i) <b>NOTES PROPOSALS TO UPDATE THE LEICESTERSHIRE, LEICESTER AND RUTLAND GYPSY AND TRAVELLER NEEDS ASSESSMENT;</b></p> <p>(ii) <b>NOTES THE REPRESENTATIONS RECEIVED ON THE GYPSY AND TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT: CONSULTATION DRAFT (APPENDIX B); AND</b></p> <p>(iii) <b>NOTES THE ACTIONS BEING TAKEN TO IDENTIFY POSSIBLE SITES AND BROAD LOCATIONS TO MEET THE ACCOMMODATION NEEDS OF GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE.</b></p>

## **1.0 BACKGROUND**

- 1.1 At its meeting of the 16 December 2015, the Local Plan Advisory Committee considered 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. This report updates Councillors on progress.
- 1.2 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.
- 1.3 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.
- 1.4 These needs are 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 way which balances meeting the accommodation needs of these groups and the protection of the natural and built environment.
- 1.5 As a first step in the preparation of a Gypsy and Traveller Site Allocations DPD, in February 2016 the Council invited comments on a consultation paper which provided an opportunity for individuals, 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 NORTH WEST LEICESTERSHIRE LOCAL PLAN: PUBLICATION**

- 2.1 The North West Leicestershire Local Plan published in July 2016 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 seeks to safeguard existing sites. Policy H7 also sets out the intention to prepare a Gypsy and Traveller Site Allocations DPD as a means of identifying a range of sites to meet the identified need. Consultation on the Publication Local Plan ends on 15 August 2016.
- 2.2 In previous reports, reference has been made to 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 followed the interim findings of the Inspector examining the Maldon District Local Development Plan who 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. Subsequently, following a request from Maldon District Council, the Secretary of State exercised powers under section 21(4) of the Planning and Compulsory Purchase Act 2004 to direct that the Maldon District Council Local Development Plan be

submitted to the Secretary of State for approval. In March 2016, the Secretary of State advised Maldon District Council that he agreed that the policy for the provision for Travellers was not consistent with national policy. However, he concluded that it was not proportionate for the inspector to find the whole plan unsound because he had not examined the whole plan.

- 2.3 While this case is specific to Maldon, it is considered that the risk to the North West Leicestershire Local Plan in relation to this matter is reduced. Nevertheless, to mitigate the residual risk, the Council must be able to demonstrate that good progress is being made on the preparation of the Gypsy and Traveller Site Allocations DPD, especially with regard to the identification of sites, by the time of the examination of the Local Plan.

### **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. 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’). 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.
- 3.2 The revised definition of “traveller” (which now excludes those who have permanently ceased from travelling) set out in the Department for Communities and Local Government’s 2015 planning policy document for Gypsies and travellers could change the assessment of the numbers of pitches and plots required, while the supply of pitches in North West Leicestershire has changed significantly since the Needs Assessment was last prepared. Accordingly, the Council is working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) 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 by the end of the year. 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 Gypsy and Traveller Site Allocations DPD will need to identify a supply of specific deliverable sites and, potentially, broad locations for growth too. 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 The consultation document published in February 2016 provided 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. However, the consultation only generated a small number of comments

(Appendix B) and no site suggestions were received. The representations will be taken into account when the next version of the DPD is prepared.

- 4.3 As a consequence, to identify as wide a range as possible of sites and broad locations for development, officers are considering other types of sites and sources of data that will be relevant in the assessment process. This includes land in the Council's ownership and other public sector land that is surplus, or likely to become surplus.
- 4.4 Potential sites are currently being considered for their suitability, deliverability and availability using the criteria for the identification of sites set out in Local Plan Policy H7. This involves consultation with the Highway Authority, utility providers and others on the suitability of sites. To assess the availability of sites, officers will need to contact landowners to ensure that there is an intention to develop the site for Gypsies and Travellers pitches or Travelling Showpeople plots, or the landowner has expressed an intention to sell for those uses. While the Council will seek to negotiate with the relevant landowner to ensure that a site is made available, it may need to use its compulsory purchase powers to bring sites forward. Some sites will already be in the Council's ownership.
- 4.5 Effective community engagement with traveller communities will continue to be important when allocating sites and this is being achieved with the ongoing involvement of the Leicester and Leicestershire Multi-Agency Traveller Unit (MATU) and a representative of the National Federation of Gypsy Liaison Groups.

## **5.0 NEXT STEPS**

- 5.1 It is anticipated that a Draft version of the Gypsy and Traveller Site Allocations DPD will be presented to Council for approval in November 2016. The draft DPD will include a shortlist of potential sites and will then be subject to further public consultation before the Council approves a publication version in the summer of 2017.

## **APPENDIX A: NORTH WEST LEICESTERSHIRE LOCAL PLAN: PUBLICATION**

### **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 with reasonable access to a range of services, such as shops, schools, welfare facilities or 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 capable of being provided with adequate services including water supply, power, drainage, sewage disposal, and waste disposal facilities**
  - (f) Be compatible with landscape, environment, heritage and biodiversity as well as 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.**

## APPENDIX B: GYPSY AND TRAVELLER SITE ALLOCATIONS DPD CONSULTATION RESPONSES 2016

Representor	Representation	Response
<b>General</b>		
Oadby and Wigston Borough Council	Oadby and Wigston Borough Council acknowledge and support North West Leicestershire District Council's present proposed approach to meeting the needs of Gypsies, Travellers and Travelling Showpeople as it reflects current national planning guidance. However, once new evidence of local needs emerges through the production of a new Gypsies and Traveller Needs Assessment, North West Leicestershire district Council will need to plan for the appropriate level of need as evidenced by this new study. It needs to be explicitly stated in paragraph 3.3 of North West Leicestershire District Council's consultation document that it will use the updated evidence study to inform the pitch and plot targets to be contained in the proposed Gypsy and Traveller site allocations Development Plan document.	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 District 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 later this year. 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.
<b>Question 5:</b>		
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?		
Norma Jackson	The nature of the people concerned makes one wonder why there is a need of permanent location. Do not travellers travel?? Why are we looking at housing needs when the designated population already have housing, be it in mobile transport. Rather than structured housing I would think land facilities would be required with access to schooling and sanitation. At least it would not use up valuable land for permanent housing which may never be used full time	The local authority has a duty to provide for the housing needs of gypsies and travellers and travelling showpeople, including when they have stopped travelling temporarily. Evidence suggests that further housing is needed in addition to that which is currently available for gypsies, travellers and travelling showpeople. Sites which could meet their needs include those which could accommodate traveller caravans, capable of being serviced and with reasonable access to services and facilities such as schools, doctors etc.
P. Storer	The needs of the local council tax payers in respect of the damage caused by Travellers and the mess that	Noted. There is a current shortage of sites. The lack of accommodation leads to unauthorised

Representor	Representation	Response
	is left behind	developments and can lead to significant cost to the Council incurred through the enforcement process and other possible actions such as site clearance. The allocation of land to meet the identified need will help deliver sites in the most suitable locations.
Environment Agency	No Comment	Noted.
Castle Donington Parish Council	No	Noted.
Leicestershire Fire and Rescue Service HQ	On the whole we would agree with the requirements specified in 5.11 which is basically keeping new locations close to existing settlements that have access to local services and have suitable highway access	Noted.
Mike Chadbourn	None	Noted.
<b>Question 6:</b>		
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?		
Julie Arnett	Identify sites for a shorter period to allow for the many and varied changes which always occur during these processes	Noted.
Norma Jackson	I think 10 years is certainly sufficient. Who knows what the numbers or needs of these people will be in 10 years. It is a lifestyle which is slowly eroding I think Use existing sites without extending the site as I feel the need will recede in the future	Noted. Evidence suggests that there is a current and outstanding need for gypsy, traveller and travelling showpeople pitches and plots. It is the intention to refresh the evidence in order to maintain an update picture of the need for sites. The intensification of existing sites is one option that will be considered as a means of providing for these pitches or plots.
P. Storor	Shorter periods.	Noted.
Environment Agency	No Comment.	Noted.
Richard Hine	Shorter period, council needs to focus on other strategic planning issues, not least maintaining 5 year plan for home building.	Noted. However we also have a duty to provide a 5 year supply of housing suitable to meet the needs of gypsies, travellers and travelling showpeople.
Castle Donington Parish Council	Shorter period.	Noted.

<b>Representor</b>	<b>Representation</b>	<b>Response</b>
Measham Parish Council	It is felt that sites should be identified for a period of 10 years.	Noted.
Leicestershire Fire and Rescue Service HQ.	Ten years would seem sufficient. However, longer term would improve planning.	Noted.
Mike Chadbourn	Sites identified for shorter period	Noted.
<b>Question 7a:</b>		
Are the above approaches to site provision considered appropriate?		
Ashley Bailey	Option 1	Support for intensification of sites is noted.
Norma Jackson	Option 1	Support for intensification of sites is noted.
Richard Hine	Option 1	Support for intensification of sites is noted.
<b>Question 8:</b>		
Are there any alternative ways in which future pitch/plots can be provided		
Norma Jackson	I am sure that farmers with land lying fallow or unharvested could be approached. It is amazing how much land they can provide for solar farms when offered financial inducements.	Noted. A Call for Sites has been undertaken district wide.
Environment Agency	No Comment	
Richard Hine	Benchmarks should be set for minimum number of pitches/plots per unit of site area, to ensure sites provide a minimum number. Often sites are not fully utilised.	Noted. Guidance and best practice will be referred to when identifying the site area required for potential pitches and plots.
Castle Donington Parish Council	Dont Know	
Measham Parish Council	The parish council feel that it would be appropriate to enlarge existing sites as all the infrastructure and facilities are already provided.	Support for this approach noted.
Leicestershire Fire and Rescue Service HQ.	On the whole we would agree with the requirements specified in 5.11 which is basically keeping new locations close to existing settlements that have access to local services and have suitable highway access	Noted.
Mike Chadbourn	New sites allocated near transport hubs - motorways, dual carriageways etc	Noted

Representor	Representation	Response
<b>Question 9:</b>		
Do you agree that a series of smaller sites would be preferable to a larger site		
Environment Agency	No Comment	Noted
Richard Hine	No. This should be a case by case basis, as there are too many variables for any specific proposed site.	Noted.
Ashley Bailey	Yes	Support noted.
Julie Armett	Yes	Support for smaller sites noted.
Norma Jackson	Yes	Noted
P. Storar	Yes	Noted.
Castle Donington Parish Council	No	Noted
Measham Parish Council	No	Noted
Mark Chadbourn	Yes	Support noted.
<b>Question 10:</b>		
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?		
Environment Agency	No comments	Noted
Richard Hine	No	Noted
Julie Armett	No	Noted.
Norma Jackson	No	Noted
P. Storar	No	Noted
Castle Donington Parish Council	No	Noted
Measham Parish Council	We are not able to know what is affordable for Gypsy and Traveller sites, as you state NWLDC has no evidence, neither does the parish council.	Noted. The Gypsy and Traveller Accommodation Assessment identifies a need for affordable provision i.e. to provide accommodation for those members of the travelling community who are unable to afford to buy their own sites/accommodation.
Mark Chadbourn	No. Good availability of affordable land.	Noted.
<b>Question 11:</b>		
Can you suggest any sites that you consider suitable for use as transit sites		

<b>Representor</b>	<b>Representation</b>	<b>Response</b>
Ashley Bailey	Wales	Noted. However evidence identifies a need for a transit site within our district.
P. Storar	Sites around Breedon or Staunton Harold could be found which would alleviate the problem in the more urban areas. They are both close to the A42	Noted. Although no details of specific sites have been provided.
Castle Donington Parish Council	No	Noted
Measham Parish Council	We cannot identify any land that would be suitable for use as transit sites.	Noted
<b>Question 12:</b>		
Is there any other evidence of affordable need that we should be aware of		
Environment Agency	No Comment	Noted
Richard Hine	Yes. Many areas of the district have issues with affordable housing, which affects a significant larger number of young people.  Illegal sites have been set up on land owned by travellers in the district. Can the council not work with the travellers to see if they can purchase land after planning has been given for the site.	Noted. Affordable housing is also sought as part of general needs housing.  Various options for site ownership will be considered as part of this process, including ownership of sites by the travelling community and ownership by the local authority.
Julie Armett	No	Noted
Norma Jackson	No	Noted
Castle Donington Parish Council	No	Noted
Measham Parish Council	Members feel they could perhaps of commented further if more information about current provision was provided as part of the consultation process.	Noted
Mark Chadbourn	No	Noted
<b>Question 13:</b>		
Is there any other evidence that would indicate that 50% affordable provision is not the appropriate approach?		
Ashley Bailey	Why when they are all wealthy	The Gypsy and Traveller Accommodation Assessments that have been undertaken identify that there is a need for affordable housing provision.
Environment Agency	No comment	Noted

Representor	Representation	Response
Castle Donington Parish Council	No	Noted.
Mark Chadbourn	There is no shortage of affordable sites. 30% of sites should be affordable.	Noted.
<b>Question 14:</b>		
Of the above approaches to site management which is considered the most appropriate?		
Julie Armett	possibly 3.11	Possible support for family ownership is noted
P. Storor	3.12 Private developers. As long as the sites are self funding and the council tax payers do not have to contribute. Travellers should also have to pay council tax if they live permanently on the site	Gypsies, travellers and travelling show people, living on a local authority site or a private authorised site, will be required to pay council tax, rent, gas, electric and all other charges measured in the same way as houses.
Environment Agency	No comment	Noted
Richard Hine	The local authority should not run the sites, this is a liability the local tax payers should not carry. They should be run independently.	Preference for privately run sites is noted. This is an option that will be considered as part of the process, amongst other options.
Castle Donington Parish Council	Option 1	Preference for family ownership is noted.
Measham Parish Council	The Parish Council would prefer all sites to be run and maintained by the local authority as this would ensure suitable fees are paid and the site would be kept in an acceptable manner.	Noted.
Mark Chadbourn	Private developers/housing associations	Noted.
<b>Question 15:</b>		
Is there any other information or examples of site management that we should be aware of?		
P. Storor	CCTV to ensure the safety of the travellers and to monitor activity on the sites.	Noted. Advice will also be sought from existing site managers.
Environment Agency	No comment	Noted
Castle Donington Parish Council	There should be a site manager and CCTV Formal register of people on the sites	Noted. Further advice on these matters will be sought from Leicestershire County Council who have experience of managing sites.
Mark Chadbourn	None	Noted

Representor	Representation	Response
<b>Question 16:</b>		
Can you suggest any sites that you consider suitable for use as Gypsy and traveller sites or a travelling showpeople site?		
Environment Agency	I cannot suggest any sites. Provided the sites that are suggested can conform with Policy H7 of the Emerging NWLDC Local Plan we have no objections.	Noted
Richard Hine	Existing sites should be considered first, secondly brownfield sites, greenfield sites should be actively avoided. Planning considerations should be applied as per any caravan park development.	Noted. When considering sites reference will be made to the relevant national planning policy contained within the Planning Policy for Travellers as well as Local Plan Policy H7.
Castle Donington Parish Council	Yes	Noted. However details of site have not been provided.
Measham Parish Council	<p>We already have at least 4 sites within a 10 mile radius of Measham along with a showman site just outside the village. We cannot identify any other suitable land.</p> <p>We would ask that the concerns of local residents should be considered when being consulted on the location of such sites.</p>	Noted. Consideration will be given to all relevant planning matters when considering potential sites.
Mark Chadbourn	Land near East Midlands airport, the A42/M1 interchange.	Noted.
M J Welch and family	We oppose the siting of any Gypsy and Traveller site in the vicinity of Nottingham Road, Ashby de la Zouch in the strongest possible terms.	Noted.