

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – TUESDAY, 21 FEBRUARY 2017

Title of report	GYPSY AND TRAVELLER SITE ALLOCATION DPD: UPDATE
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Purpose of report	To provide an update on the preparation of the Gypsy and Traveller Site Allocations Development Plan Document.
Council priorities	Value for Money Business and Jobs Homes and Communities Green Footprints Challenge
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	<p>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, 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</p>

	<p>inspector to find the whole plan unsound because he had not examined the whole plan.</p> <p>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. Further, during the early North West Leicestershire Local Plan examination hearing sessions there has been no suggestion that the Local Plan may be found unsound in relation to this matter.</p>
<p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>A full equality impact assessment has been prepared.</p> <p>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>Not applicable</p>
Comments of Deputy Chief Executive	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>Minutes and reports of meetings of the Local Plan Advisory Committee dated 16 December 2015, 27 July 2016 and 6 October 2016</p> <p>http://minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&Year=0</p> <p>Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft</p> <p>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</p> <p>National Planning Policy for Traveller Sites</p> <p>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)</p> <p>https://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%2C%20Leiceste</p>

	rshire%20and%20Rutland%20GTAA%20Refresh%20-%20May%202013.pdf North West Leicestershire Local Plan: Publication http://www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.pdf Equalities impact assessment of the Gypsy and Traveller Site Allocation DPD: Draft for Consultation
Recommendations	THAT THE GYPSY AND TRAVELLER SITE ALLOCATION DPD UPDATE BE NOTED.

1.0 BACKGROUND

- 1.1 The North West Leicestershire Local Plan submitted on 4 October 2016 sets out the Council's strategic approach to meeting the accommodation needs of Gypsies and travellers and travelling showpeople at Policy H7. Policy H7 sets 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 Development Plan Document (DPD) as a means of identifying a range of sites to meet the identified need.

2.0 NORTH WEST LEICESTERSHIRE LOCAL PLAN

- 2.1 The examination of the North West Leicestershire Local Plan has begun and the hearing sessions started on 5 January 2017. Matters relating to Gypsies and travellers were due to be heard on day 4 of the hearing sessions on 10 January 2017 but, with no participants other than the Council, there was no discussion of the issues. The hearing sessions closed on 16 January 2017, but are due to re-convene on 21 March 2017 to enable matters relating to the Leicester and Leicestershire Housing and Economic Development Needs Assessment to be considered.

3.0 GYPSY AND TRAVELLER ACCOMMODATION NEEDS

- 3.1 The Council is working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) in the Leicester and Leicestershire Housing Market Area (LLHMA) to update the pitch targets for Gypsies and travellers and the plot targets for travelling showpeople. The updated Gypsy and Traveller Accommodation Needs Assessment will take account of 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 travellers and changes in the supply of pitches and plots since the previous 2013 Assessment. The update is nearing completion and is to be reported to the Member Advisory Group (MAG) of the LLHMA for publication.
- 3.2 The updated Assessment will help maintain and provide a robust and up to date evidence of need. The publication of new pitch and plot requirements may give rise to revisions to Local Plan Policy H7 if the Local Plan examination timetable allows. Notwithstanding, the updated pitch targets for Gypsies and travellers and plot targets for travelling showpeople will be used to inform the emerging Gypsy and Traveller Site Allocations DPD.

4.0 GYPSY AND TRAVELLER SITE ALLOCATIONS DPD

- 4.1 The Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft published in February 2016 provided an opportunity for individuals, organisations (including parish councils) and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople to make initial comments and suggest sites that may be suitable for allocation. Representations made using the Council's Consultation Hub- Citizen Space- were reported to the Local Plan Advisory Committee at its meeting of 27 July 2016. However, it has come to officers' attention that some additional representations were made by email and these were not included in the July 2016 report. These representations are set out at Appendix A to ensure that all the comments received are properly considered. All representations will be taken into account when the next version of the DPD is prepared. It remains the case, that the 'call for sites' exercise has failed to identify any new sites in North West Leicestershire.

5.0 NEXT STEPS

- 5.1 The preparation of the next version of the Gypsy and Traveller Site Allocations DPD will follow the publication of the updated Gypsy and Traveller Accommodation Needs Assessment. With Leicestershire County Council elections in May 2017, it is likely that the DPD preparation programme will be affected by restrictions on communications activity during the pre-election period.
- 5.2 In the meantime, officers will continue the process of identifying potentially suitable, deliverable and available sites for Gypsies, travellers and travelling showpeople.

**APPENDIX A: GYPSY AND TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT: CONSULTATION DRAFT-
ADDITIONAL REPRESENTATIONS**

Represontor	Representation	Response
General		
Mr Haywood	Used to live adjacent to a traveller site and experience a number of adverse impacts. Suggest that the best location for new sites would be away from the district.	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.
Mr Knowles	Do not support the Council's approach to identify and allocate sites. Also do not know of any potential sites.	Noted
Mr Palmer	Before a plan could be formulated it would be relevant to know how many pitches NWL needs.	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.
Health and Safety Executive	Where possible the Health and Safety Executive (HSE) will make representations to ensure that compatible development within the consultation zones of major hazard establishments and major accident hazards pipelines (MAHPs) is achieved. No representations at this stage due to the limited level of detail that has been provided on the location and use class of sites. In the absence of information the HSE is unable to provide advice. Would like to be consulted on further local plan documents where detailed land allocation and use class proposals are made i.e. site specific allocation of land in development plan documents.	Noted. The impact of potential sites on major hazard establishments and major accident hazards pipelines will be an important consideration.
Nottinghamshire County Council	No comments to make	Noted
Historic England	North West Leicestershire contains a wealth of heritage assets which plan an important part in the local character and identity of the district. Important that this resource, including both designated and non-designated assets, is recognised, protected and where possible, enhanced within the new DPD.	Noted. The impact of potential sites on heritage assets will be an important consideration.

Representor	Representation	Response
	<p>At this early stage, Historic England have no specific comments to make but would welcome the opportunity for early involvement relating to site allocations and draft policies. Advise of Historic England document relating to site allocations which may be of use.</p>	
<p>Natural England</p>	<p>Our duties relate to the protection and enhancement of the natural environment, and concerns will relate primarily to safeguarding protected sites, species and landscapes and ensuring adequate green infrastructure provision.</p> <p>No particular comments to make except to advise that development sites should be located so as to avoid any adverse impacts on nationally and internationally designated nature conservation sites. Key environmental consideration would include the following, but not exhaustive, list;</p> <ul style="list-style-type: none"> • Special Protection Areas, Special Areas of Conservation, SSSIs, National Nature Reserves; • Locally and regionally designated sites for geodiversity and biodiversity; • UK BAP habitats • Ancient Woodland • Landscape character 	<p>Noted. The impact of potential sites on the natural environment will be an important consideration.</p>
<p>Mr Donald</p>	<p>No further sites should be allocated in the district. There are sites at Bagworth and Sinope that would have plenty of places available if they were managed correctly. These sites have been misused by the residents of them and are inadequately policed.</p> <p>Will there be financial charges for those who live on the site i.e. rent, Council tax</p> <p>Sites should be located adjacent to the residences of the elected councillors and district council staff.</p>	<p>Noted. There is a current shortage of sites. The lack of accommodation leads to unauthorised 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. Bagworth lies outside North West Leicestershire district.</p>
<p>Sweepstone Parish Council</p>	<p>The DPD allocation strategy should ensure that appropriate financial contributions are sought from developers to mitigate for particular impacts that would arise from a development (eg added pressure placed on local health</p>	<p>The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of</p>

Representor	Representation	Response
	<p>and education services and impact on sensitive ecological interests).</p> <p>In rural areas where there might be several smaller sites, each individually below the thresholds adopted for payment of S106 contributions, their cumulative effect should be taken into account as part of the DPD allocation policy. A site threshold of 5 pitches or more should be adopted (subject to viability testing).</p> <p>The DPD should include a policy which provides for appropriate weight to be given to the social, environmental and economic dimensions of sustainable development and adopts a sequential approach to the identification and release of sites preferring sustainable locations in the first instance and in accordance with PPST (2015) very strictly limiting new Traveller site development in open countryside.</p>	<p>obligations and policy burdens that their ability to be developed viably is threatened. It will be necessary, therefore, for the plan to strike a balance between these matters.</p>
Hinckley and Bosworth Borough Council	No comments	Noted
Highways England	<p>Highways England welcomes the opportunity to comment on the Gypsy Traveller Site Allocations Development Plan Document (DPD) and Call for Sites which has been produced by North West Leicestershire District Council. It is acknowledged that the DPD will identify new sites for Gypsies, Travellers and Travelling Showpeople in a sustainable way which balances meeting the accommodation needs of these groups and the protection of the built and natural environment. It is the role of Highways England to maintain the safe and efficient operation of the strategic road network whilst acting as a delivery partner to national economic growth. In this respect Highways England's principal interest is safeguarding the operation of the M1, A42 and further afield, sections of the A50 and A453.</p> <p>The District Council is currently inviting the submission of</p>	<p>Noted. The impact of potential sites on the strategic road network will be an important consideration.</p>

Representor	Representation	Response
	<p>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. It is not considered to be Highways England's position to provide information regarding potential sites and in this regard, it has no comments.</p>	
<p>Question 5: 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?</p>		
<p>Swepestone Parish Council</p>	<p>Evidence of future need for Gypsy and Traveller pitches should be based on a robust assessment carried out in accordance with the most up to date PPTS (2015). The GTANA Refresh pre-dates PPTS (2015) and only limited weight (if any) can be attributed to it. As paragraph 2.2 of the consultation DPD points out, the PPTS (2015) amended definition of Travellers and travelling showpeople now excludes those who have permanently ceased travelling and evidence of future need should be re-assessed to exclude need arising from this group. Evidence of future need should also have regard to any changes in the way need is assessed as a result of proposed legislation in the Housing and Planning Bill (2015). Policy H7 in the emerging Local Plan was based on the GTANA Refresh and also needs to be updated accordingly. Criterion 5 of emerging LP Policy H7 seeks to ensure that both existing and new authorised sites are safeguarded for Gypsies and Travellers and travelling showpeople unless they are no longer needed to meet an identified need. The stock of existing authorised permanent sites should be reviewed along with the number of households that currently comply with the revised definition of Travellers and travelling showpeople when making an up to date assessment of need so that existing site/pitch provision can be safeguarded for bona fide Gypsies and Travellers and enforcement against unauthorised occupation can be made more effective.</p>	<p>The Council is working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) in the Leicester and Leicestershire Housing Market Area (LLHMA) to update the pitch targets for Gypsies and travellers and the plot targets for travelling showpeople. The updated Gypsy and Traveller Accommodation Needs Assessment will take account of 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 travellers and changes in the supply of pitches and plots since the previous 2013 Assessment.</p>

Representor	Representation	Response
	<p>Although dependent upon the planned GTANA Update, it would be helpful if the DPD includes a specific policy to addresses these points which clearly outlines the existing levels of need and provision at it's base date (and based on PPTS (2015) definitions and policies).</p> <p>The DPD should only consider the needs of those who genuinely comply with the definition of Gypsies and Travellers in PPTS (2015). Existing unauthorised sites (and those with temporary planning permissions that might have been approved on the basis of needs assessments carried out on the basis of the "old" PPTS) should not be taken into account in a Needs Assessment Update as they have not been formally allocated on a planned-basis, they might not be in the most suitable or sustainable locations and so far as the latter is concerned, national policy in the PPTS (2015) remains that there is no presumption that a temporary grant of planning permission should be granted permanently.</p>	
<p>Question 6:</p>		
<p>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?</p>		
Kegworth Parish Council	Ten year period, with a five-year rolling programme	Noted
Sweepstone Parish Council	<p>Subject to the GTANA Update, the Council's DPD should identify and allocate a supply of specific deliverable sites sufficient to provide 5 years' worth of sites (taking into account existing sites where appropriate). The DPD should also identify the broad locations for growth, for years 6 to 10 and for years 11-15. If the DPD identifies a supply of specific, developable sites, for years 6 to 10 then it should also include a robust phasing policy to ensure the release of sites is strictly controlled so as to match need as identified in annually updated supply/needs assessments. Emerging LP Policy H7 seems to address this point already although it would be more appropriate for such a policy to be located within the DPD itself.</p>	Noted

Representor	Representation	Response
National Federation of Gypsy Liaison Groups	Identifying sites beyond a ten year requirement runs the risk that sites will be developed in the early years leaving no opportunity to meet the needs of those who have a need for a site in later years. However there should always be sites available to meet identified need for a minimum of five years.	Noted
Question 7a: Are the above approaches to site provision considered appropriate?		
Kegworth Parish Council	Intensification may reduce the pressure of family members having to move away. If not, expansion might be more efficacious than creating new sites that would require new infrastructure and potentially generate resistance from local communities.	Noted
Sweptstone Parish Council	A mixture of the options suggested will probably be required but will depend on individual site circumstances, the overall level of need identified in the GTANA Update and subsequent annual reviews of need/supply. The DPD should contain a criteria based policy to manage the release and development of sites appropriate to each method of provision. All provision, whether by intensification, expansion or allocation should only be allowed where it would result in development clearly satisfying the environmental, social and economic dimensions of sustainable development. The DPD should include a policy which provides a framework for the allocation of sites as well as for the assessment of planning applications similar to the provisions of emerging LP Policy H7. Occasionally, landowners propose sites on behalf of prospective occupiers. If speculative sites are proposed by landowners who are not the intended occupiers of the site themselves, then the Council should ensure that a S106 Agreement or similar control is put in place which enables the Council to ensure that subsequent occupiers are bona fide Gypsies or Travellers meeting the definition in the PPTS 2015.	Noted

Representor	Representation	Response
National Federation of Gypsy Liaison Groups	All three suggested approaches to site provision should be pursued, together with a recognition that some sites may be secured through planning applications for sites not previously identified (windfall sites).	Noted
Question 8: Are there any alternative ways in which future pitch/plots can be provided		
No comments received		
Question 9: Do you agree that a series of smaller sites would be preferable to a larger site		
Kegworth Parish Council	Not necessarily, if one of the concerns is family members having to move away from the rest of their family/community.	Noted
Sweepstone Parish Council	To some extent, the answer to this question will be dependent upon the outcome of the GTANA Update although there are sometimes practical advantages offered by a larger site in terms of sustainable infrastructure provision, securing a mix of tenures (including affordable provision) and the possibility of public provision/management. Nonetheless, whatever preference the DPD eventually adopts, the allocation of all sites - large or small - should ensure that provision (including the cumulative impacts of a number of smaller sites) does not dominate the nearest settled communities; avoids placing undue pressure on local infrastructure and services; is well related to the surrounding population's size and density and it is located where it is possible to protect the local environment, amenity and any sensitive visual or ecological interests.	Noted
National Federation of Gypsy Liaison Groups	Smaller sites (up to 5 pitches) should be preferred.	Noted

Representor	Representation	Response
Question 10: 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?		
Kegworth Parish Council	No No. A rural exception policy is inappropriate in all cases, and granting one for any sector of the community will lead to pressure for accepting others, e.g. affordable housing new-build exception	Noted
Sweepstone Parish Council	No. The DPD has not identified any evidence of a lack of affordable land to meet local traveller needs and in the absence of such evidence, there is no justification for a Rural Exception Site Policy. Any need for affordable provision could be secured through the allocations DPD. For example, site provision/allocation through the DPD could also provide a policy framework to secure an element of affordable provision through a planning obligation at the time planning permission is granted. Where justified, provision of the affordable element could either be made on-site (whether by intensification, expansion or allocation as indicated) or else through a financial contribution towards off-site provision (perhaps to be provided by the local planning authority or other public body or social landlord). In either case, a legal agreement should be secured to ensure that the affordable element remains available for bona fide Gypsies and/or Travellers in accordance with PPTS (2015) in perpetuity.	Noted
Question 11: Can you suggest any sites that you consider suitable for use as transit sites		
Kegworth Parish Council	No	Noted
Sweepstone Parish Council	No. However, the Council should plan for those by ensuring such sites are well-located adjacent to principal transport routes.	Noted

Representor	Representation	Response
Question 12:		
Is there any other evidence of affordable need that we should be aware of		
Kegworth Parish Council	Not aware of any	Noted
Sweptstone Parish Council	No. However, we understand that the GTANA Refresh identified that 50% of the overall identified need is for “affordable” provision. The Council (possibly in collaboration with other Authorities) should consider the level of affordable accommodation needed and seek to secure provision either as part of allocated (or otherwise permitted sites) or else seek financial contributions from developments for off-site contributions towards site(s) to be provided by the Local Authority. Policy H7 in the emerging LP doesn’t provide a framework for securing affordable provision and the DPD should therefore include a policy instead.	Noted
Question 13:		
Is there any other evidence that would indicate that 50% affordable provision is not the appropriate approach?		
Kegworth Parish Council	Not aware of any	Noted
Question 14:		
Of the above approaches to site management which is considered the most appropriate?		
Kegworth Parish Council	Not aware of any	Noted
Sweptstone Parish Council	The Council must be satisfied that an applicant is a bona fide Gypsy or Traveller when considering decisions on planning applications, appeals and enforcement matters as well as when managing and monitoring sites themselves. This is because provision is targeted towards ensuring its availability for a specific group of occupiers. A robust monitoring framework, capable of being legally enforced should be imposed in the case of any site allocations where the development is to be developed and managed by private developers/ Social Providers so the Council can ensure occupation matches identified need for bona fide Gypsies or Travellers and to enable effective enforcement	A Council cannot require a developer to pay fees towards the administration and monitoring of s106 planning obligations.

Representor	Representation	Response
	where necessary. The Council's on-going site management and monitoring costs should be recovered through the planning process and secured via S106 contributions throughout the lifetime of the planning permission relating to the allocation.	
National Federation of Gypsy Liaison Groups	Management arrangements should be flexible; smaller sites will avoid the need for complex management arrangements.	Noted
Question 15:		
Is there any other information or examples of site management that we should be aware of?		
No comments received		
Question 16:		
Can you suggest any sites that you consider suitable for use as Gypsy and traveller sites or a travelling showpeople site?		
Long Whatton and Diseworth and Breedon Parish Council	No land available for such sites.	Noted
Packington Parish Council	After due consideration have concluded that there are no suitable sites.	Noted
Swepstone Parish Council	None	Noted
Michele Walker	Illegal traveller site on Copt Oak Road. It's between the Copt Oak traffic lights and the Flying Horse traffic lights.....from the Copt Oak traffic lights go over the motorway bridge and it's on the left for all to see. This illegal site had been totally renovated and adapted to house a good number of caravans. Although I feel that any illegal buildings should result in demolition and a fine. I do feel this site is suitable for a traveller site.	Noted but this site lies outside North West Leicestershire district