

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – WEDNESDAY, 14 MARCH 2018

Title of report	GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To present to the Advisory Committee the proposed publication version of the Gypsy and Traveller Site Allocations Development Plan Document prior to consideration by Council.
Council Priorities	Business and Jobs Homes and Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p>	<p>The cost of preparing the Gypsy and Traveller Site Allocations Development Plan Document to date is approximately £40,000 and is met from within existing budgets. The provision of a transit site will have further resource issues which will be addressed in future reports to the Council's Cabinet.</p> <p>None</p> <p>A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed.</p> <p>A full equality impact assessment has been prepared.</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.
Transformational Government	Not applicable
Comments of Head of Paid Service	The Report is Satisfactory
Comments of Section 151 Officer	The Report is Satisfactory
Comments of Monitoring Officer	The Report is Satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Minutes and reports of meetings of the Local Plan Advisory Committee dated 16 December 2015, 27 July 2016, 6 October 2016, 21 February 2017 and 18 October 2017. http://minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&Year=0</p> <p>Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft 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 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf</p> <p>2017 Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment http://www.harborough.gov.uk/download/downloads/id/3220/2017_06_01_leicestershire_gtaa_final_reportpdf.pdf</p> <p>Adopted North West Leicestershire Local Plan https://www.nwleics.gov.uk/files/documents/adopted_local_plan_2011_20312/Adopted%20Written%20Statement.pdf</p> <p>Equalities impact assessment of the Gypsy and Traveller Site Allocation DPD</p>

Recommendations	<p>THAT:</p> <p>(I) THE ADVISORY COMMITTEE NOTES AND COMMENTS ON THE PROPOSED GYPSY AND TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT; AND</p> <p>(II) THAT THE COMMENTS OF THE ADVISORY COMMITTEE ARE FORWARDED ON TO COUNCIL FOR ITS CONSIDERATION WHEN IT CONSIDERS THE PROPOSED GYPSY AND TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT</p>
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1.0 BACKGROUND

- 1.1 As members will be aware, Policy H7 of the adopted Local Plan sets out the Council's strategic approach to meeting the accommodation needs of Gypsies and travellers and travelling showpeople. It 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.
- 1.2 Members will recall that a report was considered at the 18 October 2017 meeting of this committee in respect of a) the findings of the Leicester and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, 2017 (2017 GTAA) and b) an update in respect of progress in preparing a Gypsy and Traveller Site Allocations DPD. The meeting resolved that:
- a) The findings of the 2017 GTAA be noted;
 - b) Progress on the preparation of the DPD be noted;
 - c) The definitive support of the Local Plan Advisory Committee for providing a transit site within the district be noted.
- 1.3 The purpose of this report is to set out the proposed the publication version of the DPD (attached at Appendix A) prior to its consideration by Council on 20 March 2018.

2.0 NATIONAL PLANNING POLICY FOR TRAVELLER SITES

- 2.1 The Government's planning policies and requirements for Gypsy and traveller sites is set out in the 2015 document 'Planning policy for traveller sites' (PPTS), which must be taken into consideration in preparing Development Plan Documents and taking planning decisions. It encourages local authorities to formulate their own evidence base for Gypsy and traveller needs and to provide their own targets relating to pitches required. If planning authorities are unable to demonstrate a five-year supply of deliverable traveller sites, this in turn may make it more difficult for them to justify reasons for refusing planning applications for temporary pitches at appeal.
- 2.2 'The PPTS also includes changes to the definition of "traveller" for planning related purposes so that it excludes those who have permanently ceased from travelling.

3.0 WHAT IS THE LEVEL OF NEED?

3.1 As noted above, the 18 October 2017 meeting of this Committee considered a report in respect of the findings from the 2017 GTAA. The 2017 GTAA covers the period 2016 to 2036. However, this has been broken down by 5 year bands which allows the DPD to plan to 2031- the same period as the North West Leicestershire Local Plan. Taking account of the need that may arise from households where an interview was not completed, the additional needs for permanent pitches and plots are set out below:

	2016-2031	2016-2036
Gypsies and Travellers	6 pitches	7 pitches
Travelling Showpeople	20 plots	22 plots

3.2 A pitch/plot is an area of land on a site that is generally home to one household. A pitch/plot can vary in size and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and plots to Travelling Showpeople yards.

3.3 The needs of Gypsies and Travellers who either travel all year round or for large parts of the year can be met by transit sites which only provide temporary accommodation. The 2017 GTAA identifies a need for a minimum of 12 caravan spaces (or managed equivalent) in Leicester City, and a minimum of 36 caravan spaces (or managed equivalent) spread over 2-3 sites elsewhere in Leicestershire. The 2017 GTAA states '*The data suggests that the need is greatest in the North West of the county and the City and that transit provision should be prioritised in these locations.*', although it does not make any specific recommendations as to where transit provision should be made.

3.4 The 2017 GTAA notes that it has been suggested that there will be a need to increase transit provision across the country as a result of the revised definition of Gypsies and Travellers introduced by the 2015 PPTS. This may be the case, but it will take some time for any robust evidence to be available to substantiate these claims. The study suggests that each local authority should review the evidence base relating to unauthorised encampments when there is a more robust evidence base which takes account of the changes introduced by the 2015 PPTS. It also notes that "*the provision of public transit sites needs to be balanced off against the use of managed approaches to dealing with unauthorised encampments as opposed to infrastructure provision*".

4.0 SITE IDENTIFICATION

4.1 The first step in seeking to identify suitable sites was undertaken in February 2016 with the publication of the Gypsy and Traveller Site Allocations DPD: Consultation Draft. This 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 suggest sites that may be suitable for allocation. However, this 'call for sites' exercise failed to identify any new sites.

4.2 As a consequence, to identify as wide a range as possible of site options, other types of sites and relevant sources of data have been looked at. Over 500 sites have been assessed

against national and local policies and designations to identify those that had a reasonable potential for development.

- 4.3 As noted at paragraph 2.1, the PPTS requires authorities to be able to demonstrate a five year supply of deliverable sites. The Council is unable to do this in respect of the need for travelling showpeople and nor is any transit provision available within the district. Therefore, in assessing sites it is not only necessary to consider the suitability of a site in planning terms, but also to have regard to the likelihood of deliverability. If a site is judged suitable in planning terms but there is no evidence that it is likely to be delivered then this represents a significant risk to the DPD moving forward; a Planning Inspector is more likely to find the DPD not 'sound' at the Examination stage. The assessment and identification of potential sites has, therefore, had due regard to the issue of deliverability.
- 4.4 The initial pool of over 500 potential sites was, through a sieving process, reduced to 19 sites which were considered to be the most suitable. These sites were then assessed using more detailed site surveys prior to consultation with the Highway Authority, Environment Agency and others. To assess the availability and likely deliverability of sites, landowners have been contacted to determine whether there is an intention to develop or sell the site for Gypsies and travellers pitches or travelling showpeople plots.
- 4.5 A detailed explanation of the steps taken to identify suitable sites, together with a list of all sites considered, is included as part of the Sustainability Appraisal which is to be published alongside the proposed DPD (and which is available alongside this report).

5.0 WHAT IS PROPOSED IN THE DPD?

- 5.1 A copy of the proposed DPD is attached at Appendix A of this report. The following summarises what is proposed to meet the needs identified in the 2017 GTAA.

Permanent Traveller Accommodation

- 5.1 The need for a permanent site for Gypsies and travellers is satisfied by an extant planning permission on land at Ashby Road, Sinope. No further provision is considered necessary.

Permanent Travelling Showpeople Accommodation

- 5.2 If needs cannot be met by the intensification or extension of existing travelling showpeople sites, a site at the former Measham Mine, Swepstone Road, Measham has been identified. The site is capable of meeting all the identified needs for travelling showpeople plots. The landowner is willing to make the site available. Third party land may be required in order to achieve the visibility splays necessary for a safe access to the site. If appropriate, the Council may have to use compulsory purchase powers to secure the land that is needed.
- 5.3 The site has been the subject of a detailed highway appraisal by consultants acting on behalf of the Council and has concluded that an appropriate means of access can be achieved.

Transit site

- 5.4 As noted above, the 2017 GTAA recognises that the provision of public transit sites should be balanced against the use of managed approaches to dealing with unauthorised encampments. For example, this could include the use of tolerated stopping or the

introduction of Negotiated Stopping Agreements for short-term encampments. Negotiated Stopping describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay. It is understood that the Leicestershire Multi Agency Traveller Unit (MATU) already uses similar approaches in Leicestershire as a means of managing unauthorised encampments.

5.5 The preferred approach set out in the proposed DPD is to use managed approaches to dealing with unauthorised encampments ahead of the provision of a public transit site in North West Leicestershire consistent with the advice in the 2017 GTAA. However, it is recognised that this may not be sufficient and that it may be necessary to make formal public provision of transit site. Therefore, the proposed DPD sets out that where a persistent unmet need remains, it is recommended that a transit site be provided. The DPD defines persistent unmet need as being where by the end of 2020 the *"number of unauthorised sites in North West Leicestershire recorded by the twice-yearly count of Traveller caravans should, when compared with the 2016 survey, show no signs of decline"*.

5.6 The provision of a transit site by a public authority would enable the police to direct those on unauthorised sites to move to the transit site, so reducing the impact on the settled community and reducing costs to the Council associated with dealing with unauthorised sites. However, provision of a transit site would also bring with it additional costs to the Council (e.g. purchase of land, laying out a site and ongoing running costs).

5.7 The proposed DPD identifies a potential transit site on Nottingham Road, Ashby de la Zouch. This site is owned by Homes England who have expressed a willingness to sell the land to the Council. The site has been the subject of a detailed highway appraisal by consultants acting on behalf of the Council and has concluded that an appropriate means of access can be achieved. The site is well located for access to the strategic road network (the A42) such that there will be limited impact upon existing settlements as a result of vehicles using the site.

6.0 IMPLICATIONS OF NOT AGREEING A GYPSY AND TRAVELLER SITE ALLOCATIONS DPD

6.1 The failure to allocate sufficient land to meet the need for new pitches and plots has several impacts including:

- Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
- Unauthorised developments and encampments have resource implications for the Council in terms of taking enforcement action and the cost of any clean-up of unauthorised sites once they have been vacated (whether voluntarily or enforced);
- Increasing the Council's vulnerability to unwanted, adhoc planning applications (and potentially appeals), which due to the lack of provision of suitable sites would be difficult to resist;

- Restricting the ability to enforce against unauthorised development as the ability to enforce is related to how proactive we are in meeting the need for sites; and
- Increasing the difficulty of ensuring that the Gypsy and Traveller community has access to all the support and services they need.

6.2 The issue of unauthorised encampments has been, and continues to be, an ongoing concern. The 2017 GTAA noted that between 1997 and 2016 a total of 1,711 unauthorised encampments were recorded across Leicestershire and Leicester City, with a general trend showing an increase from 2008 onwards. When broken down by individual local authorities over the same time period it can be seen that the highest number of unauthorised encampments were recorded in North West Leicestershire (453), Leicester City (453), Charnwood (183), Melton (180) and Hinckley and Bosworth (172).

6.3 Looking at more recent data for the period 2011-2016 again shows that the highest number of unauthorised encampments were recorded in Leicester City (248) and North West Leicestershire (184).

6.4 If the Council does not identify sufficient sites then it is likely that this historical high level of unauthorised encampments, together with its resource implications, will continue to be an issue. This will leave the Council without sufficient control or measures to tackle the problem. The provision of sites as recommended in the DPD will not necessarily eradicate unauthorised encampments, but the Council will be in a much stronger position to resist and deal with them.

6.5 An additional risk to the Council of failing to progress the DPD could be the potential risk to the Local Plan itself. The Local Plan Inspector was persuaded of the efficacy of progressing the Local Plan in parallel to a standalone document to allocate sites for Gypsies and Travellers. The central argument was that the Local Plan needed to progress quickly, and robust steps were in place to make good progress to meet all housing needs. If the DPD were to be further delayed, with the Local Plan review already having been published, there is a risk that a local plan Inspector could conjoin the two. Local Plan Policy S1 states that

“...the (Local) Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date.”

This means that, if the Local Plan review is not submitted for examination by 20th February 2020, it will be out of date, and the risk of unwanted greenfield housing proposals being granted at appeal would return (because we would have to rely on the National Planning Policy Framework (NPPF), which sets out that in the absence of an up to date local plan and a five year supply, there is a presumption in favour of new housing development). It follows that, if sufficient progress is not made towards the DPD, we may be forced to slow down or even to re-start the Local Plan review to address the issue of Gypsy & Traveller sites, and this in turn would increase the risk of relying on the NPPF.

7.0 NEXT STEPS

- 7.1 The proposed DPD is to be considered by Council at its meeting on 20 March 2018. Council will be asked to approve the DPD for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). The publication stage DPD represents the document that the Council considers ready for examination.
- 7.2 Subject to the agreement of Council the DPD will then be published for a 6 week period of consultation. It is likely that this will be for the period 9 April to 20 May 2018.
- 7.3 In addition to the DPD, the following independent assessments will be published alongside the DPD as required by Regulations:
- Sustainability Appraisal/Strategic Environmental Assessment;
 - Habitats Regulations Assessment (in respect of the river Mease Special Area of Conservation)
- 7.4 Subject to any representations received not raising significant issues which could be viewed as raising doubts as to the soundness of the DPD, then Council will submit the DPD and any proposed changes it considers appropriate along with supporting documents to the Planning Inspectorate for examination on behalf of the Secretary of State. It is currently anticipated that submission will be in July 2018.
- 7.5 Once the DPD is submitted an independent Planning Inspector will be appointed by the Planning Inspectorate to consider whether the DPD is 'sound'. At this point the Council will no longer be in control of the timetable as this will initially be determined by the Planning Inspectorate and then by the Planning Inspector appointed to hold the examination. Based on experience elsewhere it is likely that examination hearings would take place in early autumn 2018.