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| Title of Report | NORTH WEST LEICESTERSHIRE GYPSY AND TRAVELLER ACCOMODATION ASSESSMENT (NOVEMBER 2022) | |
| Presented by | Joanne Althorpe Principal Planning Policy Officer | |
| Background Papers | National Planning Policy Framework (DCLG, 2021) Planning Policy for Travelling Sites (DCLG, 2015) Leicester and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (ORS, 2017) Smith v The Secretary of State for Levelling Up, Housing and Communities [2022] EWCA Civ 1391 Local Plan Advisory Committee (14 March 2018) | Public Report: Yes |
| | | Key Decision: Yes |
| Financial Implications | The cost of the Gypsy and Traveller Accommodation Assessment is met by existing budgets which are reviewed as part of the annual budget setting process. | |
| | Signed off by the Section 151 Officer: Yes | |
| Legal Implications | The government's Planning Policy for Traveller Sites (2015) requires authorities to undertake an assessment of the need for gypsy and traveller sites in their area and to set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople. | |
| | Signed off by the Monitoring Officer: Yes | |
| Staffing and Corporate Implications | There are no staffing implications associated with the Gypsy and Traveller Accommodation Assessment. | |
| | Signed off by the Head of Paid Service: Yes | |
| Purpose of Report | To present the findings of Gypsy and Traveller Accommodation Assessment (GTAA, November 2022) which forms part of the Council's evidence base on the need for gypsy and traveller accommodation in the district between 2022 and 2040. To consider the implications of the GTAA for the Local Plan Review. | |
| Recommendations | THAT MEMBERS NOTE: (I) THE FINDINGS OF THE 2022 GYPSY AND TRAVELLER ACCOMODATION ASSESSMENT, PREPARED BY OPINION RESEARCH SERVICES (ORS), WHICH WILL BE CAPABLE OF BEING A MATERIAL CONSIDERATION IN THE | |

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| | DETERMINATION OF PLANNING APPLICATIONS (II) THE NEXT STEPS AS SET OUT AT SECTION 4 OF THIS REPORT |
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1. BACKGROUND

- 1.1 Local planning authorities are required to plan for the needs of gypsy and travellers. Paragraph 62 of the [National Planning Policy Framework](#) (NPPF, 2021) stipulates that the needs of travellers should be assessed and reflected in planning policies. Footnote 27 of the NPPF confirms that the government's [Planning Policy for Traveller Sites](#) (PPTS, 2015) sets out how travellers' housing needs should be assessed for those who meet the definition of gypsies and travellers/travelling showpeople contained at Annex 1 of the PPTS. Unlike the previous iteration of the PPTS, the definition now excludes those who have permanently ceased travelling.
- 1.2 Gypsies and travellers are defined at Annex 1 in the 2015 PPTS as:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily..."*
- 1.3 Travelling showpeople are defined at Annex 1 in the 2015 PPTS as:
- "Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily..."*
- 1.4 Where reference is made to 'the PPTS definition' in this committee report, it means that at as set out at paragraphs 1.2 and 1.3 above.
- 1.5 The PPTS sets out several policies with implications for local plan making, including the requirements for:
- A robust evidence base to establish accommodation needs (Policy A)
 - Pitch and plot targets which address the likely permanent and transit site accommodation needs of travellers in their area (Policy B, paragraph 9)
 - A five-year supply of sites against locally set targets (Policy B, paragraph 10)
- 1.6 The evidence of need for traveller accommodation in the District is a material consideration for the Council when determining planning applications. Currently, the Council relies on evidence in the [Leicester and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment](#) (GTAA, 2017). This supersedes the 2013 GTAA upon which the need expressed in Policy H7 of the adopted Local Plan is based. The 2017 GTAA identifies the following need:
- Six permanent gypsy and traveller pitches (with potentially a further 10 pitches resulting from undetermined need)
 - 20 travelling showpeople plots (with potentially a further three plots resulting from undetermined need)
- 1.7 An explanation of what is meant by 'undetermined need' is set out at paragraph 2.2 below.
- 1.8 A specific requirement for transit pitches was not identified for North West Leicestershire District Council. However outside of Leicester city, the GTAA identified a need for 36 transit pitches (across two to three sites), concluding that the greatest need was in the north west of the county.

- 1.9 In light of the need identified in the 2017 GTAA, members will recall that planning policy officers previously worked towards meeting the above need in a Gypsy and Traveller Site Allocations DPD. Officers presented a draft DPD to the [14 March 2018 Local Plan Advisory Committee](#), which identified three potential sites: a) to meet the need for six gypsy and traveller pitches; b) 20 travelling showpeople plots and c) a transit site for 12 pitches. Members ultimately decided that more work was required to find suitable sites and that the District's need for traveller sites should be dealt with in the Local Plan Review rather than a separate DPD.
- 1.10 In order to be sound, the Local Plan Review needs to be supported by relevant and up-to-date evidence (NPPF, paragraph 31). Given that the 2017 GTAA is now five years old, an update to the evidence base was required. In 2021, North West Leicestershire and Blaby District Councils instructed Opinion Research Services (ORS) to update the GTAA for their respective authorities (ORS completed the 2017 GTAA). The final report was received in November 2022 and is included as **Appendix A** to this committee report. The purpose of this report is to present the GTAA to members and to consider its implications for the Local Plan.
- 1.11 It should also be noted that since the Local Plan Advisory Committee in March 2018, officers have continued their search for and assessment of potential traveller sites. Primarily, the focus has been on transit provision, given that a) there were sufficient sites to meet the need for gypsy and traveller pitches in the District and b) transit provision had been identified as a priority for Leicestershire with the greatest need in the north west of the county.

2. GYPSY AND TRAVELLER ACCOMODATION ASSESSMENT 2022

- 2.1 The GTAA sets out the District's needs for permanent gypsy and traveller pitches and travelling showpeople plots over the 2022-2040 period (corresponding with the end date of the Local Plan). The fieldwork for the study was completed between July 2021 and March 2022, and the baseline date for the study is March 2022.

Methodology

- 2.2 The methodology used by ORS is set out in Section 3 of the GTAA. In summary, this includes:
- A baseline assessment comprising a desk-based assessment, stakeholder engagement and a survey of travelling communities via telephone surveys / site visits to establish existing provision and future need. ORS had an interview response rate of 81% which is considered robust.
 - An assessment of *current need* (2022 to 2027) from those interviewed and that met the PPTS definition. Current need comes from sources such as households on unauthorised developments for which planning permission is not expected; concealed, doubled-up or over-crowded households; households in bricks and mortar needing to move to traveller sites; and households in need on waiting lists for public sites.
 - An assessment of *future need* (2027 to 2040) from those interviewed and that met the PPTS definition. Future need comes from sources such as teenage children in need of a pitch of their own in the next five years; households living on sites with temporary planning permission; and by applying a 'new household formation rate'. A household formation rate is a percentage which is applied to the existing traveller population to estimate its likely future growth. More information is contained at Appendix F of the GTAA.
 - An estimate of *potential need* from households who were not interviewed but are believed to be gypsies and travellers who *may* meet the PPTS definition. A household formation rate has been applied to estimate this need which is expressed in the GTAA as '*undetermined*'.

- The provision of a trajectory showing the need for new pitches and plots between 2022 and 2040. The '*undetermined*' need is not included in the trajectory but provided as an additional, *potential*, figure.
- 2.3 Whilst the GTAA gives some consideration to transit provision in the GTAA, it has not been fully assessed because it is more of a county-wide issue and difficult to assess at an individual local planning authority level.
- 2.4 The GTAA also sets out the need for households who **do not** meet the PPTS definition. This is so that the Council has an awareness of such households and can address their needs through other Local Plan policies. This is a pertinent issue for the District given the recent Court of Appeal judgment (*Lisa Smith v The Secretary of State for Levelling Up, Housing and Communities*) which is dealt with in further detail below.
- 2.5 The remainder of the GTAA is structured as follows:
- Section 4 of the GTAA sets out the existing traveller accommodation in the District.
 - Section 5 provides a summary of stakeholder engagement.
 - Section 6 provides detail on the surveys that were carried out of the existing communities.
 - Section 7 sets out the current and future need for accommodation over the 2022-2040 period – more information on which is set out below.

The need for gypsy and traveller accommodation

- 2.6 The GTAA identifies a need for **39 gypsy and traveller pitches between 2022 and 2040**, broken down into the following trajectory:

| Years | 0-5 | 6-10 | 11-15 | 16-19 | Total |
|----------------|---------|---------|---------|---------|-------|
| | 2022-26 | 2027-31 | 2032-36 | 2036-40 | |
| Need (pitches) | 27 | 4 | 5 | 3 | 39 |

- 2.7 The majority of need (27 pitches) is expressed as current need, i.e. it is required in the next five years (2022-2027). This requirement for 27 pitches is made up from:
- 13 households on unauthorised developments;
 - 11 concealed or doubled-up households or single adults; and
 - three teenagers who will need a pitch of their own in the next five years.
- 2.8 From 2027 onwards, a 'new household formation rate' has been applied which results in a need for 12 pitches.
- 2.9 In addition, ORS has estimated that there is a potential further need for one to two pitches from undetermined households who *may* meet the PPTS definition.
- 2.10 Whilst not a requirement to include in a GTAA, there is a need for six pitches for households that did not meet the planning definition. This is made up of four households on unauthorised developments and two from new household formation. The implication of this need is set out in relation to the Lisa Smith Court of Appeal judgement at paragraph 2.17 of this report.

The need for travelling showpeople accommodation

- 2.11 The GTAA identifies a need for **25 travelling showpeople plots**, broken down into the following trajectory:

| Years | 0-5 | 6-10 | 11-15 | 16-19 | Total |
|--------------|---------|---------|---------|---------|-------|
| | 2022-26 | 2027-31 | 2032-36 | 2036-40 | |
| Need (plots) | 18 | 2 | 3 | 2 | 25 |

2.12 The majority of the need (18 plots) is expressed as current need, i.e. it is required in the next five years (2022-2027). This requirement for 18 plots is made up from:

- 13 concealed or doubled-up households or single adults; and
- Five teenagers in need of a plot of their own

2.13 From 2027 onwards, a 'new household formation rate' has been applied which results in a need for seven plots over the period up to 2040.

2.14 In addition, ORS has estimated that there is a potential further need for up to one plot from undetermined households who *may* meet the PPTS definition.

The need for transit accommodation

2.15 The GTAA concludes that the findings of the 2017 GTAA with regards to the need for transit provision still stand (see paragraph 1.8 above).

2.16 However, the GTAA also recommends that a Leicestershire-wide review of unauthorised encampments should be completed in order to establish whether there is a need for investment in any transit provision or emergency stopping places, potential locations to provide transit provision or whether a managed approach (i.e. negotiated stopping) is preferable.

Smith v The Secretary of State for Levelling Up, Housing and Communities

2.17 This legal challenge relates to a dismissed planning appeal at Aylesbury Gardens, Newton Road, Swepstone (APP/G2435/W/17/3174630). The claimants identify as gypsies but do not meet the PPTS definition because they have had to permanently cease travelling for health reasons. The appeal Inspector concluded that no member of the family met the definition of gypsies and travellers set out at Annex 1 of the PPTS (2015) and as a result, they did not benefit from the more permissive planning policies which would have applied if they had. This decision has been challenged through the courts, with the claimants arguing that the PPTS is discriminatory against travellers who are settled and who no longer travel for work. The Court of Appeal upheld the appeal, quashed the Inspector's decision and ruled that the appeal should be redetermined by the Secretary of State. It is understood that the government is considering a legal challenge to this decision through the Supreme Court.

2.18 Since the judgement was issued, ORS has advised that:

- The judgement relates to the specifics of the Smith case and **does not** mean that the definition at Annex 1 of the PPTS is unlawful;
- The North West Leicestershire GTAA considers the needs of all travellers (i.e. those who do and do not meet the planning definition) so can respond to any future changes to the planning definition without needing to be updated; and
- There may be implications for how the needs of PPTS/non PPTS travellers are dealt with in Local Plan policies.

2.19 As confirmed at paragraph 2.10 above, the GTAA identifies a need for six pitches for households that do not meet the PPTS planning definition.

3. HOW HAS THE NEED FOR TRAVELLER ACCOMMODATION CHANGED SINCE 2017?

- 3.1 A comparison between the findings of the current and previous GTAA is set out in the table below (albeit they relate to different time periods). The table shows that the need for permanent gypsy and traveller pitches has increased significantly (from six to 39). Around a third of this need (13 pitches) comes from unauthorised encampments which were not in the District at the time of the 2017 GTAA. The remainder is a result of current overcrowding and a future need from teenage children on existing sites, as well as the application of a 'new household formation rate'. The need for travelling showpeople plots on the other hand has remained broadly consistent between the two studies. The potential 'undetermined need' (from those who *may* meet the PPTS definition) is lower in the 2022 GTAA because the interview response rate was higher than in 2017.

| Need for Pitches/Plots | 2017 GTAA (2016-2036) | 2022 GTAA (2022-2040) |
|--|--------------------------|--------------------------|
| Identified gypsy/traveller (pitches) | 6 | 39 |
| Undetermined gypsy/traveller (pitches) | Up to 10 | Up to 2 |
| Identified travelling showpeople (plots) | 20 | 25 |
| Undetermined travelling showpeople (plots) | Up to 3 | Up to 1 |

- 3.2 The Council now needs to address a significantly higher need for permanent gypsy and traveller sites and around the same travelling showpeople plots. ORS has confirmed that the assumptions made for transit sites in the 2017 GTAA should still apply, but that a county-wide update of evidence is recommended.
- 3.3 At this point it is worth noting that none of the sites previously proposed by officers to meet the 2017 GTAA need are now available.

4. NEXT STEPS / IMPLICATIONS FOR THE LOCAL PLAN REVIEW

- 4.1 When compared to the 2017 GTAA, the need for traveller accommodation in the District has increased (most notably for gypsy and traveller pitches). Consideration is now required on how this need is addressed in the Local Plan Review.
- 4.2 Further work will be undertaken to assess the potential for increased capacity at existing sites. This would be particularly beneficial where the need has arisen from new household formation at specific sites and would reduce the requirement to find new sites.
- 4.3 Consideration will be given to the identification of new permanent sites, although it is worth noting that a) a significant amount of work has already been undertaken by officers on this matter; b) there is no guarantee that suitable sites would be made available to those in need unless they are owned by the Council or other suitable landlord (such as a Registered Social Provider/Housing Association or a member of the gypsy and traveller community and c) the allocation of permanent sites in the Council's ownership would have resource implications.
- 4.4 Officers will continue to consider the possibility of providing a transit site in the District, but also propose to discuss the recommendations of the 2022 GTAA with the Leicester & Leicestershire Multi Agency Traveller Unit (MATU).
- 4.5 Finally, a review will be undertaken of Local Plan Policy H7: Provision for Gypsies and Travellers and Travelling Showpeople.

| Policies and other considerations, as appropriate | |
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| Council Priorities: | Our communities are safe, healthy and connected |
| Policy Considerations: | None identified |
| Safeguarding: | There are no implications directly arising from this report. |
| Equalities/Diversity: | Local authorities have a duty to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including Gypsies and Travellers. Local authorities are also required to assess the accommodation needs of all people living in their area, including Gypsies and Travellers, the GTAA helps to address this need. |
| Customer Impact: | There are no implications directly arising from this report. |
| Economic and Social Impact: | None at this stage, but the issue of provision of sites for gypsies and travellers will be considered as part of the Local Plan review. |
| Environment and Climate Change: | None at this stage, but the issue of provision of sites for gypsies and travellers will be considered as part of the Local Plan review. |
| Consultation/Community Engagement: | The GTAA has been the subject of consultation with a range of stakeholders as set out in the study report. |
| Risks: | The Gypsy and Traveller Accommodation Assessment will help to ensure that the Council has a robust evidence base in respect of the needs of the gypsy and traveller community. A failure to meet these needs could result in the local plan being considered 'unsound' as part of the Examination process. |
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