

1. Introduction

1.1 Background

1.1.1 The North West Leicestershire Local Plan was published on 4 July 2016. The Local Plan provides a planning policy framework for guiding development in the District up to 2031. It comprises a vision, strategic objectives, site allocations and development management policies. With regard to housing, the Local Plan aims to ensure that everyone, including Gypsies and travellers and travelling showpeople, has the opportunity to access a decent home. The Local Plan states that the accommodation needs of Gypsies and travellers and travelling showpeople are to be met through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD).

1.2 Gypsy and Traveller Site Allocations Development Plan Document (DPD)

1.2.1 The statutory duty for local authorities to provide Gypsy and Traveller sites was removed in 1994. Nationally this has led to a lack of suitable accommodation provision, an increase in unauthorised Gypsy and Traveller sites and tensions between the settled community and the travelling population.

1.2.2 Gypsies and Travellers have been recognised by the courts as being distinct ethnic groups and are protected from discrimination by the Equality Act 2010. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.

1.2.3 As in most other areas of the Country, there is a shortage of authorised Gypsy and Traveller sites in North West Leicestershire to meet identified need. This leads to unauthorised developments and encampments and results in uncertainty for both the settled population and the Gypsy and Traveller community. It is also well recognised that Gypsies and Travellers are amongst the most socially excluded groups in society and research has consistently confirmed the link between the lack of good quality sites and poor health and education outcomes. The provision of sites can therefore be the key to tackling a host of issues.

1.2.4 The failure to allocate sufficient land to meet the need for new pitches has a number of impacts including:

- Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
- Reinforcing the cycle of nomadism for those Gypsies and Travellers who may prefer a more settled existence, but cannot find a permanent site;
- Restricting the Council's ability to enforce against unauthorised development as our 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.

1.2.5 The Development Plan Document will address these issues by identifying sites to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in North West Leicestershire to 2031. This version of the Development Plan Document sets out options for how these accommodation needs can be met.

1.3 How to respond

1.3.1 The period for making any representation is for a period of eight weeks from Monday ? to Monday ? 2017. **Representations must be submitted no later than 5.00pm on ? 2017.**

1.3.2 Representations may be made in writing or by way of electronic communications, giving your name and address, to the following address:

Planning Policy Team
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ
Email: planning.policy@nwleicestershire.gov.uk

1.3.3 Copies of this consultation document are available on the Council's website at http://www.nwleics.gov.uk/pages/planning_policy. Alternatively, you can request a copy by contacting the Planning Policy Team at the above address.

1.3.4 Please note that responses cannot be treated as confidential and must be provided in a lawful way. The Council will not consider offensive and/or racist representations. Where a response is considered to be racist/offensive the Council will write to the respondent explaining that it is unlawful and cannot be considered or disclosed. Where a response is considered to be racist/offensive but also contains non racist/offensive material, the Council will write to the respondent explaining that only the non racist content will be considered or disclosed.

2. Planning Policy Context

2.1 National Policy

2.1.1 The Government's planning policy for traveller sites was published in August 2015.

2.1.2 The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, Government's aims in respect of traveller sites include:

- that local planning authorities should make their own assessment of need for the purposes of planning
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- to encourage local planning authorities to plan for sites over a reasonable timescale
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- to increase the number of traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply
- to reduce tensions between settled and traveller communities in plan-making and planning decisions
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- for local planning authorities to have due regard to the protection of local amenity and local environment

2.1.3 The definition of gypsies and travellers is set out in the Government's 'Planning Policy for Traveller Sites' which states:

1. For the purposes of this planning policy "gypsies and travellers" means:

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, but excluding members of

an organised group of travelling showpeople or circus people travelling together as such.

2. *In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

a) whether they previously led a nomadic habit of life

b) the reasons for ceasing their nomadic habit of life

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

3. *For the purposes of this planning policy, “travelling showpeople” means:*

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, but excludes Gypsies and Travellers as defined above.

2.2 Local Policy

2.2.1 The North West Leicestershire Local Plan and Policy H7 specifically, provide the context and local policy framework for the emerging Gypsy and Traveller Site Allocations Development Plan Document.

2.2.2 Policy H7 of the Local Plan on Provision of Sites for Gypsies and Travellers states:

- (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.**

3. Leicestershire, Leicester and Rutland Gypsy and Traveller's Accommodation Needs Assessment

3.1 The Leicestershire, Leicester and Rutland Gypsy and Traveller's Accommodation Needs Assessment (GTAA) (2007)

3.1.1 In 2006, Leicestershire County, Leicester City, Rutland County, Blaby District, Charnwood Borough, Harborough District, Hinckley & Bosworth Borough, Melton Borough, North West Leicestershire District and Oadby & Wigston Borough councils commissioned the Centre for Urban and Regional Studies at the University of Birmingham, with John Bloxsom Housing Services, to carry out a Gypsy and Traveller Accommodation Needs Assessment for the Study Area of Leicestershire, Leicester and Rutland. The Leicestershire, Leicester and Rutland Gypsy and Traveller's Accommodation Needs Assessment (GTAA) (2007) identified the existing level of provision and provided a reliable estimate of future needs for the period 2006-2016.

3.2 Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013)

3.2.1 To ensure that our evidence is up to date, a 2013 refresh of the original 2007 GTAA Study was undertaken. 87 surveys were undertaken with Gypsies and Travellers in the study area (excepting Rutland and Hinckley & Bosworth Borough Council). This represented just under 20% of the estimated population of 468 families. The methodology also included interviews with 48 stakeholders across the authorities and partner agencies, as well as desk-top review of existing data such as planning permissions and unauthorised encampments.

3.2.2 Across the Leicestershire and Leicester study area (excepting Rutland and Hinckley & Bosworth Borough Council) this GTAA assessed the need for pitches and plots for Gypsies and Travellers and Travelling Showpeople respectively, up to 2031, taking into account any unmet need identified in the initial GTAA. These GTAA requirements for North West Leicestershire for the period 2012-2031 are set out in Local Plan Policy H7. This study also identified that a significant proportion of new accommodation provided should be for social rented pitches.

3.3 The Leicestershire, Leicester and Rutland Gypsy and Traveller's Accommodation Needs Assessment (GTAA) (2016)

3.3.1 A revised definition of "traveller" (which now excludes those who have permanently ceased from travelling) which was 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. The supply of pitches in North West Leicestershire has also 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 the emerging Gypsy and Traveller Site Allocations DPD.

4. How the Plan has been Developed

4.1 Development of the Plan

4.1.1 This Options version of the Plan has been founded on:

- National and local policies including:
 - The National Planning Policy Framework
 - Planning Policy for Traveller Sites
 - The North West Leicestershire Local Plan
- Evidence base:
 - Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013). The Council is currently 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.
- Recommendations from appraisals and assessments:
 - Traveller Land Availability Assessment
 - Equality Impact Assessment
- Involvement of key stakeholders, interested parties and local communities including representations received on our consultation document published in February 2016.

4.1.2 The next version of the Gypsy and Traveller Site Allocations Development Plan Document will also have regard to:

- Representations received with respect to this Options document.
- Sustainability Appraisal of the objectives, strategy and site allocations which highlights potential conflicts or areas where there could be improvements. It also ensures the Plan accords with the principles of sustainable development.
- Habitat Regulations Assessment of the impact of the allocated sites on sites of European significance designated for species and habitats (Special Areas of Conservation (SAC)) or birds (Special Protected Areas (SPA)). That part of the river Mease and its tributaries which lie within North West Leicestershire are designated as a Special Area of Conservation.

4.2 Identification of Sites

4.2.1 The consultation document 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 suggest sites that may be suitable for allocation. However, this 'call for sites' exercise failed to identify any new sites.

4.2.2 As a consequence, to identify as wide a range as possible of sites, the Council looked at other types of sites and relevant sources of data, including:

- Intensification or extension of existing authorised traveller sites
- Existing housing and economic development allocations and site development briefs not yet with planning permission
- Planning permissions for traveller sites that are unimplemented
- Planning applications for traveller sites that have been refused or withdrawn
- Sites submitted as part of the Council's Strategic Housing and Employment Land Availability Assessments
- Pre-application enquiries for traveller developments
- Sites previously considered as having potential for traveller development
- Property in the Council's ownership
- Public sector land that is surplus, or likely to become surplus
- Vacant and derelict land and buildings
- Land safeguarded, severed or otherwise affected by infrastructure projects

4.3 Site Assessment

4.3.1 Over 500 sites derived from the above data sources were assessed against national policies and designations to identify those that had a reasonable potential for development. Potential sites were then assessed using more detailed site surveys prior to consultation with the Highway Authority, Environment Agency and others.

4.3.2 To assess the availability of sites, landowners were contacted 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. Not all landowners are willing to make sites available and 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.

4.3.3 The sites that are currently considered to be potentially suitable, deliverable and available using the criteria for the identification of sites set out in Local Plan Policy H7 are set out in Appendix A. The Council is still willing to consider any new sites that may be suggested by interested parties.

5. Gypsy and Traveller Site Options

5.1 Maintaining a supply of deliverable sites

5.1.1 Local Planning Authorities must maintain a five-year supply of deliverable sites against locally set targets of accommodation need. Thereafter a supply of specific developable sites or broad locations for growth should be identified for the following years 6-10, and where possible for years 11-15. 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.

5.1.2 Relating these requirements to the five-year bands set out in the GTAA, the broad options for providing for Gypsy and traveller sites are:

Option A: Identify sufficient sites to meet the full need identified by the latest Leicestershire, Leicester and Rutland Gypsy and Traveller's Accommodation Needs Assessment;

Option B: Identify sufficient sites to meet needs over a shorter period, such as up ten years (i.e. to 2027), to allow a future plan review to inform site provision for years 2027 to 2031; or

Option C: Identify sufficient sites to meet needs over a shorter period, such as up ten years (i.e. to 2027), and then identifying a broad area of search to meet longer-term needs (2027-2031).

5.1.3 The proposed route for the Birmingham to Leeds High Speed Rail line (HS2) passes through North West Leicestershire - mainly along the A42 corridor. We believe that should permission to build and operate HS2 be approved there will be opportunities to identify traveller sites on land that is safeguarded, severed or otherwise affected by the proposed route. It is therefore considered that the A42 corridor could be a suitable broad area of search for meeting the longer term need for traveller sites.

5.2 Intensification and Extension of Existing Traveller Sites

5.2.1 Representations received on our consultation document published in February 2016 demonstrated support for the intensification (i.e. by allowing more 'pitches' on a site without extending the site) and extension of existing traveller sites as a way of providing for accommodation needs. We have identified ? existing traveller sites that could be intensified in Appendix A that could provide for some ? additional permanent traveller pitches.

5.3 Previously Approved Traveller Sites

5.3.1 In 2006, planning permission was granted for a 12 pitch transit gypsy site at The Paddock adjoining, M42 Burton Road, Oakthorpe, Swadlincote. It is unclear why the planning permission was not implemented, but the site remains undeveloped.

5.3.2 Similarly, planning permission was granted on appeal for a six pitch residential gypsy caravan site in 2012 at The Spinney, Caravan Site, Ashby Road, Sinope. The site remains undeveloped.

5.4 Other Site Options

5.4.1 While priority is likely to be given to the intensification and extension of existing travel sites and sites which previously had planning permission for traveller sites, these may not be sufficient to meet the required need. In selecting new traveller sites what should be our priority?

Option 1: Sites in locations that have good access to services and facilities; or

Option 2: Sites in locations that have good access to the road network and with limited impact on the settled population.

6. Travelling Showpeople

6.1 Site Options

- 6.1.1 The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013) identifies a requirement for nine travelling showpeople plots over the period 2017 to 2031. We believe that this need can be met through the intensification or extension of existing showpeople sites identified in Appendix A.

7. Detailed Planning Considerations and Safeguarding

7.1 Introduction

7.1.1 It is important that there is certainty and clarity for applicants, the Gypsy, traveller and travelling showpeople communities and the settled community about what is expected from development and the future use of land. The inclusion of a detailed planning considerations policy and a safeguarding policy seeks to provide this assurance to all concerned. The Government's 2008 Good Practice guide on Designing Gypsy and Traveller Sites was cancelled in August 2015.

Draft Policy: Detailed Planning Considerations

Proposals for Gypsy, traveller and travelling showpeople development will be expected to:

- A. Incorporate appropriate vehicular access and turning space;
- B. Minimise conflict between pedestrians / cyclists and vehicles on site;
- C. Include appropriate landscaping proposals and demonstrate that key elements of landscape character have been identified, retained and incorporated into the design. The presence of high close-board fencing will generally be considered inappropriate as a means of screening the site or pitch separation;
- D. Be well designed and laid out, ensuring that proposed amenity buildings or day rooms are sensitively sited and use sympathetic materials;
- E. Promote community safety and social cohesion through measures such as natural surveillance on site;
- F. Ensure that children are able to play safely on site;
- G. Include details of foul sewerage disposal and surface water drainage, and where appropriate, look for opportunities to implement Sustainable Drainage Systems; and
- H. Where feasible, reduce exposure to severe weather and climatic risks, utilising for example, natural shade and shelter. Consideration should also be given to the use of renewable energy systems such as wind or solar energy.

I. Schemes should make clear what commercial activity, if any, would be carried out on site and where.

7.2 Safeguarding

7.2.1 To ensure that the levels of Gypsy, traveller and travelling shoepole accommodation are maintained, all current authorised sites and future sites allocated through the Plan or via the successful outcome of a planning application will be safeguarded for traveller use in accordance with Local Plan Policy H7.