

<b>Meeting:</b>	<b>General scrutiny committee</b>
<b>Meeting date:</b>	<b>Monday 11 September 2017</b>
<b>Title of report:</b>	<b>Travellers' sites development plan document</b>
<b>Report by:</b>	<b>Senior planning officer</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards); but individual sites are proposed in

Arrow  
Bromyard Bringsty  
Dinedor Hill  
Leominster East  
Redhill

## **Purpose and summary**

**To ask the committee to determine whether it wishes to make any recommendations to the executive on the draft pre-submission Travellers' Sites development plan document (DPD) which would strengthen the emerging policy approach**

The council is required to produce a Travellers' Sites DPD as part of the Herefordshire Local Plan, and this forms part of the council's budget and policy framework. The budget and policy framework rules require that committee work programmes include any such plan, strategy or budget to enable scrutiny members to inform and support the process for making cabinet proposals to Council in terms of the adoption of any item that forms part of the framework, including providing constructive challenge to the responsible cabinet member on policy proposals and exploring options for future policy development.

## Recommendation(s)

**That the committee determines whether it wishes to make any recommendations to the executive which would strengthen the emerging policy approach.**

## Alternative options

1. There are no alternative options to producing a Travellers' Sites DPD. This document is a required element in the local development scheme and when adopted will form part of the Herefordshire Local Plan. The inspector's report to the core strategy examination stated that the council must make the submission and adoption of a Travellers' Sites DPD a key priority in order to plan effectively for the needs of the travelling community, meet the requirements of National Planning Policy for Traveller Sites and comply with the public sector equality duty.

## Key considerations

2. There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways including permanently 'on the road' in caravans or mobile homes or in settled accommodation (for part or all of the year). Within the county there are six local authority sites with a total of 53 pitches as well as a number of small authorised private sites across the county totalling 84 pitches. There are also privately owned Showman's Yards in Ross-on-Wye with a total of 10 plots. Additionally there are a number of traveller families living in bricks and mortar housing in Herefordshire.
3. Nationally travellers face inequality in terms of access to a range of services and this can affect the life outcomes of travellers' families including traveller children. In Herefordshire, improvements have been made in terms of educational progress and sites refurbishment, yet the traveller community continue to face inequalities. This can be addressed in a number of ways but the availability of sufficient and suitable pitches and plots to enable decent accommodation is a key factor in helping to address these inequalities.
4. The Travellers' Sites DPD will identify locations where new pitches may be sited to provide a five year supply of pitches and includes policies against which planning applications for further pitches and plots will be determined. Once adopted it will form part of the Herefordshire Local Plan. National government planning guidance on this matter is set out in its Planning Policy for Traveller Sites (PPTS) August 2015. This states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. The 2015 PPTS introduced the revised definition of travellers and travelling show people for the purposes of planning. This definition excludes those travellers who have stopped travelling permanently due to ill health or old age. This new definition is currently the subject of a legal challenge with final hearings anticipated in the autumn.

5. The preparation of the Travellers' Sites DPD is informed by a Gypsy and Traveller Accommodation Assessment (GTAA) which is an important part of the evidence base for the Travellers' Sites DPD. A GTAA was finalised in November 2015 which set out the number of new pitches that would be required during the plan period up to 2031. An update to this has recently been carried out to ensure that the evidence is up to date and robust as we move forward to the examination stage.
6. The GTAA update has made assessments of the requirement for new pitches based on both the PPTS definition and also by applying 'cultural need' – i.e. based on ethnicity. This allows for flexibility of approach should the legal challenge referred to in paragraph 4 be successful.
7. The 2017 GTAA update identifies a requirement of 33 additional pitches between 2011 and 2031 based on the PPTS definition and 91 pitches using the cultural definition. The GTAA includes consideration of how turnover on council sites (the effect of a pitch being vacated by one resident and then becoming available for another occupant), may impact on the supply of pitches. The GTAA applies an anticipated average annual turnover of six pitches on council sites during the remainder of the plan period (2017/18 to 2031/32). This is based on average trends over two years. This turnover rate equates to 84 pitches becoming available. The GTAA concludes that therefore that the PPTS shortfall is likely to be addressed through turnover and the cultural need shortfall is nearly met.
8. However even taking into account turnover there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements. There have been 18 completions of pitches between 2011 and 2017 leaving a residual requirement of 15 for the plan period. Therefore the five year supply requirement is between five and six pitches. This is a reduction in the number of pitches identified in the preferred options documents and therefore on this basis not all the sites previously identified are required for inclusion in the pre-submission document. It is proposed that those pitches that have the greatest certainty of deliverability should be carried forward and these are the new pitches that are proposed within or adjacent to the council owned sites at:
  - Romany Way, Grafton. There are currently nine pitches on this site. The DPD proposes one additional pitch within the site boundaries.
  - Orchard Park, Lower Bullingham. There are currently eleven pitches on this site. The DPD proposes two additional pitches as an extension to the east of the existing site.
  - Openfields, Bromyard. There are currently ten pitches on this site. The DPD proposes the reinstatement of two additional pitches within the existing site boundaries.
  - Turnpike Site, Pembridge. There are currently six pitches on this site. The DPD proposes four additional pitches as an extension to the east of the existing site.
9. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. A review will be required of the revised evidence base which will then inform a review of this document to identify a further five year supply of sites. In addition to the proposed allocations there will be a demand for more private traveller sites and these can be considered through the planning application process against the relevant policies in the core strategy and those proposed in the DPD.

10. The Travellers' Sites DPD will also include a proposed site for use as a temporary stopping place. The purpose of this is to reduce the occurrence of unauthorised encampments in the county. In 2015 there were 22 unauthorised encampments in the county and there were 50 in 2016. These varied in the number of caravans and the length of stay. There are significant financial implications for both the council and the police dealing with these unauthorised encampments which could be reduced with the provision of a site. West Mercia Police strongly advocate the provision of such a site. Furthermore by providing an authorised site to which temporary facilities can be brought in, better living conditions are proposed for families and their children during their temporary stay.
11. The preferred options consultation document 2016 included two sites proposed for use as temporary stopping places at Broadmeadow Yard, Ross-on-Wye and at the A49, Leominster. However there were concerns about the impact of shared access with local businesses and therefore the site in Ross has not been taken forward.
12. Public consultation on the preferred options took place between July and September 2016 for approximately eight weeks and details of this can be found in the consultation section later in the report. A summary of the responses received can be found in Appendix 3. A variety of responses were received with some raising issues related to land use planning considerations whilst others referred to matters that are not within the remit of planning considerations.
13. Since the completion of the consultation last year various pieces of work have taken place
  - Further technical work on the sites including flood risk assessment, contaminated land assessment and consideration of highways issues
  - Continued participation in the Gypsy Roma and Strategy Group, a multidisciplinary group made up of representatives from different council departments, West Mercia Police and the Herefordshire Travellers Support Group
  - A seminar to which all council members were invited to inform them of the issues to be considered in the DPD (January 2017). This included a presentation by Chief Inspector Adam Thomas from West Mercia Police on the need for temporary stopping places
  - Drop-in session for parish councils (February 2017)
14. In terms of the changes that are recommended to be taken forward into the pre-submission draft in relation to permanent residential pitches the following amendments have been made:
  - Land adjacent to Whitfield Coppice, Pixley. The owner has carried out various pieces of technical work on the site to demonstrate its suitability. However suitable highway access has not been demonstrated. Therefore as the site is not required to meet the pitch requirements of the revised GTAA it is not being taken forward to the pre-submission stage.
  - Land to the south east of Sutton St Nicholas. This is a greenfield site owned by Herefordshire Council. This site is no longer required to meet the revised housing requirements. Should any future GTAA identify need for further sites then this

could be considered for allocation in the future.

- Turnpike, Pembridge. An extension of four additional pitches is proposed to the existing council site. This was proposed as an extension to the south of the site in the preferred options document. However following representations made by the parish council, and taking into account the findings of the Strategic Flood Risk Assessment, an extension to the east of the site rather than the south is now being proposed. This extended area provides the opportunity to provide four pitches as well as an area for orchard planting and animal grazing.
  - Romany Close, Grafton. An additional pitch was suggested by the residents, on an unused play area. However further analysis of the site showed that more efficient use of land could be made by siting the new pitch to the right of the entrance where the former warden's office is located and thus allowing the retention of the play area for future use. The provision of play areas on site is recognised as good practice and is in line with the recommendation of the sustainability appraisal of the preferred options.
15. Therefore there are fewer sites included than in the Preferred Options document. The GTAA will be scrutinised as part of the examination process. The sites that have been considered but are not being taken forward could either come through the planning application process or be considered at a future date should a further need for sites be identified.

### **Travelling Showpeople**

16. The Planning Policy for Traveller Sites (PPTS) (August 2015) defines "Travelling Showpeople 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, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots"
17. With fairs and shows generally taking place between Easter and October, such sites are sometimes referred to as 'Winter Quarters' as they were traditionally occupied in the winter months and vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.
18. Plots for Travelling Showpeople require enough space for both living accommodation and the storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. PPTS states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. The PPTS advises that planning conditions or obligations may be used to overcome any potential objections for this mixed land use for example by limiting which parts of the site would be used for business operations.

19. The 2015 GTAA established a need for nine additional travelling show persons' plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains an appropriate number over the plan period to 2031. Liaison has taken place with the regional office of the Showman's Guild (the representative body of travelling show people). It was agreed that in the absence of allocating any suitable sites the DPD will include a positive enabling policy to encourage suitable sites to come forward to provide sufficient plots for a settled base to allow families to access services and children to attend school.
20. **Timescale:** The pre-submission draft is to be presented to Cabinet at the end of September and then full council in October. It could then be published for the formal stage of consultation in late October / early November for a period of six weeks. All the representations received following pre-submission stage will be reviewed by the council and submitted to the secretary of state together with the DPD and supporting evidence base. The Planning Inspectorate will appoint a planning inspector to examine the plan. The examination process is likely to include hearing sessions, expected in the New Year, chaired by the planning inspector to hear the views of invited participants. The inspector will publish a report with their findings and any recommended changes. The plan is then adopted by the council and becomes part of the Herefordshire Local Plan.
21. Two other sites were submitted for consideration since the preferred options stage but have not been taken forward into the pre-submission draft for the following reasons:
  - Land at Barnet Lane Wigmore was suggested for infilling between two existing pitches. This was not taken forward because of the highway capacity constraints and the impact on the setting of Wigmore Castle.
  - An adjacent site to the one included in the preferred option document at Trumpet was suggested as an alternative site. This has not been taken forward as further assessment regarding highways impact was not available.

## Community impact

22. The Travellers' Sites DPD seeks to address the needs of the traveller community in Herefordshire. This is in line with the council's corporate plan priority to enable residents to live safe, healthy and independent lives.
23. The Local Investment Plan (2011-2026) includes the provision of pitches for Gypsies and Travellers under Outcome 3: Supporting independent living/vulnerable persons.

## Equality duty

24. Romany gypsies and Irish travellers are 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.
25. Herefordshire Council's Equality Policy 2017 – 2019 approved by Cabinet in January 2017 identifies three priority areas including the production of a Gypsy, Roma & Traveller (GRT) strategy. This includes the objective of agreeing on a location, and development of a transit site/temporary stopping place in Herefordshire. A further objective is to focus

on key areas such as education, employment, accommodation and health in relation to the travelling community. Clearly the adoption and implementation of the DPD will make a positive contribution to achieving these wider objectives.

## Resource implications

26. Sufficient budget is available to prepare the full suite of documents, of which the Travellers' Sites DPD is one, which together will form the Local Plan. The costs of pre-submission consultation will be kept to a minimum with the use of electronic communication where possible. The main costs will be associated with printing and postage where this is not possible and is unlikely to exceed one thousand pounds.
27. There may be further financial implications as the Travellers' Sites DPD includes land in the council's ownership. Although the financing of the proposals is not a matter for consideration for the Travellers' Sites DPD, detailed financial implications will be highlighted in a separate report through the capital programme process. Confirmation has now been received from the Homes and Community Agency that match funding is potentially available to apply for from the Shared Ownership and Affordable Homes Programme 2016 – 2021.

## Legal implications

28. The provisions of section 20 Planning and Compulsory Purchase Act 2004 (as amended) requires the draft Travellers' Sites DPD to be submitted to the Secretary of State for independent examination, once the council is satisfied it has complied with the necessary regulations.

## Risk management

29. By not making adequate provision for the accommodation needs of gypsies and travellers the council would not be fulfilling the objectives of the council's Housing Strategy nor meeting the requirements of the public sector equality duty.
30. By not making adequate provision in the development plan document for sites the council is at risk of not being able to demonstrate a sound DPD at examination. The identification of sites to provide a five year supply of pitches mitigates this risk.

## Consultees

31. Consultation has already taken place on:
  - Issues and Options Consultation Document in August 2014. This focused on how any need for traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Show people could come forward. It looked at the best approach or "options" for how sites and broad locations of search can be identified to meet existing and any future need. A report on the representations received and how these should be taken forward was set out in a separate report at:  
[https://www.herefordshire.gov.uk/media/8060233/results\\_report\\_for\\_issues\\_and\\_options\\_paper1\\_sept\\_2015.pdf](https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf)
  - The Gypsy and Traveller Accommodation Assessment February/March 2015. This provides the evidence base for the number of pitches required over the plan

period. Views were sought on the methodology and findings. As a result of concerns raised about Methodology an updated assessment was produced in November 2015 with subsequent amendments to the figures.

32. The Environment Agency, Highways England and specialist officers within the council have been consulted on relevant sites as part of the technical assessment process. Consultation on the preferred options document took place between July and September 2016 for approximate eight weeks. This included the following measures:
- Mail out to stakeholders and individuals on the consultation database
  - Publicity in the local and traveller press and through social media
  - Three drop- in public consultation events were held in Holmer, Leominster and Ross on Wye
  - Engagement with travellers through the council's traveller service
  - Consultation with statutory stakeholders and a range of other consultees
33. Stakeholders and individuals will be notified to the pre-submission publication by email where possible with details of the how to respond and the publication period. Opportunity will be provide for representations to be made on the GTAA, Sustainability Appraisal and the Habitats Regulations Assessment.

## **Appendices**

Appendix 1 – Draft Pre-submission Travellers' Sites Development Plan Document.

Appendix 2 - Draft Gypsy and Traveller Accommodation Assessment August 2017

Appendix 3 – Summary of responses received on Traveller Sites Document Preferred Options July-September 2016

## **Background papers**

- None identified.