

Wiltshire Council

Cabinet Capital Assets Committee

20 May 2014

Subject: Gypsy & Traveller Development Plan Document

**Cabinet member: Councillor Toby Sturgis
Strategic Planning, Development Management,
Strategic Housing, Property and Waste**

Key Decision: No

Executive Summary

In recognition of its duty to the Gypsy and Traveller community in Wiltshire, on 24 May 2010 Cabinet approved the Gypsy and Traveller Strategy. The overall aim of the Gypsy and Traveller Strategy is that by 2015 service provision and engagement with Gypsy and Traveller communities will be strengthened, coordinated and in line with the Council's aims to create strong and resilient communities, with the needs of those communities balanced against the needs of the settled population.

Developing clear planning policy for travellers is recognised as an essential part of the Gypsy and Traveller Strategy as it has important implications for the provision of accommodation for Gypsy and Traveller communities.

Planning policy for travellers is being developed through two documents: The Wiltshire Core Strategy (strategic policy), and the Gypsy and Traveller Development Plan Document (site allocations and development management policies). Each of these documents must be in accordance with national planning policy for travellers.

As part of the ongoing examination of the Wiltshire Core Strategy concerns have been raised about the compliance of the emerging policy with national policy. A response has already been submitted to the Core Strategy Inspector in respect of his concerns about the evidence behind the emerging core policy for travellers. However, the Council has committed to a number of additional actions, namely to:

- i. Consider applications for new travellers sites at strategic planning committee in the future to manage the overall delivery of the strategy for travellers in accordance with national policy;
- ii. Commission new research in the form of a Gypsy and Traveller Accommodation Needs Assessment (GTAA) to review and roll forward the pitch requirements in the core strategy; and
- iii. Consider the release of council owned land in the short term to ensure a

five year supply of traveller sites in the county in accordance with national policy.

The essence of this report is to seek approval to deliver the commitments given to the Core Strategy Inspector.

Proposal

Members are asked to endorse the arrangements being undertaken in order to assess land in Council ownership for inclusion as new traveller sites in the Gypsy and Traveller Development Plan Document to maintain a five year supply of sites in accordance with national policy.

Reason for Proposal

There are a number of drivers for pursuing the opportunity to include Council land in the proposed Gypsy and Traveller DPD. These include;

- i. The legal requirement in the Housing Acts for councils to provide for the accommodation needs of Gypsy and Travellers in its area
- ii. The requirement in national policy for councils to respond positively to the accommodation needs of travellers, a commitment the Council has also made to the Wiltshire Core Strategy Inspector
- iii. The benefits of reducing unauthorised encampments / developments
- iv. The need to provide a choice in the size, type and location of traveller sites in Wiltshire
- v. The requirement to maintain a 5 year supply of housing included in national policy

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Wiltshire Council

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Subject: Gypsy & Traveller Development Plan Document

**Cabinet member: Councillor Toby Sturgis
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Key Decision: No

Purpose of Report

1. To brief committee members on the Council's obligations under the Housing Acts to provide for the accommodation needs of Gypsy and Traveller communities.
2. To brief committee members on the strategic provision to achieve a five year land supply for Gypsy and Traveller communities provided for by the emerging Wiltshire Core Strategy, and the Gypsy and Traveller Development Plan Document which provides for site allocations and development management policies.
3. To outline to members work which officers propose to undertake to review and roll forward the pitch requirements in the Wiltshire Core Strategy in the form of a Gypsy and Traveller Accommodation Needs Assessment; and the assessment of land in Council ownership for possible inclusion in the Gypsy and Traveller Development Plan Document as new traveller sites to manage the overall delivery of the five year supply of traveller sites in accordance with national policy.
4. To seek endorsement of the arrangements being undertaken to assess land in Council ownership for inclusion as new traveller sites in the Gypsy and Traveller Development Plan Document (DPD) to maintain a five year supply of sites in accordance with national policy.

Background

5. On 24 May 2010 Cabinet approved the Gypsy and Traveller Strategy. The overall aim of the Gypsy and Traveller Strategy is that by 2015 service provision and engagement with Gypsy and Traveller communities will be strengthened, coordinated and in line with the Council's aim to create strong and resilient communities, with the needs of those communities balanced against the needs of the settled population. The provision of new

sites to meet the needs of the Gypsy and Travellers is an important part of the Strategy.

6. The emerging Wiltshire Core Strategy and subsequently the Gypsy and Traveller Development Plan Document will provide local planning policy to ensure the accommodation needs of the Gypsy and Traveller communities in Wiltshire will be delivered.

Wiltshire Core Strategy

7. Core Policy 47 of the emerging Wiltshire Core Strategy sets out the overall number of permanent pitches, transit pitches and travelling showpeople plots to be provided over the period 2011-2021, presented by housing market area (see Table 1 below). Core policy 47 also provides the context for the general location of new sites through a set of criteria which seek to define sustainable locations for new traveller sites in accordance with national policy.¹
8. Gypsy and Traveller policy was one of the areas of concerns raised by the Core Strategy Inspector in his procedural letter of 2 December 2013. In response to the Inspector's concerns the Council:
 - i. Undertook a review of Topic Paper 16 on Gypsy and Travellers, which was the evidence to support the pitch provision proposed in Core Policy 47;
 - ii. Extended the scope of the Gypsy and Travellers DPD to include a review of the pitch requirements in Core Policy 47 through a revised Local Development Scheme (LDS)²
9. Table 1 sets out the revised pitch requirements following the review of Topic Paper 16 and is included in the set of proposed modifications to the Wiltshire Core Strategy currently being consulted on.³

¹ National policy for travellers is set out in Planning Policy for Traveller Sites, DCLG, March 2012; National Planning Policy Framework, DCLG, March 2012 and National Planning Practice Guidance, DCLG, March 2014.

² The revised Local Development Scheme was approved by Cabinet on 21 January 2014 <http://www.wiltshire.gov.uk/wcs-exam78-wiltshire-local-development-scheme-cabinet-report.pdf>

³ A list of further modifications to the core strategy arising from the Council's response to the Inspector's procedural letter is the subject of consultation from 14 April 27 May 2014. <http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy/wiltshirecorestrategyexamination.htm>

Table 1: Proposed traveller pitch requirements included in Wiltshire Core Strategy, Core Policy 47 (as amended)

Housing Market Area	Proposed Requirement (2011-2016)	Proposed requirement (2016-2021)	Transit provision (2011-2016)
North and West Wiltshire	26	22	10
South Wiltshire	37	19	8
East Wiltshire	3	1	7
Total	66	42	25

10. To provide some context to this information in 2011 there were estimated to be 310⁴ Gypsy and Traveller households in Wiltshire. Since that time permission has been granted for an additional 29 pitches (each pitch is generally considered to equal a single household). Table 2 identifies the distribution of these pitches and the residual number of pitches still to be identified in accordance with Core Policy 47.

Table 2: Monitor of planning applications in relation to Core Policy 47

Housing Market Area	Total Proposed (2011-2021) a.	Permanent pitches permitted (Dec 11-Jan 14) b.	Remainder to be identified a-b
North and West	48	27	21
South	56	2	54
East	4	0	4
Total	106	39	78

Gypsy and Traveller Development Plan Document

11. In January 2014 Cabinet approved a revised Local Development Scheme which extended the scope of the Gypsy and Traveller DPD (formerly referred to as the Gypsy Site Allocations DPD) to include a review of Core Policy 47 to provide pitch requirements for the whole plan period (i.e. to 2026). The proposed content of the Gypsy and Traveller DPD in earlier versions of the LDS did not include the review of Core Policy 47 but related solely to the identification of new traveller sites and supporting development management policies. The amendment was specifically in response to the concerns raised by the inspector about the Core Strategy's compliance with national policy. A consultation on the revised scope of this plan commenced on 7 April 2014 and closed on 19 May 2014⁵. The LDS anticipates consultation on site options in Autumn 2014.

⁴ Table 1b, Topic Paper 16 – Gypsy and Travellers

⁵ Link to consultation web pages:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/gypsyandtravellersdpd.htm>

Main Considerations for the Council

12. The main considerations for the council are:
 - i. The need to respond positively and in a timely manner to the concerns of the Core Strategy Inspector in relation to Traveller issues
 - ii. The role of the Gypsy and Traveller DPD in maintaining a 5 year supply of traveller sites in accordance with national policy
 - iii. The role of the Council in supporting the delivery of new Traveller sites through the development plan process

Wiltshire Core Strategy Inspectors' letters

13. As stated above, on 2 December 2013 the Wiltshire Core Strategy Inspector raised a number of concerns in relation to the core strategy, one of which related to the robustness of the data provided to support Core Policy 47 (Meeting the Needs of Gypsies and Travellers) in Topic Paper 16. In response, the Council has provided additional data to the Inspector in the form of an addendum to Topic Paper 16: Gypsy and Travellers (EXAM/87), and has proposed amendments to the supporting text and policy included in the Core Strategy.
14. In responding to the Inspector, the Council has sought to reassure him that it does respond positively to the needs of travellers in its area and is committed to delivering new sites for travellers.
15. The Council can achieve this by:
 - i. Considering applications for new travellers sites at strategic planning committee in the future to manage the overall delivery of the strategy for travellers in accordance with national policy;
 - ii. Commissioning new research in the form of a Gypsy and Traveller Accommodation Needs Assessment (GTAA) to review and roll forward the pitch requirements in Core Policy 47 to relate to the whole plan period (i.e. 2026); and
 - iii. In the short term, considering the release of Council owned land through the Gypsy and Traveller DPD to help ensure sufficient sites can be identified or via planning application(s) to ensure a five year supply of traveller sites in the county in accordance with national policy.

Gypsy and Travellers DPD: Site Assessment Methodology

16. In 2010 an initial issues consultation was carried out by the Council as a first step towards developing the Gypsy and Travellers DPD⁶. This provided contextual information on the issues to be addressed in the DPD such as on site considerations, definition of a traveller pitch and invited comments on a proposed site selection methodology. The proposed site

⁶ At that time the scope of the plan included site allocations and development management policies to implement the pitch requirements for the then current emerging South West Regional Spatial Strategy.

selection methodology was generally supported by participants in the consultation. It is summarised in Table 3, below. The approach continues to be supported as a method for identifying suitable sites and informed the development of Core Policy 47.

Table 3: Summary of Three-Tier Site Identification/Assessment Approach	
Tier 1: Location, Policy & Environmental Constraints	
<i>Relationship to Settlements</i>	Sites should ideally be within an agreed acceptable distance of a neighbourhood/district centre via safe walking/cycle route(s).
<i>Policy Constraints</i>	Sites should avoid any adverse impact on local/national designations (such as conservation areas and Areas of Outstanding Natural Beauty)
<i>Environmental Constraints</i>	Sites should avoid any hazardous areas (such as flood zones, contaminated land)
Tier 2: Access & Infrastructure	
<i>Physical Infrastructure</i>	The capacity of local infrastructure to accommodate the maximum number of pitches on a site.
<i>Transport Infrastructure</i>	Access to site options should be in line with adopted highway guidance and standards. Access to public transport should be within an agreed distance and frequency.
<i>Social Infrastructure</i>	Sites should be within an acceptable walking distance of at least 3 local amenities/services, including schools, shops, medical facilities, recreational facilities via safe walking/cycle route. Capacity of existing infrastructure is also considered.
<i>Other Considerations</i>	The relationship of a site with existing Gypsy and Traveller sites (if any) is considered.
Tier 3: Design & Deliverability	
<i>Design & Impact</i>	The use of a site for Gypsy and Traveller accommodation is assessed in terms of its impact on the character/appearance of the surrounding area, along with the impact on the residential amenity of nearby properties.
<i>Deliverability</i>	The ease of acquisition is considered along with indicative costing of bringing the sites forward for development (detailed site layouts and costing are prepared for top-performing sites).

Maintaining a five year supply of housing

17. The Council is required to maintain a 5 year supply of housing sites; this includes provision of a supply of traveller sites⁷. The current position in relation to traveller sites is included in Table 4, below. The deliverable supply identified in the north and west housing market area (HMA) is the refurbishment and extension of council owned sites at Thingley and Fairhaven. The table illustrates that there is an immediate requirement for an additional 62 permanent pitches to demonstrate the Council has a 5 year supply of sites. This requirement excludes any provision for transit sites.

⁷ Paragraph 9a, Planning Policy for Traveller Sites, DCLG, March 2012

18. Part of the difficulty of maintaining a 5 year supply of sites is that most private traveller sites receive permission and are immediately occupied. This is very different from market housing where when permission is granted there is often a time lag until development commences on site. It is this difference which suggests the need for council owned land to be part of the process to control the release of some sites to maintain a 5 year supply.

Table 4: Five year housing land requirement for traveller sites

Housing Market Area	Requirement 2011-16	Completions 2011-14	Requirement 2016-21	Five year land requirement 2014-19	Deliverable supply 2014-19	Years of land supply
North and West	26	27	22	12	10	4.10
South	37	2	19	46	0	0.00
East	3	0	1	4	0	0.00
Wiltshire	66	29	42	62	10	0.80

19. National policy also requires the local planning authority to:

Identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15⁸

20. The Gypsy and Traveller DPD will also need to reflect this advice in the sites that are proposed. On the basis of the current evidence this amounts to land for at least as many pitches in the second 5 year period (2019-2024). As the Core Strategy currently only includes a pitch requirement for the period to 2021 the results of the GTAA referred to in paragraph 15 ii. will provide more detailed guidance on the total number of pitches required for the later period of the plan (i.e. 2021-2026).

Identification of potential sites

21. The proposed process for the identification of potential new sites is illustrated in the chart below, which simply outlines the potential sources of land. To be taken forward as a potential allocation in the DPD an assessment of each site's suitability also needs to take place using the approach identified in Table 3 above.

⁸ (Paragraph 9b, Planning policy for traveller sites, DCLG, March 2012)

Chart 1: Process for the identification of potential new traveller sites

STEP 1	Review current temporary permissions	There are currently 4 sites with temporary planning permission. These should be reviewed for possible inclusion in site allocations DPD
STEP 2	Review known unauthorised developments ie unpermitted sites on Gypsy owned land	Caravan count identifies several unauthorised developments. These are often tolerated because the site has been in existence for periods longer than required for a certificate of lawfulness. Assessing these sites could be a useful source of supply.
STEP 3	Consider sites submitted as part of the call for sites exercise carried out in 2010	10 sites were submitted as part of the call for sites exercise. Of these all but 1 site has either been granted planning permission or tested through appeal.
STEP 4	Consider sites submitted as part of the call for sites exercise carried out in 2014	A further call for sites is planned for the beginning of April 2014. The exercise will be publicised in the press and via e-mails and letters. Traveller communities will be contacted through existing networks.
STEP 5	Consider the intensification or extension of existing sites	A review of caravan count data and planning applications indicates some permitted sites have the capacity to accommodate additional households. This could be a source of additional supply
STEP 6	Review council owned land	Over the next few years the council is reviewing how and where vehicle depots are provided across the county. This may present an opportunity given that many sites are close to or on the edge of settlements close to main road network. Also consider potential opportunities within wider council assets including farm estate.
STEP 7	Review sites submitted as part of the strategic housing land availability assessment.	Where there remains a residual need following the above process individual sites in appropriate locations submitted to the SHLAA should be considered.

Assessment of Council land

22. As identified in the chart above a review of council owned land is step 6 in the process. Steps 1 to 2 have so far identified only a limited source of land as there are currently few temporary permissions or unauthorised developments in the county. Step 4 is now under way with an invitation to landowners to submit sites for consideration in the DPD issued during the consultation on the scope of the plan that started on 7 April. This may

result in sites being identified but given the number of pitches to be accommodated it is unlikely that a sufficient pool of sites will be available to reflect the mix and distribution envisaged. Step 5 is part of an ongoing review but will rely on the cooperation of existing residents to deliver and manage, and the knowledge gained through traveller interviews included in the GTAA.

23. The amount of land needed to provide at least 62 pitches is difficult to determine at this stage. Reviewing permissions already granted, it is reasonable to estimate that a small site of up to 5 pitches will occupy an area of about 0.4ha, while larger sites of up to 15 pitches occupy an area of about 1.2 ha. Therefore, depending on the size of the sites, between 4 to 12 sites may be needed to deliver the minimum requirement. It should be further noted that it is understood from earlier consultations that travellers as well as the settled community prefer small family sites rather than large managed sites.
24. It is unclear at this stage how many sites will come forward through the stepped approach outlined above. However, it is clear that to be able to provide a mix of size, type, phasing and location in site availability, some council owned land is likely to be needed.

An initial sift of Council owned land will be undertaken using the following criteria, derived from the assessment process outlined in Table 3:

- located within a 3km distance of a school or GP service,
- outside flood plain and areas protected by European and National law and,
- not used to deliver an essential council services (e.g. education, recreation, offices, roads).

Following this initial sift, further more detailed assessment will be needed before suitable sites to be taken forward can be identified.

25. Officers will undertake this assessment of council land in order to return with proposals for land to be used in the Gypsy and Travellers DPD consultation planned for autumn 2014. The assessment will need to have due regard to the council's wider assets review, which is discussed under financial implications. The report on sites will be scheduled to be brought to the meeting of the Cabinet Capital Assets Committee on 22 July 2014. These first proposals will be subject to public consultation in the autumn.
26. Depending on the outcome of this process it may then also be necessary to consider the acquisition of other land to ensure sufficient sites can be identified.

Public Health Implications

27. Providing a settled base for travellers in sustainable locations that are also connected to main service infrastructure (gas, electricity, water, sewage) has public health benefits and provides access to health and education services. There may also be wider benefits in reducing unauthorised development and encampments. Assessment of the health impact of proposals will be undertaken as part of the site assessment process.

Environmental and Climate Change Considerations

28. A Sustainability Appraisal/Sustainable Environmental Assessment and a Habitats Regulation Assessment are a required part of the development plan process in accordance with European law. These will report on the social, economic and environmental impacts of all the policies and proposals contained within the Gypsy and Traveller DPD. Draft reports for each document will be published for consultation at each stage of the plan's development.
29. In principal, the release of new sites in sustainable locations should:
 - (i) enable greater walking and cycling;
 - (ii) promote sites in environmentally acceptable locations; and
 - (iii) help reduce the amount of unauthorised developments and encampments in potentially environmentally damaging locations.

Equalities Impact of the Proposal

30. The DPD overall will involve comprehensive consultation and communication with the local Traveller and settled communities to ensure that proposed sites are appropriate for the needs of Traveller communities, balanced against the needs of the settled population.
31. An Equality Impact Assessment of the DPD will be carried out alongside policy development and is required to be submitted with the DPD to the Planning Inspectorate as part of the examination process.
32. The provision of new sites should help reduce the need for unauthorised development and encampments in the county, providing a better quality of life for travellers who wish to settle in Wiltshire or travel through Wiltshire as well as meeting the needs of the settled population.

Risk Assessment

33. There is a risk that the release of new traveller sites will generate negative publicity for the Council, especially where sites are Council owned. However the Council has a duty to address the accommodation needs of travellers and strategies can be put in place to manage communication and consultation to mitigate this risk and outline the positive benefits of the proposal for local communities.

34. Risks that may arise if work is not progressed to review land for release as new traveller sites include:
1. Planning applications that are refused may be won on appeal because the Council cannot demonstrate a 5 year supply of site;
 2. An increase in unauthorised developments and encampments in unsustainable locations may arise ;
 3. Increased difficulty in enforcing against unauthorised developments and encampments because of a lack of alternative sites to move to;
 4. The Council has committed to the Core Strategy Inspector to identify how it will adopt a positive approach towards the Gypsy and Travelling Community. If the proposed work is not progressed the Council could be seen to be not showing, as far as is practicable, that it is responding positively to national planning policy for traveller sites.

Financial Implications

35. The process of identifying land to consider as part of the DPD process does not have any financial implications as this will be done as part of the programmed work of officers.
36. Once allocated, financial implications will be a consideration in deciding on how sites are released to the community; for example, sites could be sold, made available on a long lease or developed using community initiatives. Discussions in relation to innovative methods of delivery of sites are at an early stage. It is not at this stage envisaged that sites allocated would be built and managed by the council.

Legal Implications

37. This report seeks to advise members on the progress of planning policy and strategy in respect of the Gypsy and Traveller community. The requirement to identify a five year supply of deliverable and developable traveller sites appears in the Planning Policy for Traveller sites, which as a national policy document must be taken into account in the preparation of development plans. This report outlines how that requirement is being managed and proposals for its delivery.
39. Once suitable sites have been identified, legal advice will need to be sought on their current status in terms of ownership and on future forms of ownership and management.

Options Considered

38. Not to include council owned land in the DPD process:

This option would rely solely on new sites for Travellers being brought forward by the Traveller community. This is an unreliable source of supply and would not enable the Council to demonstrate a deliverable and developable 5 year supply of sites.

39. To include the consideration of Council owned land in the DPD process:

This option enables the Council to complement land brought forward by the traveller community and ensure a supply of sites through the plan period. It also provides the enforcement teams relocation opportunities to agreed locations when dealing with unauthorised developments and encampments.

Conclusion

40. The Gypsy and Traveller DPD will provide the Council with the context for the planned release of new Traveller sites in accordance with a clear set of criteria. The inclusion of Council owned land in this process will:
- i. ensure compliance with national policy which requires a 5 year supply of developable and deliverable sites within the county;
 - ii. help provide a mix of sites both geographically and in terms of size, type and tenure;
 - iii. enable improved enforcement action against unauthorised development;
 - iv. reduce planning costs where planning applications that have been refused are won on appeal and lost on the basis of a lack of availability of alternative sites;
 - v. ensure the Council fulfils its duty to plan for the accommodation needs of travellers; and,
 - vi. in these regards achieves its aim to create strong and resilient communities

Proposal(s)

41. That members endorse that officers undertake this assessment of council land in order to return with proposals for land to be used in the Gypsy and Travellers DPD consultation planned for autumn 2014. The assessment will need to have due regard to the council's wider assets review, which is discussed under financial implications. The report on sites will be scheduled to be brought to the meeting of the Cabinet Capital Assets Committee on 22 July 2014. These first proposals will be consulted upon in public in the autumn.

Reason for Proposal

42. There are a number of drivers for pursuing the opportunity to include public land in the proposed Gypsy and Traveller DPD. These include:
- i. The legal requirement in the Housing Acts for councils to provide for the accommodation needs of Gypsy and Travellers in its area
 - ii. The requirement in national policy for councils to respond positively to the accommodation needs of travellers, a commitment the Council has also made to the Wiltshire Core Strategy Inspector
 - iii. The benefits of reducing unauthorised encampments / developments

- iv. The need to provide a choice in the size, type and location of traveller sites in Wiltshire
- v. The requirement to maintain a 5 year supply of housing included in national policy

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20 May 2014

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

None