

Wiltshire Council

Cabinet Capital Assets Committee

22 July 2014

**Subject: Gypsy and Traveller Development Plan Document (DPD):
Site Allocations**

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

Key Decision: Yes

Executive Summary

The purpose of this report is to inform members of the outcome of an assessment of council owned land for inclusion as potential new traveller sites in the Gypsy and Traveller Development Plan Document (DPD) and to seek agreement to include these sites in the development plan process through to potential allocation in the draft plan. The need to include council land in the DPD process was discussed in more detail at Cabinet Capital Assets Committee on 20 May 2014.

To maintain a five year supply of sites throughout the proposed plan period of the Gypsy and Traveller DPD, land for a minimum of 78 new permanent pitches, 25 transit pitches and 5 travelling show people plots needs to be provided. These figures may change once the results of the Gypsy and Traveller Accommodation Needs Assessment being carried out by Opinion Research Services (ORS) is complete this summer.

The sites proposed to be allocated in the Gypsy and Traveller DPD need to reflect the overall pitch requirement, the distribution of need by housing market area and provide for a choice of site size and type (e.g. large and small, public and private). It is to ensure an appropriate distribution and choice of sites that Council owned land is to be considered.

14 locations in private ownership are identified for assessment through the DPD process. 8 locations in council ownership are identified for further assessment with an additional 9 locations highlighted which could be reviewed if more land is required.

Proposal

Members are asked to endorse the inclusion of the Council owned land listed at **Appendix 3** for further assessment as part of the Gypsy and Traveller DPD process

to help maintain a five year supply of sites throughout out the proposed plan period in accordance with national policy.

Reasons for Proposal

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 requirement to maintain a five year supply of traveller pitches included in national policy.
- (ii) The need to provide a choice in the size, type and location of traveller sites in Wiltshire.
- (iii) The legal requirement in the Housing Acts for councils to provide for the accommodation needs of Gypsies and Travellers in their area.
- (iv) 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.
- (v) The benefits of reducing unauthorised encampments / developments.

Alistair Cunningham
Associate Director Economic Development and Planning

Wiltshire Council

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Purpose of Report

1. The purpose of this report is to inform members of the outcome of an assessment of council owned land to be considered as potential new traveller sites in the Gypsy and Traveller Development Plan Document (DPD) and to seek agreement to include these sites in the development plan process through to potential allocation in the draft plan. The need to include council land in the DPD process was discussed in more detail at Cabinet Capital Assets Committee on 20 May 2014.

Relevance to the Council's Business Plan

2. The proposal to provide sites for Gypsies and Travellers is consistent with the Council's top priorities in the Business Plan 2013-17. It will help protect those who are vulnerable in our community and bring communities together. The release of land will provide an opportunity for a decent home for travellers and help reduce unauthorised caravan developments and encampments, which can divide communities and introduce conflict.

Background

3. The overall Council strategy for travellers is contained in the Gypsy and Traveller Strategy approved in 2010. The provision of new sites to meet the needs of the Gypsies and Travellers is an important part of that Strategy.
4. The emerging Wiltshire Core Strategy (Core Policy 47), and subsequently the Gypsy and Traveller DPD, will provide local planning policy to ensure the accommodation needs of the Gypsy and Traveller communities in Wiltshire will be delivered.
5. The Gypsy and Traveller DPD will provide a review of the overall permanent pitch requirements by Housing Market Area, identify sites for allocation as new traveller sites and include supporting development management policies.

The review of the overall permanent pitch requirement will be informed by a Gypsy and Traveller Accommodation Needs Assessment (GTAA) which is being carried out by consultants Opinion Research Services (ORS).

6. At Cabinet Capital Assets Committee on 20 May the committee endorsed the arrangements being undertaken to assess land in council ownership for inclusion in the Gypsies and Travellers DPD.
7. To illustrate the scale of additional requirement currently anticipated and to be delivered through the Gypsy and Traveller DPD, Table 1, below, summarises the position at January 2014. (It should be noted that the review being carried out by ORS may result in an increased overall requirement.)

Table 1: Monitor of planning applications in relation to Core Policy 47, Wiltshire Core Strategy

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	108	29	79

Main Considerations for the Council

8. At this stage in the preparation of the Gypsy and Traveller DPD the main consideration for the Council is how to support the delivery of new sites to ensure a mix of sites both geographically and in terms of size, type and tenure and maintain a five year supply of sites throughout the proposed plan period. To do this an initial assessment of Council owned land has now been undertaken.
9. The process for the identification of new sites and an outline of methodology for appraising the suitability of potential new sites is set out below. In practice, these two processes are being developed in tandem.

Identification of an initial pool of sites

10. The process for the identification of potential new sites is illustrated in Table 2 below. Inclusion in this initial pool of sites does not mean they will be taken forward and allocated as they have still be subject to the three tiered assessment (see Table 3, below). **Appendix 1** provides a list of 14 sites with site location plans that have been identified so far through Steps 1 to 4 of the process, i.e. existing temporary permissions, unauthorised but tolerated developments and sites promoted through a 'call for sites' exercise.

11. This is the potential list of non-Council owned sites at May 2014. The bi-annual caravan count will take place again on or around 17 July 2014. The potential supply from unauthorised developments (pitches on Gypsy owned land without planning permission) will be reviewed again at this time (Step 2).
12. The potential for intensification or expansion (Step 5) is not known at this stage. This knowledge is to be gained through the traveller questionnaires and site visits being undertaken by Opinion Research Services as part of the GTAA. It is anticipated that this will yield limited additional pitch capacity.

Table 2: Process for the identification of potential new traveller sites

STEP 1	Review current temporary permissions	There are currently 2 sites with temporary planning permission. These should be reviewed for possible inclusion in site allocations DPD
STEP 2	Review known unauthorised developments, i.e. 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 in 2010. 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 began in April 2014. To date 4 sites have been put forward.
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	Consider potential opportunities within council assets

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.
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Site Assessment Methodology

13. The site assessment methodology is summarised in Table 3. This identifies the themes to be addressed and the broad areas to be assessed in detail. All sites will be subject to this assessment before they are included in the draft plan. Sites that fail the assessment, once any potential for mitigation has been taken into account, will not be included in the draft plan. At this stage, only Tier 1, of the initial assessment has been undertaken in relation to Council owned land.

Table 3: Summary of Three-Tier Site Identification/Assessment Approach

<i>Theme</i>	<i>Detailed criteria to cover:</i>
Tier 1: Location, Policy and 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 and 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 three 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>	e.g. the relationship of a site with existing Gypsy and Traveller sites (if any) is considered.
Tier 3: Design and Deliverability	
<i>Design and 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.

Assessment of Council land

14. 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. The 14 sites identified through steps 1-4 of the process will not be sufficient.
15. An initial, Tier 1, sift of Council owned land has been undertaken. To ensure a consistent approach to sites, the following detailed criteria have been applied after all land required to deliver essential Council services has been omitted (e.g. education, recreation, offices, roads). Sites should:
 - (a) be located within a 3 kilometre distance of a school and GP service (*theme : relationship to settlements in Table 3*);
 - (b) not have an adverse impact on national/local designations (such as SSSI, conservation areas and Areas of Outstanding Natural Beauty); (*theme : policy constraints in Table 3*);
 - (c) avoid any hazardous areas (such as flood zones, contaminated land); (*theme : environmental constraints in Table 3*).
16. Criteria (a) together with the removal of land delivering an essential Council service reduced the initial list of over 4,000 sites to around 70 sites. These were then studied in more detail to evaluate their compliance with criteria (b) and (c). **Appendix 2** provides an example of how a site was assessed to indicate whether it could be taken forward for inclusion in the initial pool of sites. At this stage, any site within a flood zone, a groundwater protection zone, an Area of Outstanding Natural Beauty or other landscape designated area or adjacent to an internationally or nationally protected site was excluded. In some cases, there may be opportunities to mitigate against any immediate impact on these areas but for the purposes of this exercise all were excluded.
17. **Appendix 3** provides a list of sites with accompanying maps of those sites which 'passed' the Tier 1 assessment. At this stage it is not proposed that all are taken forward immediately given alternative plans and proposals being considered or put forward by the Council. In **Appendix 3** the colour code used is:

RED passed the Tier 1 assessment but other competing Wiltshire Council interests or separate DPD in process that could affect the site. These sites could be revisited if current proposals fail.

AMBER passed the Tier 1 assessment but need to recheck if releasing this land will impact on other ambitions of the Council in the locality.

GREEN passed the Tier 1 assessment but need to do further work in terms of tenancy and any restrictions stipulated in any deed packet. These sites will go through to the next stage of assessment.

18. The colour codes arose following discussions with Property Services that identified where other ambitions of the Council are already being pursued, for example, an affordable housing scheme is being discussed at Site 17 in Bremhill. There were also sites which were being reviewed as part of the planning process underway to plan new mixed use sites at Chippenham. These sites could be revisited at a later date if the sites are not identified for other land uses.
19. Eight locations are identified in **Appendix 3** as suitable for immediate further analysis. They include a range of site sizes. Where site areas exceed 1.5 ha, further detailed work is necessary to determine which parcel of land within this larger area would be appropriate to take forward to the next stage.
20. Subject to Committee approval these sites will be assessed further alongside those listed in **Appendix 1** for compliance with Tiers 2 and 3 of the assessment methodology (see Table 3). For all sites the more detailed analysis includes access to service infrastructure and the highway and assessment of potential landscape impact.
21. As the list at **Appendix 3** demonstrates, a number of the sites are large sites subject to an existing agricultural tenancy agreement. The ease to which the tenancy agreements can be renegotiated in accordance with the terms of any existing agreements and the precise location of a site within the wider land holding will be a critical part of the delivery discussion identified in Tier 3 of the assessment.
22. The detailed assessments will be made publicly available in a background paper to the draft plan which would be subject to consultation in the autumn. All sites that 'pass' the Tier 1, 2 and 3 assessments will also be subject to a Sustainability Appraisal.
23. Whether a site is ultimately allocated in the plan will depend on:
 - the overall pitch requirement once the GTAA is completed in the summer;
 - any opportunities for intensification of existing sites which may reduce the overall number of pitches to allocated;
 - the sites 'fit' with the overall distribution strategy of the plan;
 - the sites 'fit' with the overall strategy for a mix of size and type of new sites.

This means that just because a site is identified in either **Appendix 1 or 3** it does not mean it will subsequently be allocated. It is included as part of the planning process to develop an overall strategy for the delivery of new or extended traveller sites.

24. The draft Gypsy and Traveller DPD and any background documentation will require Cabinet approval before it is published for consultation. It is currently anticipated that this approval will be sought at a November meeting of Cabinet.

Safeguarding Implications

25. Safeguarding is a key priority for Wiltshire Council and NHS Wiltshire Clinical Commissioning Group. It is a fact that the Gypsy and Traveller community generally has poorer health than the settled community, achieves lower education standards and suffers from historical stereotyping. The objective of the Gypsy and Traveller DPD is to deliver new homes in locations that have good access to health and education; in locations planned in advance involving both the traveller and settled community. The outcome should be less conflict, better access to services and a better quality of life.

Public Health Implications

26. 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. For example, ensuring sites are not affected by any hazard such as contaminated land in Tier 1 and availability of main service infrastructure in Tier 2 (see Table 2).

Environmental and Climate Change Considerations

27. A Sustainability Appraisal/Sustainable Environmental Assessment (SA/SEA) and a Habitats Regulation Assessment (HRA) 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. All sites that 'pass' the tiered assessment explained above will also be subject to SA/SEA and HRA.
28. In principle, 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

29. 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.

30. 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.
31. 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

32. 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.
33. Risks that may arise if work is not progressed to review land for release as new traveller sites include:
 - (i) Planning applications that are refused may be won on appeal because the Council cannot demonstrate a five year supply of site;
 - (ii) An increase in unauthorised developments and encampments in unsustainable locations may arise;
 - (iii) Increased difficulty in enforcing against unauthorised developments and encampments because of a lack of alternative sites to move to;
 - (iv) 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

34. 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.
35. 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. It is not at this stage envisaged that permanent sites allocated would be built and managed by the Council.
36. Transit provision would need to be managed and maintained by the Council. The cost of provision will be addressed as part of an assessment of the

delivery of each location but could range from simply the cost of a water standpipe and rubbish disposal on a temporary basis to an 'all year round', secured site.

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.
38. Once suitable sites have been identified, legal advice will need to be sought on their current status in terms of ownership/tenancy and on future forms of ownership and management.

Options Considered

39. 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 five year supply of sites.

40. 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

41. The Gypsy and Traveller DPD will enable 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 support the maintenance of a five year supply of developable and deliverable sites within the county over the plan period and ensure there is a mix of sites both geographically and in terms of size, type and tenure. In short, a comprehensive, planned strategy for the release of homes for travellers.
42. The planned release of new traveller sites will also:
 - help meet the legal requirement in the Housing Acts for councils to provide for the accommodation needs of Gypsies and Travellers in their area;

- demonstrate that Wiltshire Council is responding positively to the accommodation needs of travellers a requirement of national planning policy, and
- help reduce the occurrence of unauthorised encampments / developments.

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Background Papers:

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

None

Appendices

Appendix 1: List of potential sites excluding Council owned land
Appendix 2: Sample Tier 1 site assessment template
Appendix 3: List of potential Council owned sites