

Wiltshire Council

Environment Select Committee

Date of meeting: 7 June 2016

Subject: Gypsy and Traveller Development Plan Document Update

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

Purpose of Report

1. To update Environment Select Committee on the preparation of the Gypsy and Traveller Development Plan Document (DPD).

Relevance to the Council's Business Plan

2. This report is relevant to a number of outcomes and actions identified in the Business Plan 2013-2017. Outcome 3 (Everyone in Wiltshire lives in a high quality environment) specifically mentions that everyone should be able to live in a decent, safe home.
3. Addressing the accommodation needs of travellers through site allocations in a DPD can provide the basis for creating better and healthier living conditions and access to education, employment and health care. Provision of emergency stop-over sites can reduce vulnerability of travellers and the potential for harassment and conflict.

Background

4. The preparation of the Gypsy and Traveller DPD is included in the Council's Local Development Scheme, January 2015, with a programmed adoption date of May 2016. This timetable is under review due to issues around identifying sufficient sites for inclusion within the draft Plan, which are set out below under main considerations.
5. The Gypsy and Traveller DPD will:
 - (i) provide a review of the overall permanent pitch requirements by Housing Market Area (to update the Wiltshire Core Strategy pitch requirements set out in Core Policy 47 'Meeting the Needs of Gypsies and Travellers');
 - (ii) identify sites for allocation as new traveller sites; and
 - (iii) include supporting development management policies.

- (iv) allocate a network of sites for emergency stop-over.
6. The Council committed to an early review of the pitch requirements within the Wiltshire Core Strategy through a new Gypsy and Traveller Accommodation Assessment. This is set out in paragraph 6.62 of the Core Strategy.

Main Considerations for the Council

Gypsy and Traveller Accommodation Assessment (GTAA)

7. The review of the overall permanent pitch requirement for Wiltshire and its three Housing Market Areas (North and West, East and South) is being informed by a GTAA which was carried out by consultants Opinion Research Services. The GTAA was published in December 2014 and covers the period 2014-29. The GTAA also recommends developing a network of emergency stop-over sites in three broad areas: Salisbury, Royal Wootton Bassett, and Trowbridge.
8. Table 1 and 2 below show the GTAA requirements and permissions since 2014 (as of May 2016) to inform progress towards meeting these requirements. There is no requirement in the East HMA. Historically, supply has been relatively strong in the North and West of the county compared to the other areas. While requirements for 2014-19 have been met there remains an unmet need for 2019-24 and 2024-29.

TABLE 1			
NORTH & WEST HMA		GTAA requirement	
Housing Market Area/Pitch supply	No. of Pitches (2014-19)	No. of Pitches (2019-24)	No. of Pitches (2024-29)
GTAA requirement	21	22	25
North and West HMA residual requirement	-7 (28 pitches permitted between July 2014 and May 2016)	22-17 = 5 (17 pitches oversupply from the first 5 years)	25
Supply from review of temporary permissions, unauthorized sites and intensification of existing privately owned traveller sites	10	0	0
Private land supply through 'call for sites' exercise	0	0	0
Residual requirement to be met	None	5	25
Residual requirement	-17	5	25

TABLE 2	
SOUTH HMA	GTAA requirement

Housing Market Area/Pitch supply	No. of Pitches (2014-19)	No. of Pitches (2019-24)	No. of Pitches (2024-29)
GTAA requirement	1	10	11
South HMA residual requirement	-1 (2 pitches permitted between July 2014 and May 2016)	10-2 = 8 (2 pitches oversupply from previous 5 years)	11
Supply from review of temporary permissions, unauthorised sites and intensification of existing privately owned traveller sites	1	0	0
Private land supply through 'call for sites' exercise	0	0	0
Residual requirement to be met	None	8	11
Residual requirement	-2	8	11

Identification of sites

9. In order to identify sufficient sites to meet residual requirements for consideration through the DPD Officers have assessed sites in both private and Council ownership.
10. Private land supply has been consistently poor despite a Call for Sites which remains open to date. The predominant number of private sites which were considered already benefited from planning permission for traveller pitches. These sites qualify for intensification due to an identified housing need on site; or they benefit from temporary permissions and could be allocated in the DPD with the aim to make them permanent traveller sites.
11. Officers undertook an assessment to consider Council-owned land and reported back to Cabinet Capital Assets Committee (CCAC) on 22 July 2014 and subsequently, 10 November 2015). Sites that may have been suitable from a planning perspective were generally not available. As a result there were insufficient available and suitable sites.
12. On 10 November 2015 CCAC endorsed the proposal to purchase land on the property market to help identify sites to meet residual need and to provide sites for emergency stop-over.
13. Spatial Planning Officers have shared the spatial information as to the areas of search for potential traveller sites with the Asset Management Team to help identify suitable sites. The Asset Management Team is analysing advertisements with a view to identifying suitable sites for acquisition. Once identified these would be returned to the Spatial Planning Team for a preliminary site assessment based on the adopted site selection methodology referenced in the 10 November 2015 CCAC report to see whether they might be suitable for acquisition. So far no

suitable sites have been found on the property market but the process is ongoing.

Legislative and policy changes

14. Since August 2015 there have been legislative and policy changes at national level. The Government changed the definition of 'gypsies and travellers' in Planning Policy for Traveller Sites (PPTS).
15. The Government's intention behind the revised definition is to establish more robustly if individuals lead a nomadic habit of life. The definition is provided in **Appendix 1**. Possible implications of the revised definition in terms of the emerging DPD's baseline data on accommodation need contained in the 2014 GTAA may be that persons previously found to be in 'need' no longer meet the revised definition of 'gypsy and traveller'. DPDs should be consistent with national policy in order to pass examination. The definition was materially amended in 2015 to remove from the definition of 'gypsy and traveller' a proportion of those who would previously have been included within the definition as it stood in 2012 (relating to those who have permanently ceased to travel for educational, health or age-related reasons).
16. The 2014 GTAA's conclusions on accommodation need were based on an analysis of demographics of the local traveller population and national household growth data. Interviews with residents on permitted and tolerated traveller sites in Wiltshire provided the baseline data on immediate need resulting from overcrowding or doubling-up on permitted pitches for example; and the future need to arise from household growth i.e. children reaching legal age and thereby eligibility for a new pitch, between 2014 and 2029.
17. The vast majority of travellers in Wiltshire live on sites with planning permission or where the lawful use of land as a traveller site is effectively confirmed through passage of time. Planning permissions condition the use of land for gypsies and travellers only. Removing status from people retrospectively could be considered unreasonable as this should have been established when planning permission was first granted.
18. In order to ensure that the DPD is supported by a sound evidence base. Officers are obtaining advice on whether a revision of Wiltshire's GTAA is required in the light of the revised definition.

Housing and Planning Bill

19. The Government's Planning and Housing Bill received Royal Assent on 12 May 2016. Section 115 in the Bill now states, in connection with the 1985 Housing Act: *"that in the case of a local housing authority in England, there is a duty to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can*

be stationed, or places on inland waterways where houseboats can be moored”.

20. Linked with this the Government published draft guidance¹ in March 2016. This shows how the government would want local housing authorities to interpret the changes to accommodation needs assessments relating to caravans and houseboats should the clause receive Royal Assent.
21. The draft guidance addresses housing authorities and suggests how to assess the accommodation needs of people residing in caravans or houseboats. Following analysis of the guidance there is no indication at this stage that the Wiltshire GTAA is not robust or inconsistent with the guidance. In essence, the draft guidance simply provides advice as to how to undertake the assessment. Officers consider that there is nothing in the guidance which would result in the 2014 GTAA being found wanting, as it considered the existing data sources listed in the guidance; was based on engagement with the community; and co-operation with neighbouring authorities.
22. The new legislation and draft guidance continue to sit alongside the existing planning policy such as the PPTS requiring local authorities to allocate sites for travellers in development plans based on a robust and credible evidence base such as accommodation needs assessments. It is possible, subject to the outcome of the advice referred to above, that there may be a need to meet the accommodation needs of people currently residing in caravans who are not travellers but this would not need to be assessed as part of the Gypsy and Traveller DPD. As set out in the draft guidance this would fall under the general duties of the housing authority.
23. Assessing the accommodation needs of people residing on houseboats within the county area is a new requirement for the council. It is considered that there is currently no strict requirement to accommodate this into a GTAA or a Gypsy and Traveller DPD. However, an officer group with neighbouring authorities, which share the Kennet and Avon Canal with Wiltshire, could be created to address this duty. This group could establish the accommodation needs of people residing on houseboats on the Kennet and Avon Canal, working with other stakeholders including the Canal and River Trust; and build, for example, on the informal mooring strategy which was developed by the Canals Officer.

Next steps

24. The implications of legislative and policy changes for the emerging DPD need to be fully considered by the Council. Advice is being sought on the robustness of the GTAA in the context of the revised definition of gypsies and travellers in Annex 1 to the PPTS.

¹ <https://www.gov.uk/government/publications/review-of-housing-needs-for-caravans-and-houseboats-draft-guidance>

25. The Council will need to keep up to date with further guidance or secondary legislation linked with the Housing and Planning Act and review the evidence for the emerging DPD accordingly.
26. Officers will continue to appraise the market for potential sites with the view to identifying suitable sites for acquisition.
30. The potential to form a cross-boundary officer group with neighbouring authorities will be considered in order to consider effective ways to establish the accommodation needs of people residing of houseboats on the Kennet and Avon Canal.

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23 May 2016

Appendices

Appendix 1 PPTS Annex 1: Definition of Gypsies and Travellers