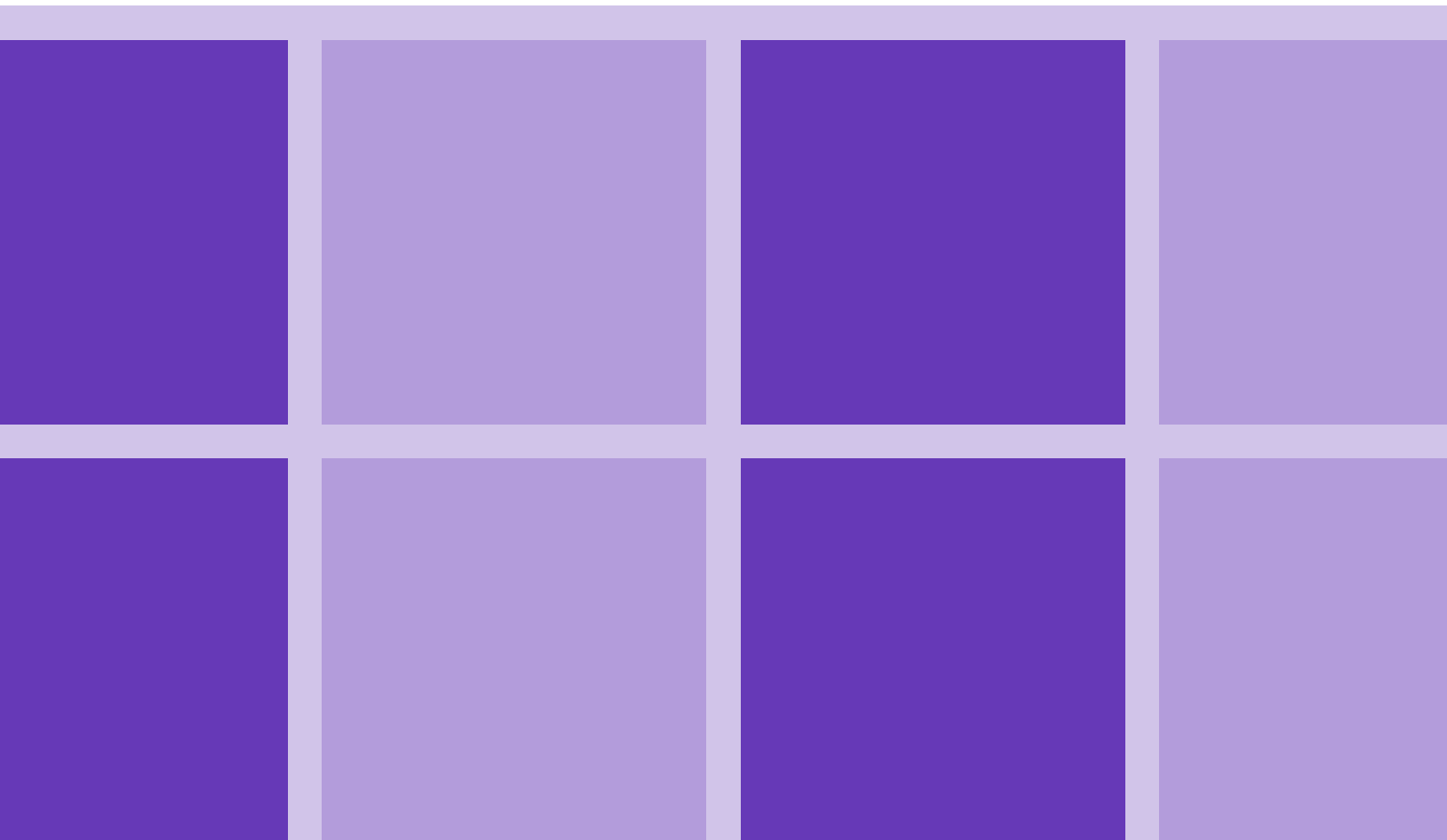


Technical Paper - Gypsy & Traveller Accommodation



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1 Introduction

1.1 This paper provides the justification for the policies in the Telford & Wrekin Local Plan with regard to the provision of accommodation for gypsies, travellers and travelling showpeople. It should be read alongside the University of Salford Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (November 2014) (the GTAA).

1.2 The principal output of the paper is a statement which clarifies the Council's approach both to the target for gypsy and traveller accommodation (set out in Policy HO8 of the Local Plan) as well as the justification for the criteria to be used in assessing planning applications for such accommodation set out in Local Plan Policy HO9.

1.3 The paper also acknowledges comments received during the Regulation 18 and 19 stage exhibitions of the Telford & Wrekin Local Plan and the changes made to these policies as a result.

Gypsy and Traveller Site in Telford



2 Review of national planning policy relevant to the provision of gypsy and traveller accommodation

2.1 The GTAA provides an account of the Council's obligations with regards to planning for gypsy, travellers and travelling showpeople. This report summarises the key legislative matters and updates national planning policy advice in the light of the August 2015 Department of Communities and Local Government (DCLG) publication "Planning policy for traveller sites" which was released after the GTAA.

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2.2 Section 225 of the Housing Act 2004 places a duty on local authorities, as part of their review of housing needs in their areas, to produce an assessment of the accommodation needs of gypsies and travellers resorting or residing in their districts. When planning for the needs of gypsies and travellers, local authorities must also have regard to the Equality Act 2010 which sets the basic framework of protection against direct and indirect discrimination in public functions. The 2010 Act imposes a public sector equality duty which requires the Council, when carrying out its activities, to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and foster good relations between different people who share a relevant protected characteristic and those who do not. In this respect, the courts have held that this duty applies to Romany Gypsies and Irish Travellers because of the protected characteristic of race.

2.3 The NPPF states also at paragraph 159 that councils should have a clear understanding of the housing needs including the needs of all types of households. It specifically directs councils to have regard to the DCLG 2012 “Planning policy for traveller sites” document (which was subsequently updated in 2015) and that this policy must be read alongside the NPPF. Relevant parts of this document are considered below.

Planning policy for traveller sites

2.4 The aims of the “Planning policy for traveller sites” publication are:

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

2.5 The policy statement defines the terms such as “gypsies and travellers” and “travelling showpeople” in the Annex to this document. It is fair to say that this definition is more narrowly defined than that set out in the Housing Act 2004 (though this may change when the Housing and Planning bill is enacted). Thus, “gypsies and travellers” are, for the purposes of plan making:

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.

2.6 The 2015 statement makes a distinctive change over the 2012 policy. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, the Government advises that 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.

2.7 This change was clarified in a ministerial statement with regards to residents who may not fall within this definition ⁽¹⁾. Their needs should be assessed against paragraph 159 of the NPPF.

2.8 “Travelling showpeople” are defined 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

2.9 Government policy affirms the approach which councils should take when planning for this type of accommodation and those parts of the policy relevant to this Council are set out below.

2.10 Councils must use evidence to plan positively and manage development (refer Policy A). This requires the Council to commission research and engage with traveller communities;

2.11 In producing a Local Plan, they should plan for traveller sites (refer Policy B). This means they should:

- a. identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets;
- b. identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15;
- c. consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);

1 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-07-22/HLWS167>

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- d. relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density; and
- e. protect local amenity and environment.

2.12 Councils are further directed at Policy C that, when assessing the suitability of sites in rural or semi-rural settings, they should ensure the scale of such sites does not dominate the nearest settled community.

2.13 Policy F suggests that councils should consider, wherever possible, including traveller sites suitable for mixed residential and business uses.

2.14 Policy H identifies criteria for decision taking with regard to planning applications. Councils are required to assess and determine them in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites. This includes assessing the existing level of provision and need for sites; the lack of alternative accommodation for the application; other personal circumstances; that locally specific criteria which form the policy should be used to assess applications that may come forward on unallocated sites.

Housing and Planning Act 2016

2.15 The Council expect DCLG to issue new guidance on the provision of gypsy and traveller accommodation following the passing of this primary legislation. The Council will therefore review this technical paper in the light of any new government guidance.

Implications of a review of legal obligations and national policy

2.16 Both the law and current national planning policy direct local authorities to plan for gypsies and travellers and to do so on the basis of an appropriate evidence base. For the purposes of plan making, this can be done through identifying sites or broad locations for such accommodation along with appropriate criteria to assess planning applications where a local plan does not identify sites for a 15 year period.

Unauthorised Travellers' Site



3 Local research

3.1 The Council commissioned the University of Salford in 2014 to carry out a GTAA for the Telford & Wrekin area that updated an earlier 2008 study that covered the local authorities of Powys, Shropshire and Telford & Wrekin.

3.2 Currently, guidance on how to conduct a GTAA is set out in the DCLG publication "Gypsy and Traveller Accommodation Needs Assessments" (2007) ⁽²⁾. The research displayed a high level of compliance with this guidance, having involved a review of a number of data sources including:

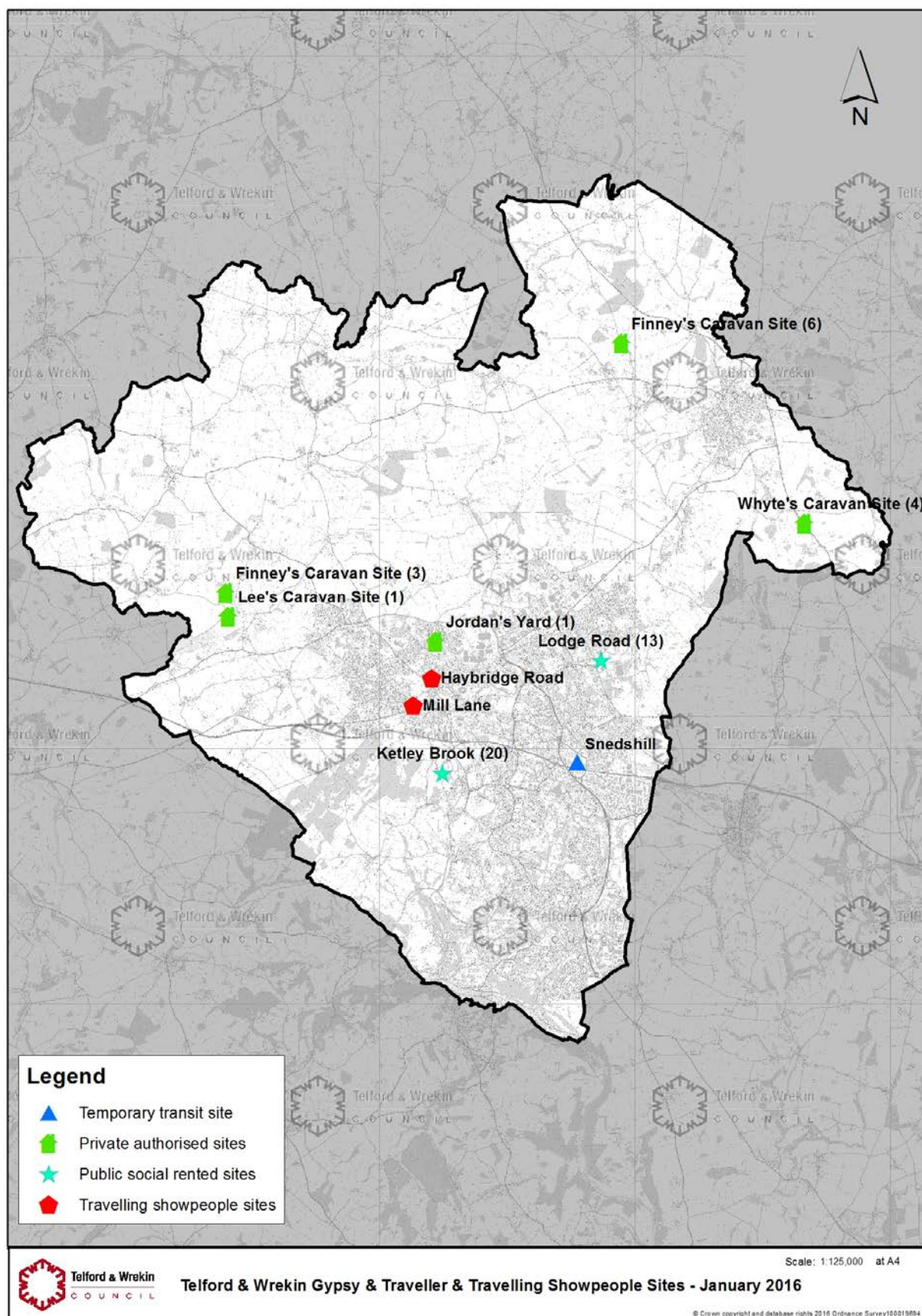
- The previous assessment of need and information submitted through the earlier regional planning process;
- The policy and guidance context;
- A bi-annual Caravan Count;
- Census 2011 data;
- Information from the local authority with regards to pitch provision and supply;
- Information from key stakeholders;
- A survey of 76 Gypsies, Travellers and Travelling Showpeople currently residing or stopping in Telford & Wrekin, covering a range of accommodation types; and
- Follow up qualitative interviews with 16 Gypsies and Travellers living on site-based accommodation.

3.3 The GTAA showed that the existing gypsy and traveller and travelling showpeople population was to be found across a number of accommodation types including socially rented sites (both residential and transit); private sites; travelling showpeople yards; and bricks and mortar accommodation. The study also investigated why people had moved to bricks and mortar accommodation. It is clear that those who did, did so for short term health reasons. It used this primary and secondary data to project future need for the borough.

2 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf

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Map 1 Authorised Sites



3.4 With regard to future need, the GTAA did not consider it necessary to plan for any extra accommodation for travelling showpeople given the presence of two sites at Mitchell's Yard/ Haybridge Road (Hadley) and Fairview (Wellington). However, it projects a need to provide for an additional 32 pitches for gypsies and travellers.

Table 1 Summary of Gypsy, Traveller and Travelling Showpeople Residential Pitch Net Need (2014 to 2031)

	Gypsy and Traveller Pitch Need Total (pitches)	Travelling Showpeople Pitch Need Total (plots)
Current authorised residential provision (pitches)	44	4
Residential need 2014 - 2018 (pitches)	4	0
Residential need 2019 -2023 (pitches)	10	0
Residential need 2024 -2028 (pitches)	10	0
Residential need 2029 - 2031 (pitches)	8	0
Residential need 2014 - 2031(pitches)	32	0

3.5 With regard to transit provision, it advised of the need to make provision of at least 11 transit pitches to accommodate an estimated 21 households requiring short stay accommodation over each calendar year in transit to different areas and based on previous records of unlawful encampments.

4 Planning policies and record of comments on Telford & Wrekin Local Plan

Delivery of the requirements set out in the GTAA

4.1 The GTAA set a target of 32 permanent pitches over the lifetime of the Local Plan of which four are likely to be required by 2018 and a further 10 by 2023 as well as an additional 11 transit pitches, a total of 43 pitches. This is the basis for the strategic Policy HO8 of the Local Plan. As the GTAA does not suggest the Council plan for any additional travelling showpeople accommodation, there is no need to provide for this.

4.2 With regard to gypsy and traveller accommodation, the Council recognises it must identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against this locally set targets, identifying a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15. The Council's overall strategy is to deliver this target largely through planning permissions on land it owns or on other land which it manages on behalf of the HCA and to support extensions to other sites or appropriate new sites without the need to make specific site allocations in the Local Plan.

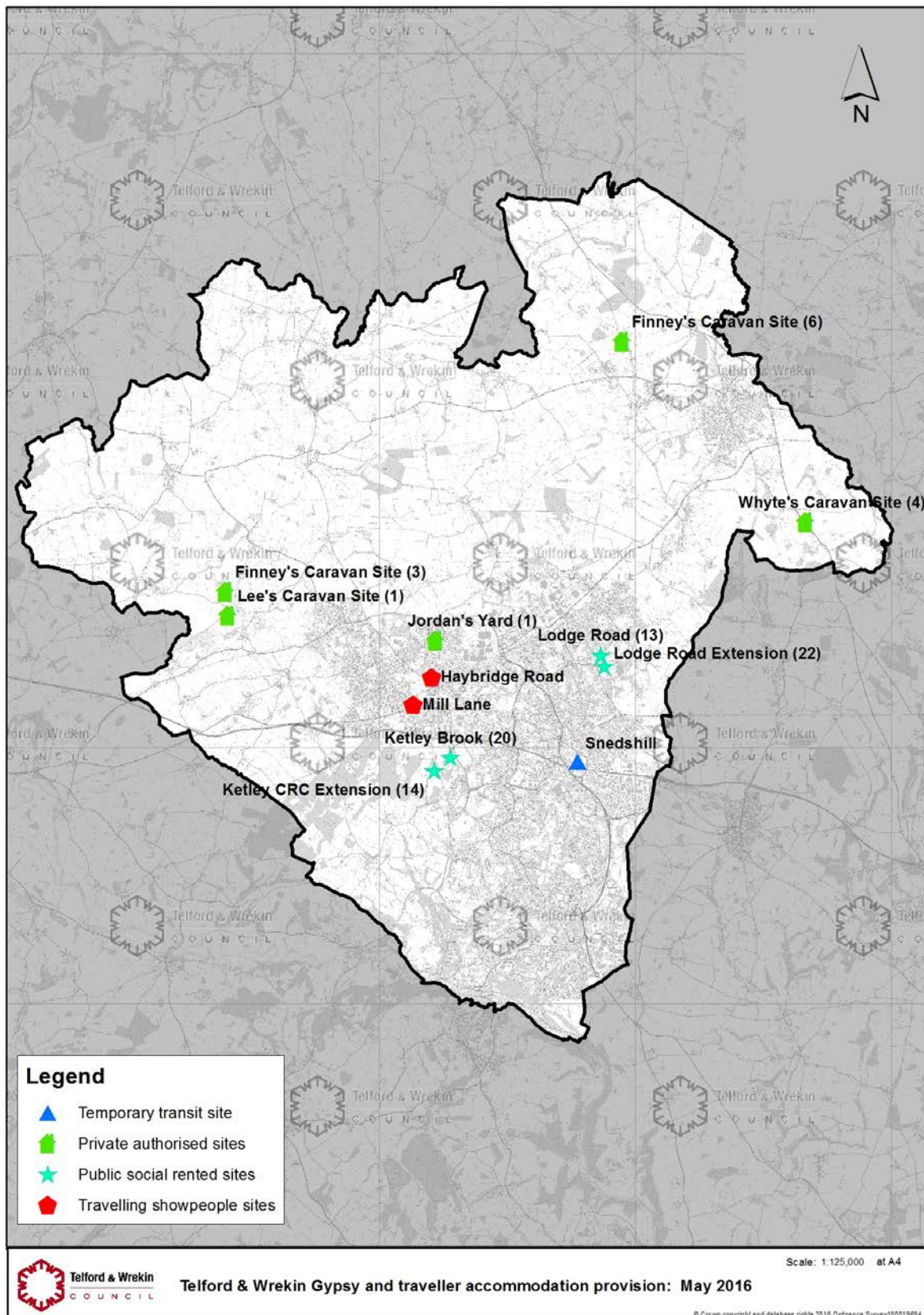
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4.3 To date, the Council has issued planning permission in December 2015 for an extension to the existing Council-run site at Lodge Road, Donnington. This will provide 11 permanent double pitches (that is, 22 pitches) and the site will be completed by the summer of 2016. It has also granted planning permission in May 2016 for a new site on the former Ketley Community Recycling Centre capable of accommodating 14 pitches. This site is expected to be implemented in 2017 or 2018. Thus the Council can demonstrate at this early stage of the Local Plan how it will deliver 36 of the 43 pitch target. The Council can show considerably more than five years' land supply.

4.4 These two permissions are shown on Map 2. It can be seen how these consents will broaden further the mix of options for gypsies and travellers by providing an urban fringe and urban location to complement the other sites already in operation.

4.5 The remaining small shortfall of pitches will be delivered through planning permissions, which could include both extensions to existing sites and new ones. In the delivery of these pitches the Council will work closely with major landowners in Telford including the Homes and Communities Agency and will apply the criteria for assessing such policies set out in Policy HO9 of the Local Plan on these sites and others.

Map 2 Gypsy and Traveller Sites, May 2016



Criteria for assessment of Gypsy and Traveller developments

Regulation 18 (Consultation) Version of the Local Plan

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4.6 The Council drafted nine criteria in this version of the Local Plan.

Policy HO 9

Gypsy and Traveller developments

The Council will support planning applications for Gypsy and Traveller accommodation, if they meet the following criteria:

- i. The applicant can demonstrate there is a need for such provision;
- ii. The proposal is well related to local shops, community facilities, public transport connections, and local employment opportunities;
- iii. The proposal does not dominate local settled communities by way of its size, population density and impact on local infrastructure;
- iv. The proposal would not provide accommodation of an unacceptable quality for residents occupying the site;
- v. The proposal would not unacceptably prejudice the amenities of adjoining or adjacent occupiers;
- vi. Provision is made for an appropriate means of vehicular access to and from the public highway;
- vii. Suitable provision can be made for access to essential utilities and other services;
- viii. The scheme incorporates well designed landscaping and other features to safeguard visual amenity;
- ix. In the rural area proposals do not detract from the undeveloped open and rural character and appearance of the locality.

A condition or legal agreement will be required to control the future use of sites for Gypsies and Travellers, as appropriate.

This policy contributes towards achieving objectives 12, 16, 17 and 25.

4.7 The criteria are manifestly consistent with Government policy. There was broad support for the policy from consultees who responded. The West Mercia Police recommended an additional criteria be inserting to confirm that such sites were accessible to the emergency services. This change was made in the Regulation 19 (Publication Version) (see below) which now has ten criteria.

Regulation 19 (Publication) Version of the Local Plan

Gypsy and Traveller developments

Policy HO 9

The Council will support planning applications for Gypsy and Traveller accommodation if they perform positively against the following criteria:

- i. The applicant can demonstrate there is a need for such provision;
- ii. The proposal can be supported by local shops, community facilities, public transport connections, local and employment opportunities;
- iii. The proposal does not dominate local settled communities by way of its size, population density and impact on local infrastructure;
- iv. The proposal would not provide accommodation of an unacceptable quality for residents occupying the site;
- v. The proposal would not unacceptably prejudice the amenities of adjoining or adjacent occupiers;
- vi. Provision is made for an appropriate means of vehicular access to and from the public highway;
- vii. Suitable provision can be made for access to essential utilities and other services;
- viii. The scheme incorporates well-designed landscaping and other features to safeguard visual amenity;
- ix. In the rural area proposals do not detract from the undeveloped open and rural character and appearance of the locality;
- x. The site would be located in a safe and secure location with access to the emergency services.

A condition of legal agreement will be required to control the future use of sites for Gypsies and Travellers, as appropriate.

This policy contributes towards achieving objectives 12, 16, 17 and 25

4.8 No responses were received in relation to this revised policy. Thus, the Council contends that its approach is sound and has community support.

5 Conclusion

5.1 The Council has commissioned research to assess the borough's needs with regard to gypsy and traveller accommodation. It has demonstrated that there is no need to make provision for travelling showpeople accommodation. It does need to make provision for 43 pitches providing a mix of permanent and transit accommodation for gypsies and travellers and has made substantial progress in fulfilling this requirement. It has identified appropriate criteria to ensure it meets the rest of its requirements.

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Construction of Lodge Road Site



5.2 In the absence of any outstanding objection, the Council contends that its approach to the provision of gypsy and traveller accommodation has public support and is consistent with national policy and is therefore sound.