

CABINET (LOCAL PLAN) COMMITTEE

5 October 2016

GYPSY AND TRAVELLER NEEDS / SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES

CAB2711(LP) Winchester District Local Plan Part 2: Development Management and Site Allocations, approval of Plan for Publication - 16 September 2015

CAB2721(LP) Winchester District Local Plan Part 2: Development Management and Site Allocations, approval of Plan for Publication – 6 October 2015

CAB2722(LP) Revised Local Development Scheme 2015 – 6 October 2015

CAB2782(LP) Winchester District Local Plan Part 2: Development Management & Site Allocations – Update Following Publication Consultation – 29 February 2016

EXECUTIVE SUMMARY

This report considers the expected scope and programme for the proposed Gypsy and Traveller Needs/Site Allocations Development Plan Document (DPD). Work on two key evidence studies has now progressed and the outcome of the examination of Local Plan Part 2 also influences these matters. It had originally been the Council's intention that Local Plan Part 2 (LPP2) would establish the number of gypsy and traveller pitches/plots needed and make the necessary allocations, but the Site Assessment Study that was commissioned to inform site allocations was delayed by a mixture of factors and the Government's advice on travellers (Planning Policy for Traveller Sites) has also been revised. It was not, therefore, possible for the Pre-Submission LPP2 to include an up to date pitch target or to allocate traveller sites.

The City Council then proposed a separate Gypsy and Traveller Needs / Site Allocations DPD which would establish pitch requirements and allocate the necessary sites. However, the Inspector appointed to examine Local Plan Part 2 considered that the absence of a traveller policy in that Plan was a 'soundness' matter which would need to be addressed. The Schedule of Modifications for Local Plan Part 2 needs to include a policy setting out a target for the number of traveller pitches required, informed by an updated Traveller Accommodation Needs

Assessment.

Subject to the LPP2 Inspector accepting the pitch/plot targets proposed, the issue of traveller accommodation needs will be resolved through Local Plan Part 2 and will no longer need to be included in the scope of the Traveller DPD. The matter of making site allocations to meet the identified needs does, however, still need to be undertaken through the proposed DPD. The scope and proposed programme for the DPD that was set out in the 2015 Local Development Scheme therefore needs to be updated and this is proposed in report CAB 2836(LP), also on this meeting agenda.

RECOMMENDATIONS

- 1 That the situation regarding provision for gypsy and traveller needs and the revised scope and programme for the Traveller DPD, as set out in the revised Local Development Scheme (report CAB2836(LP)), be noted.

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DETAIL

1. Background

- 1.1 This report considers the expected scope and programme for the proposed Gypsy and Traveller Needs/Site Allocations Development Plan Document (DPD). Work on two key evidence studies has now progressed and the outcome of the examination of Local Plan Part 2 also influences these matters (see also report CAB2835(LP)).
- 1.2 The Local Plan Part 1 contains a 'criteria-based' policy on gypsies and travellers, setting out criteria which would be used to select any site allocations needed and to determine planning applications. It had originally been the Council's intention that Local Plan Part 2 (LPP2) would establish the number of gypsy and traveller pitches/plots and make the necessary allocations. A Travellers Accommodation Assessment (TAA) was completed for a consortium of 11 Hampshire local authorities in 2013, which established the level of need for Gypsy, Traveller and Travelling Showpeople's accommodation across these authorities, which included Winchester. This study quantified the need for gypsy/traveller pitches in that part of Winchester District outside the South Downs National Park and the results informed a policy (DM4) in the Draft LPP2 which proposed a target of 33 gypsy/traveller and 11 travelling snowpersons' pitches for the Local Plan period to 2031.
- 1.3 At the time of the Draft LPP2 it had only been possible to identify one proposed site allocation, at Colden Common. The City Council had therefore jointly commissioned consultants (along with East Hampshire District Council and South Downs National Park Authority) to assess potential sites to meet the accommodation needs of travellers in each of the local authority areas. The results of the Site Assessment Study were intended to inform site allocations in the emerging Local Plan Part 2 but, in the event, the Study was delayed by a mixture of factors. In addition, the Government's advice on travellers (Planning Policy for Traveller Sites) was revised in August 2015 and this included a change to the definition of travellers. It was concluded that this would require a reassessment of traveller accommodation needs and it was not, therefore, possible for the Pre-Submission LPP2 to include an up to date pitch target or to allocate traveller sites.
- 1.4 The City Council therefore proposed a separate Gypsy and Traveller Needs / Site Allocations DPD which would establish pitch requirements and allocate the necessary sites, once the key evidence studies were received. The Local

Development Scheme was updated in October 2015 to reflect this and the LPP2 was submitted for examination without a traveller policy, but referring instead to the proposed Traveller DPD. This approach acknowledged that traveller issues would need to be dealt with, but expected that the production of a separate Traveller DPD would enable LPP2 to be found 'sound' when examined. However, the independent Inspector appointed to examine LPP2's 'soundness' considered that the absence of a traveller policy in LPP2 was a 'soundness' matter which would need to be addressed. The [Inspector's Initial Findings](#) were received on 28 July and suggested that a Modification would be needed to LPP2 to set a pitch target for travellers, in order for the Plan to be sound.

- 1.5 The Inspector indicated that the inclusion of a policy setting the number of pitches/plots required, along the lines of the Draft LPP2's policy DM4, should enable him to find LPP2 'sound'. This would not make site allocations, with this process still needing to be carried out through a separate traveller DPD. Officers responded to the Inspector's Initial Findings by proposing such a policy in the draft [Schedule of Modifications](#) submitted in August 2016. The number of pitches required was blank, pending an updated accommodation needs assessment which had already been commissioned by 7 Hampshire authorities, including Winchester. The timing of the needs update will enable a target to be added to the proposed policy in the final Proposed Modifications, to be published shortly.
- 1.6 Subject to the LPP2 Inspector accepting the pitch/plot targets through the Proposed Modifications, the issue of traveller accommodation needs will be resolved through Local Plan Part 2 and will not need to be included in the scope of the Traveller DPD. The matter of making site allocations to meet the identified needs does, however, still need to be undertaken through the proposed DPD. The scope and proposed programme for the DPD that was set out in the 2015 Local Development Scheme will, therefore, need to be updated and this is proposed in report CAB2826(LP), also on this meeting agenda.

2. Evidence Studies – Traveller Accommodation Needs Assessment

- 2.1 The City Council is one of a consortium of 7 Hampshire authorities that appointed consultants (Opinion Research Services – ORS) at the end of May 2016 to carry out an updated Traveller Accommodation Needs Assessment. The consortium of authorities includes:
 - Winchester City Council
 - Test Valley Borough Council
 - Fareham Borough Council
 - Gosport Borough Council
 - Havant Borough Council
 - New Forest District Council
 - New Forest National Park Authority

- 2.2 All the authorities had previously been part of the consortium of 11 Hampshire local authorities which commissioned the Travellers Accommodation Assessment for Hampshire (completed in 2013). For most of the authorities, the main driver for an updated assessment is the need for an evidence base which reflects the Government's revised definition of travellers (Planning Policy for Traveller Sites 2015). The new Assessment is, therefore, particularly concerned with measuring the scale of accommodation needed for those that meet the new definition of travellers, namely people of a 'nomadic habit of life', including those who have ceased to travel temporarily due to educational or health needs or old age (or a 'localised pattern of trading' in the case of travelling showpeople).
- 2.3 In concluding that the Local Plan Part 2 needed to set traveller pitch targets in order to be 'sound', the LPP2 Inspector was aware that the Traveller Accommodation Needs Assessment was underway and that its timing should enable targets to be included in the LPP2 Proposed Modifications. The Traveller Accommodation Needs Assessment is now well advanced and the draft results will be considered by officers of the commissioning authorities on 4th October. This meeting will decide whether to 'sign off' the consultants report or agree on any further work/changes needed – officers will be able to provide an update on the outcome at the Committee meeting.
- 2.4 The figures from the Traveller Accommodation Needs Assessment will be included in the Proposed Modifications to LPP2 and the Traveller Accommodation Needs Assessment will be published as part of the evidence base to support them. There will be an opportunity for people to comment on the Proposed Modifications and the Needs Assessment that supports the targets included in the proposed policy DM4. The Inspector will consider the evidence and any comments on the Modifications and, if accepted, these targets will be incorporated into LPP2. The Traveller DPD would consequently only deal with the allocation of sites to meet the targets, as the assessment of accommodation needs would no longer need to fall within the scope of the DPD. This is reflected in the revised programme and details of the DPD that are included in the updated Local Development Scheme (see report CAB2836(LP)).
3. Evidence Studies – Gypsy, Traveller and Travelling Showpeople Site Assessment Study
- 3.1 The City Council has worked with East Hampshire District Council and the South Downs National Park Authority in appointing Peter Brett Associates (PBA) to help identify potential sites to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in each of the local authority areas. The objective of this study was to assess potential sites to determine if they are suitable, available and achievable, so that pitch targets and site allocations could be included as appropriate in LPP2.
- 3.2 In the event, the Gypsy, Traveller and Travelling Showpeople Site Assessment Study was seriously delayed by a mixture of factors to do with limited resources in the local authorities, changes of staff at the consultants and changes to

Government policy. The Study was not, therefore, available in time to enable sites to be allocated for consultation through the LPP2 process, as had originally been intended. It was possible to include proposed pitch targets in the Draft LPP2 (Draft LPP2 Policy DM4), and one proposed site allocation at Colden Common (Draft LPP2 Policy CC2), but these were not carried forward into later stages of LPP2 due to changes in the Government's definition of travellers and delays to the Site Assessment Study.

- 3.3 The [Gypsy, Traveller and Travelling Showpeople Site Assessment Study](#) has now been finalised and published as an evidence document by the 3 commissioning authorities. It notes that, since it was commissioned, the Government's Planning Policy for Traveller Sites has been updated (August 2015) and suggests that the traveller accommodation needs assessment should be updated as a result. For Winchester, this is being done through the updated Traveller Accommodation Needs Assessment (see section 2 above) and the consultants recognise that, once the results of the new needs assessment are available, it may be necessary to update the site assessment report. This is likely to be necessary because the report compares potential sites to the level of need contained in the 2013 Travellers Accommodation Assessment, which is being updated. It is not, therefore, possible simply to transpose the results of the Site Assessment Study into site allocations in the Traveller DPD and further work will be required to match the results of the updated Traveller Accommodation Needs Assessment with the most suitable sites identified through the Site Assessment Study.
- 3.4 The broad results of the Site Assessment Study as it relates to Winchester are that 22 existing authorised sites have been identified which the Study recommends should be safeguarded for continued traveller use (15 gypsy and traveller sites and 7 travelling showpeople's sites). There are a further 15 sites which are recommended as potentially available and suitable for travellers (with a total estimated capacity of about 58 pitches/plots), of which 10 would be suitable for gypsies and travellers and 6 for travelling showpeople (one site is classed as suitable for either group). Many of the potential sites would involve either regularising unauthorised sites or intensifying existing authorised sites, but five are 'new' and all involve publically owned land (Hampshire County Council), mostly various former depots or other land adjoining settlements.
- 3.5 The Site Assessment Study has been published on the web sites of the 3 commissioning authorities, including Winchester. A 'health warning' has been included on the [Winchester City Council web site](#), highlighting that the accommodation needs mentioned in the Study are being updated and that this is likely to affect the number of sites required to meet identified needs. Therefore, the recommendations of the Study are unlikely to be followed in full and further assessment work may be undertaken on potential sites. The Site Assessment Study is, therefore, published as an evidence document rather than for consultation, as its results are likely to be superseded. However, its publication provides a timely opportunity to undertake a further 'call for sites' to make sure that any other potential sites are known of and assessed, and to check the conclusions of the Study prior to including any draft site allocations in the draft Traveller DPD.

4. Conclusion

- 4.1 The two key evidence studies in relation to travellers are the Accommodation Needs Assessment (expected to be completed shortly) and the Site Assessment Study (now received and published on the web). This enables work to start on developing the DPD, taking account of the LPP2 Inspector's Report (when received) in relation to traveller accommodation needs and the proposed new LPP2 policy DM4.
- 4.2 The Traveller DPD will not need to deal with pitch / plot targets provided, as now expected, these are included within LPP2 when it is adopted. This has implications for the scope and timing of the Traveller DPD, which is now expected to deal only with site safeguarding and allocations. The revised Local Development Scheme sets out a revised programme for the Traveller DPD, which broadly reflects the programme proposed in the 2015 Local Development Scheme, but now anticipates adoption later in 2018.

OTHER CONSIDERATIONS

5. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO)

- 5.1 The Traveller DPD will form part of the Winchester Development Framework which is a key corporate priority and will contribute to achieving the Community Strategy and implementing several aspects of Portfolio Plans. That the Plan has had regard to the Community Strategy is a requirement for legal compliance.

6. RESOURCE IMPLICATIONS

- 6.1 The key resources for undertaking work on LPP2 have been approved as part of the budget process, consisting primarily of an annual sum of £36,700 and an earmarked reserve which stood at £145,759 at 1 April 2016. This funding is also adequate to progress the Gypsy & Traveller DPD, subject to any changes in government requirements and the need to review plans.

7. RISK MANAGEMENT ISSUES

- 7.1 The steps to be undertaken in preparing the DPD will all be undertaken with consideration for minimising the risk that it may not successfully pass the examination process or could be delayed in its adoption. This is necessary to ensure that the Development Plan is up to date, that a five year supply of traveller sites can be demonstrated and to avoid putting the Council at risk of development being determined through the appeal process. The Local Development Scheme sets out a more detailed risk assessment of the Traveller DPD.

8. BACKGROUND DOCUMENTS

- 8.1 None.

The Gypsy, Traveller and Travelling Showpeople Site Assessment Study referred to in this report can be viewed at:

<http://www.winchester.gov.uk/planning-policy/local-plan-part-2/traveller-site-assessment-study-call-sites/>

9. APPENDICES

9.1 None.