

REPORT TITLE: GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - UPDATE

CABINET (LOCAL PLAN) COMMITTEE

27 FEBRUARY 2017

PORTFOLIO HOLDER: Cllr Vicki Weston - Deputy Leader and Portfolio Holder for Built Environment

REPORT OF HEAD OF STRATEGIC PLANNING

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WARD(S): ALL

PURPOSE

This report provides Members with an update on the preparation of the Gypsy, Traveller and Travelling Showpeople Site Allocations Development Plan Document (Traveller DPD).

Publication of the Winchester Gypsy and Traveller Accommodation Assessment in October 2016, identified the need for 15 gypsy/traveller pitches and 24 travelling showperson's plots in the period 2016 – 2031, this requirement has been included as a Modification to Local Plan Part 2. The purpose of the Development Plan Document will be to identify and allocate the sites necessary to meet these needs. The process has commenced and the updated Local Development Scheme (October 2016) indicated that a draft DPD would be published for consultation during March – April 2017. Given the need to undertake the necessary 'front loading', which will need to include engaging with the travelling community and their representatives, it is anticipated this could take longer than originally envisaged and it is therefore likely a draft document will be published for consultation later than scheduled. This report therefore examines the work to date and that programmed.

RECOMMENDATIONS:

1. That the progress with preparation of the Gypsy, Traveller and Travelling Showpeople Site Allocations Development Plan Document be noted and that the 'WCC Responses' in Appendix A be agreed.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 This Development Plan Document will form part of the Winchester Development Framework which is a key corporate priority and will contribute to achieving the Council Strategy outcomes, particularly those with a focus on providing specialist housing and opportunities for economic prosperity. It is necessary for this DPD to have regard to the Council Strategy, which is a legal requirement in the plan making process.

2 FINANCIAL IMPLICATIONS

- 2.1 The key resources for undertaking this Development Plan Document have been approved as part of the budget process. Consultants have been commissioned to undertake technical work covering the Gypsy and Traveller Accommodation Assessment (GTAA), undertaken by Opinion Research Services (ORS) and commissioned as part of a joint project with neighbouring authorities. The site assessments were undertaken by Peter Brett Associates (PBA), again commissioned as part of a joint project with neighbouring authorities.
- 2.2 Consultants Enfusion have recently been appointed (PHD 730) to undertake the Sustainability Appraisal/Strategic Environmental Assessment. The Council is also seeking expert advice from Hampshire County Council Gypsy Liaison Officer on this matter and any fees consequently due will be able to be covered by the existing budget for this development plan.
- 2.3 The DPD process includes a public examination which will require the appointment of a programme officer, hire of venue and payment of the inspectors fees, again estimates for this have been included within the existing budget and the timing of this element is not likely to be until mid 2018.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Preparation of a development plan document must comply with a range of legislation namely Part 2 of the Planning and Compulsory Purchase Act 2004, Local Plan Regulations 2012, National Planning Policy Framework together with environmental regulations. Failure to comply with legislative requirements could result in the DPD being found 'unsound' in due course.

4 WORKFORCE IMPLICATIONS

- 4.1 The Strategic Planning Team will lead production of this Development Plan Document, taking advice from other specialists within the Council as required, including transport, landscape, planning, housing and environmental health. It will also be necessary to liaise with external organisations and appoint specialist consultants as required to support the policy approach being formulated.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None.

6 CONSULTATION AND COMMUNICATION

6.1 Preparation of Development Plan Documents is required to include extensive consultation. To date the Council has issued a 'Commencement Notice' which seeks comments on the scope and coverage of the DPD. Some 90 responses were received to this, mainly raising site specific comments in relation to the site assessment report undertaken by PBA. These responses are summarised and included at Appendix A, together with an officer response.

6.2 Further work is required to develop a draft DPD, which will be subject to several stages of consultation and examination before being adopted.

6.3 Similarly it is necessary for development plan documents to have an Equality Impact Assessment, this will be undertaken once a draft document has been prepared and will be published for consultation along with other background papers.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The DPD is required to meet various test of 'soundness' which include a requirement to conform to Government policy, including the NPPF which is intended to achieve sustainable development. The DPD also needs to be subject to Sustainability Appraisal and Strategic Environmental Assessment, as well as assessing potential impacts on internationally important habitats (Habitat Regulations Assessment). Environmental considerations are, therefore at the heart of the DPD's production.

8 EQUALITY IMPACT ASSESSMENT

8.1 The focus of the Traveller DPD relates to providing for the accommodation needs of this particular minority group, while also having regard to the needs of the 'settled community'. The DPD will also be subject to an Equalities Impact Assessment and modified as necessary to reflect any recommendations arising.

9 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i> None	n/a	n/a
<i>Community Support</i> Elements of the plan are controversial	To allow sufficient time for meaningful consultation and engagement. Development plan	This is a sensitive topic which will require extensive liaison and consultation with all those with an interest in this

	preparation is subject to several stages of public consultation. It will also been subject to independent examination.	document, using communication techniques such as social media.
<i>Timescales</i> Timescales established in approved LDS not met	Provide sufficient time to allow for slippage, in accordance with the approved LDS.	To utilise existing networks and resources to aid preparation of this document.
<i>Project capacity</i> Medium risk	Ensure sufficient resources are available to undertake the necessary evidence and community engagement to ensure that the development plan document can be found 'sound' at examination in due course.	Utilise skills and expertise from staff outside the strategic planning team, including external consultants if required.
<i>Financial / VfM</i> Limited risk	Funding for this development plan document is already in the budget	Joint commissioning with neighbouring authorities.
<i>Legal</i> Risk DPD not found 'sound' at examination	Ensure all processes are duly followed and recorded.	None at this stage of the process
<i>Innovation</i>	n/a	
<i>Reputation</i>	See community support above	
<i>Other</i>		

10 SUPPORTING INFORMATION:

Background

- 10.1 Local Plan Part 1 contains a 'criteria-based' policy on gypsies and travellers, setting out criteria to be used to determine planning applications, and to inform the site allocation process. Local Plan Part 2 establishes the accommodation needs of both gypsies and travellers and travelling showpeople for the period 2016 – 2031, in Policy DM4 which states:-

Policy DM4 – Gypsies, Travellers and Travelling Showpersons

Planning permission will be granted for pitches to meet the accommodation needs identified for the area covered by this Plan for people falling within the definition of 'travellers', of about 15 gypsy/traveller pitches and about 24 travelling showpeople's plots between 2016 and 2031.

Sites will be identified and consent granted as necessary to meet identified traveller needs in the Plan area which could not otherwise be

met, subject to the criteria outlined in Policy CP5. Proposals for transit sites will be considered on an individual basis, following the criteria of CP5.

10.2 Policy DM4 is a Proposed Modification to LPP2, and was subject to a 6 week consultation period during October – December 2016. Two responses were received which were subsequently forwarded to the Planning Inspector appointed to examine LPP2. One response raised a site specific matter, and the other refers to the reference in the policy to ‘about’ in terms of the number of pitches and suggests this should be ‘at least’. The Council has since received the Inspector’s report to LPP2 and no further modifications have been made to the plan in this respect, therefore Policy DM4 remains as originally expressed in the proposed modifications.

10.3 The Council is now in a position to adopt LPP2 see report CAB2903(LP) on this agenda.

11 Evidence Studies

11.1 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 Winchester part of the report was received by the Council in October and uploaded to the Council’s website and the data incorporated into Policy DM4 above.

11.2 In addition, the City Council has worked with East Hampshire District Council and the South Downs National Park Authority to appoint 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. The report identifies a number of potential sites, and those already in use by gypsies and travellers, and assesses their suitability to be expanded or allocated for traveller use. This report was received in the summer and is also available on the Council’s website.

12 Progress to Date

12.1 It is a requirement under the Town and Country Planning (Local Planning)(England) Regulations 2012, to publicise a notice that preparation of a development plan document has commenced and to seek any comments on both the scope and content of the development plan document. This was undertaken during October – December 2016 and some 90 comments were received, predominantly objecting to a number of the sites identified in the PBA study. This notification process also included a ‘call for sites’, to determine if further sites were available for such use.

- 12.2 These comments are included in a summary table set out at Appendix A, together with an initial officer response. These representations can be viewed in full on the [Gypsy and Traveller](#) web pages. The bulk of the responses raise issues in relation to the nature of the sites identified in the PBA study stating that these are unsuitable for traveller purposes on the basis of access, environmental impact, lack of infrastructure and local amenities. No responses were received to the general scope and content of the plan which was the original intention of the notice issued. Given the very early stage of preparing the draft DPD, the proposed 'WCC Responses' at Appendix A generally refer to the need for further work on availability and suitability, rather than recommending whether the sites should be allocated or not.
- 12.3 The Council has not endorsed the PBA report and it has come to light that some data may be incomplete (e.g. site availability / ownership). The process of preparing the Development Plan Document will be to determine which sites are available and deliverable and it will therefore be necessary to undertake further site assessments in due course.
- 12.4 An officer working group has been established including representatives from Housing, Environmental Health, Planning and Health and Wellbeing, together with Hampshire County Council's Gypsy Liaison Officer. The purpose of the group is to utilise existing communication channels to ensure that there is meaningful engagement with both the travelling community and the wider community, a key part of the development plan process. In addition an all-Member briefing session was held on 31 January 2017, to set out both the process of preparing the DPD and the issues to be addressed.
- 12.5 The approved Local Development Scheme (October 2016) includes a detailed timetable for the preparation of this document, which includes publication of a draft plan for consultation during March – April 2017. There may be a delay in preparing a draft DPD to follow this timetable, as advice from officers with experience in dealing with the traveller community is that community engagement particularly with the travelling community will be resource intensive as traditional methods of communication are less effective. Social media has been utilised to raise awareness of this plan using the hashtag #winchtravellers.
- 12.6 Officers are also in the process of establishing how much of the identified need as set out in Policy DM4 has already been met, given that the base date for the DPD is 1st September 2016 and permanent planning permissions granted or appeals allowed after this date will contribute to supply.
- 12.7 Like housing, government guidance requires local authorities to have a demonstrable 5 year supply of suitable sites. It will therefore be necessary to calculate this and ensure that this is maintained to provide the Council and local communities with certainty. A key change to previous guidance is the revised definition of Gypsies and Travellers as set out in Planning Policy for Traveller Sites published in August 2015, which states '*persons of nomadic habit of life whatever their race or origin, including persons who on grounds only of their*

own or family's or dependants' education or health needs or old age have ceased to travel temporarily, but excluding member of an organised group of travelling showpeople or circus people travelling together as such. '

- 12.8 A key requirement of the ORS study was to confirm those travellers that meet the new definition and those sites where there is likely to be a need in the future – such as that of older teenage children.

13 Conclusion

- 13.1 With receipt of two key evidence reports, and confirmation that LPP2 is sound, the Council is now in a position to progress with the preparation of this Development Plan Document, through identification and assessment of potential sites to allocate. It will also be necessary to engage with both the travelling and wider community, in advance of preparing a draft DPD for consultation.

14 OTHER OPTIONS CONSIDERED AND REJECTED

- 14.1 None.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB2837(LP) GYPSY AND TRAVELLER NEEDS / SITE ALLOCATIONS
DEVELOPMENT PLAN DOCUMENT - 5 OCTOBER 2016

Other Background Documents:-

None

APPENDICES:

Appendix A – Summary report of representations received to Commencement Notice

Appendix A			
G&T site ref + location	No of responses	List of key points made	WCC response
General comment	1	Concern about the condition of sites previously occupied by the travelling community and the consequential costs to the Council.	Comment noted
W005 Ashbrook Stables, Colden Common	1	Would ruin the village. Services already at breaking point.	Comment noted – this site was assessed as part of LPP2 preparation and it was concluded that it is not available.
W008 Travellers Rest, Appledown Lane, Bishops Sutton	18	<p>Numerous comments received covering the following points:-</p> <ul style="list-style-type: none"> • Site only suitable for one or two mobile homes. • Approval given for 1 family only. • Contrary to Policy CP5. • Site not well related to existing communities. • Will create disruption and an eyesore; resentment from local community caused by travellers' lack of respect for people and property; theft and vandalism concerns • Site too close to proposed new junction and commercial area (Policy NA3 Sun Lane allocation) • Site too close to local houses • High level of noise from the A31. • Contrary to Government guidelines 'Designing Gypsy and Traveller sites'. • site floods. • How will dirty water, sewage etc be managed; cause potential pollution to River Arle; lies within 	<p>Detailed comments noted – this site is currently recorded as a vacant traveller site originally receiving planning permission on appeal. The planning permission was amended in 2008 to allow occupation by any family falling within the definition gypsy status as set out within Circular 01/2006 and by no other people.</p> <p>Since then the site has been vacated and the definition of travellers redefined in Planning Policy for Traveller Sites August 2015.</p> <p>Given the history of this site, it will be necessary to undertake further site assessments to determine whether it should be retained through the traveller DPD for such purposes.</p>

		<p>drinking water safeguard zone</p> <ul style="list-style-type: none"> • Too many allocations in local community ; concentration of allocations will overwhelm community; Disproportionate distribution • Rural area with little police presence. • Site cannot be adequately screened or landscaped to blend the site into its surroundings. • Query how travellers & Gypsies with horse-drawn caravans supposed to access local amenities? • A quiet market town like Alresford is not a place to even consider a G&T site. • Site has been vacant for some time and is also unpopular with both traveller and settled community 	
W012 Big Muddy Farm, Alma Lane, Upham	1	This site has been submitted under the 'call for sites' for inclusion in the DPD on the basis that it is an existing site in use by travellers.	This site is recommended for safeguarding within the PBA study, as permanent planning permission was allowed on appeal in 2013 for the use of the site as a single family gypsy site comprising no more than 1 pitch for no more than 4 caravans for those named in the permission. Like other sites it will be necessary to undertake further technical assessments to determine whether this site is suitable for inclusion within the DPD
W017 Ourlands, Land lying east of Mayles Lane, Knowle	1	This site has been submitted under the 'call for sites' for inclusion in the DPD on the basis that the site benefits from a temporary planning permission, allowed on appeal	This site is listed within the PBA study, temporary permission was allowed on appeal in 2013 for 3 years for 3 pitches comprising no

		and is also the subject of a current application to make it a permanent permission.	more than 3 mobile homes and 3 touring caravans. As part of preparation of the DPD it will be necessary to assess this site in light of the temporary permission and determine whether it warrants a permanent permission.
W020 Carousel Park, north of Winchester	2	Planning conditions not adhered to. Site occupied by people other than 'travelling show people'. Problems include petty crime and anti social behaviour.	Comments noted, this site is subject to a current enforcement notice and planning inquiry. Given the need to meet the requirement for 24 travelling showpersons pitches in the plan period it will be necessary to assess the capacity of the site as part of preparation of the DPD.
W034 Sun Lane, New Alresford	1	Support of the emerging DPD in respect of the exclusion of site W034 from further consideration.	This site is allocated in LPP2 for a mixed use development under policy NA3, it is therefore no longer available for consideration as a traveller site as part of this DPD.
W038 Chipping Depot, Northington	29	Numerous comments received covering the following points:- <ul style="list-style-type: none"> • Site in open countryside, close to ancient woodlands and outside development boundary; landscape impact; Environmentally sensitive area. • Site is remote from any services/amenities. • Boundary of the site is an important habitat and lies within Stratton Woods Landscape Area; TPO's on site • Development would cause light pollution – impact on dark skies • Narrow road and poor sight lines and visibility splays at 	Detailed comments noted, the issue of an oil pipeline lying under the site has been raised by the agents acting on behalf of the CHL Pipeline System. This site was assessed as part of a wider assessment of public land holdings through the PBA study, which concluded that it had potential as a travellers site by reference to it being a public owned site. If the Council wished to

		<p>the sites access.</p> <ul style="list-style-type: none"> • Site is contaminated. • Archaeological and impacts on extensive natural activity. • National strategic pipeline for aviation spirit runs under this site. • Site is in current use and is not available for alternative uses • Lack of mains drainage; no mains water or electricity on site 	<p>promote this site it would be necessary to confirm availability and undertake further technical assessments of the site in terms of access, landscape impact etc. The presence of the oil pipeline and its necessary easements mean that a significant proportion of the site is unlikely to be available.</p>
W046 Northside Lane, Bishops Sutton	29	<p>Numerous comments received covering the following points:-</p> <ul style="list-style-type: none"> • Will adversely affect people using the Watercress line steam railway. • Site not vacant or undeveloped. • Part of the site lies in Flood Zone 3; and drinking water safeguard zone; site has no mains drainage or sewage; pollution risk to The Arle • Road safety concerns. • Site lies within the countryside, outside the settlement boundary; lack of facilities and amenities • Proximity to SDNP 	<p>Many of the comments made about Appledown Lane also apply to Northside Lane and vice versa as respondents have written their responses but not clearly stated which site they are referring to.</p> <p>Again this site was assessed as part of a wider assessment of public land holdings through the PBA study, which concluded that it had potential as a travellers site by reference to it being a public owned site.</p> <p>If the Council wished to promote this site it would be necessary to confirm availability and undertake further technical assessments of the site in terms of access, landscape impact etc</p>
W085 Land adjacent to Gravel Hill, Swanmore	1	<p>This site has been submitted under the 'call for sites' for inclusion in the DPD on the basis that the site is currently used by travellers</p>	<p>This site was granted a further temporary consent at planning committee on 12 January 2017. It will therefore be necessary to undertake further technical assessments to determine whether this</p>

			site is suitable for inclusion within the DPD.
W087 Durley Street, Durley	1	This site has been submitted under the 'call for sites'.	<p>This site is subject to a current planning application for 4 pitches (1 mobile home, 1 touring caravan on each) plus day rooms, open space parking and access.</p> <p>This proposal will need to be assessed against Policy CP5 and Policy DM4. Like other sites it will be necessary to undertake further technical assessments to determine whether this site is suitable for inclusion within the DPD</p>
Not site specific just general Bishop's Sutton	4	<p>Various comments received :-</p> <ul style="list-style-type: none"> • Unreasonable concentration of sites in Bishops Sutton area. • Environmental concerns – drinking water pollution, drinking water safeguard zone proximity to aquifer, adjacent to a flood plain, lack of mains sewage. • Rural community with limited policing, lack of local infrastructure and amenities 	Comments noted see above responses.