

ADDENDUM FOR CABINET 23RD APRIL 2014

Addressing the shortfall of sites for Gypsies, Roma and Travellers

Outcome of further technical work since Preferred Options consultation

The need assessment has been updated by Opinion Research Services (ORS) this has identified a need for 66 pitches for Gypsy, Roma and Traveller Families. This takes account of the 6 pitches extension at Osbaldwick.

In parallel there has been independent testing of sites included in Preferred Options consultation, other opportunities that have come forward and the possibility of increased provision on existing sites.

The outcome of all of this is a need to revise the approach that we are taking in the further sites consultation to address the shortfall. This paper includes a series of recommendations on a revised approach.

We recognise that the revisions come quite late in the process for finalising the Further Sites Consultation Document. This may not be ideal but it is a consequence of the pace of work and the parallel working on a number of issues.

Current position

The current position is set out in the Further Sites Consultation document circulated on 10th April for Local Plan Working Group, this shows the loss of sites at Chowdene, Common Road and Wetherby Road and one new small site identified at Elvington Lane.

One of the experiences from the Preferred Options consultation is the difficulty of maintaining the commitment of a willing land owner.

Clearly one additional site of 7 pitches makes only a very small contribution to the unmet need of 66 pitches and we need to identify more opportunities to address unmet need.

For Travelling Show People who have different requirements as they need winter storage for large pieces of equipment, the position is better

in that the overall need in the Plan period is for 8 plots, we have a shortfall of 5 plots and further sites need to be identified.

National Policy

National Planning Policy is currently set out in Planning Policy for Traveller Sites. The approach taken and the tone of this policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The approach to ensuring a supply of sites is the same as that taken for housing for the settled community with the key measure being the maintenance of a rolling 5 year supply of sites.

To ensure a 5 year supply at adoption we need at least 7 years of identified supply in the publication draft of the Local Plan beyond that 7 year period there is the option of identifying broad locations. However the certainty of identifying sites in the Plan is a much better position. The absence of a 5 year supply of sites creates a strong presumption to approve a planning application for a traveller site.

The way forward

The consultants who have looked at the supply of sites have suggested other approaches to meeting the shortfall. They considered expansion of existing sites their conclusion is on this is that none of the established sites are suitable for expansion. The established sites for travellers are not suitable for further intensification or expansion (Note the established site at Osbaldwick has a planning permission for 6 additional pitches which is accounted for in the explanation of the current position).

The consultant also considered using parts of sites designated for housing for the settled community to accommodate the travellers. This reflects the direction being taken in national policy, though it is potentially quite contentious and in some cases may adversely affect the viability and deliverability of these sites. However setting a high threshold for site size - 50ha and a requirement for a maximum 0.5ha for a traveller site (this would accommodate 15 pitches and is regarded as an appropriate maximum size for a site and is 1% of the site area of a 50ha site) will greatly dilute any effect on viability and deliverability.

This is a new approach and we are not aware of any examples elsewhere in the country where it has been successfully implemented. However there are parallels with other types of specialist housing being regarded as a requirement to be made on appropriate sites such as specialist provision for elderly people. The consultant advising the Council on site options has confirmed that other authorities are looking at this approach though none have yet made this public. Furthermore many Planning Authorities are in the process of reviewing Plans to identify sites for travellers, essentially it is unfinished work. Particularly as many authorities have prepared a Core Strategy first which does not identify specific sites for development. Other local authorities in Yorkshire that have progressed to site identification include Doncaster, East Riding and Wakefield. Their circumstances are set out in the bullet points below, they all rely to some extent on using Council owned land for sites.

- East Riding for example has identified two large potential allocations (13 pitches each) in Cottingham and Bridlington; one of these sites is Council owned land and the other landowner is in discussion with the Council regarding the site's purchase.
- Wakefield's Local Plan allocates a site for Travelling Showpeople although the Inspector raised concerns that no allocations have been identified for Gypsy and Traveller use despite the indications of the Yorkshire and Humber 2009 study. It was recognised however that the Council is committed to undertaking a Local Need Assessment and, if necessary to identify site(s) on Council owned land. This Plan predates the NPPF and is would not be sustained today
- Examination of Doncaster's DPD will begin on 29th April. The Submission draft identifies several Council owned sites that will be allocated as permanent pitches, extended and/or refurbished. No completely new sites have been identified although the policy states that the Council will review surplus Council owned land with a view to selling it to the travelling community as well as working with the travelling community to identify private land or currently unauthorised sites to develop for gypsy and traveller use on a permanent, authorized basis. Doncaster has a large Traveller

community, a number of existing sites suitable for expansion and a history of Travellers seeking to make their own provision.

The use of commuted sums levied as an alternative to on site provision on existing housing sites is a possible alternative with the funds collected being used to deliver freestanding new traveller sites. Such an approach will need to be compliant with the most recent Community Infrastructure Levy Regulations. We are satisfied that this can be achieved and Section 106 payments collected. This would be more acceptable to the developers of housing sites but would reduce the opportunity to address other planning obligations on the site. Furthermore there remains the issue of identifying deliverable traveller sites.

To help address the identification of sites an additional option is to invite land owners to provide a suitable alternative site within the District that is in their ownership. This will give land owners three choices; on site provision or to provide an alternative suitable site that is in their ownership or a commuted sum. This final option should be one of last resort when the land owner has clearly demonstrated that the other two alternatives are impractical.

Given the difficulties of identifying and maintaining a 'willing land owner' the potential of Council owned land is an important option that must be considered. This would resolve the willing land owner issue and could provide sites on which 'commuted sums' could be invested.

The key remaining issue with this approach is the ongoing management of the site. If the council is unable to take on the management role then an alternative arrangement will be required. This could be through a Registered Social Landlord or a Traveller Organisation who would have the relevant experience

In addition to council land it may be possible to identify other public land where the owner could be prevailed upon to sustain the 'willing land owner' requirement.

The use of Compulsory Purchase Order powers to acquire a site could be considered, though their use is quite tightly constrained. If the Order

is contested its merits are the subject of rigorous testing through a public inquiry.

Finally it is important to retain a criteria based policy in the Local Plan that will enable further unforeseen sites to come forward over the life of the Plan.

A similar approach can be taken to finding additional sites for Show People but in this case employment sites would be more appropriate given the mixture of winter living accommodation and storage for equipment that is required. Furthermore as the overall shortfall is small (5 plots which do not need to be on one site e.g. an existing sites accommodates 2 families) the delivery could be achieved on a wide range of employment sites.

Recommendations

The current position of a shortfall of nearly 59 pitches will not survive the scrutiny of Plan Examination. Such a mismatch of need and supply does not comply with NPPF and would not be accepted by an Inspector. If we go ahead on this basis the most likely outcome is the Inspector suspending the examination to enable more work to be done to identify sites. This would delay adoption possibly by 6 months an inconclusive outcome on further work will risk an unsound Plan. The 6 month delay is based on the time required to both carry out further work and to test this through public consultation.

To avoid these scenarios we need to identify sites to meet the shortfall identified (possibly with a small allowance for windfall sites). We propose a package of actions that are set out in recommendations 1 to 3 and further actions 4 and 5 below to do this. We suggest that the recommendation in the Local Plan Working Group is re-drafted to reflect the following:

Use the current consultation to test the following proposals: -

1. Actively seek further sites for consideration through the further sites consultation. We are setting out in the document that we have only found land for 7 pitches and we need over 60 and so we are encouraging further proposals and we have some ideas for

simplifying the development of new sites – as set out in points 2, and 4 below.

2. Offer to all promoters of new sites for travellers the possibility of: -
 - Either council purchase of the site provided that it is confirmed through the local plan examination, with the council then taking the lead on implementing the new provision. This would help to de-risk implementation. However we will need to identify a third party to take on the long term management of the site – this could be an Registered Social Landlord or a Traveller organisation
 - Or offer a ‘partnership to ensure delivery’ with the owners of proposed sites that are confirmed through the Local Plan examination. This would help to de-risk implementation through giving the council leverage in a partnership rather than using outright purchase. (It should be noted that there is a risk attached to proposing new sites at the Publication stage of the Local Plan however we would have ‘flagged’ the possibility at the further sites consultation stage, so it would not come as a complete surprise. Furthermore it is a lesser risk than not having the sites at all).
3. Commit to a thorough review of council owned land and dialogue with other public land owners to identify sites. This would not be an option in the consultation document itself but would be announced alongside the publicity on the further sites consultation this would show the council’s commitment to making new provision.
4. Propose the use of small parts (less than 1%of the site area) of the largest sites identified in the Plan for the settled community to contribute to provision. The proposed cut off of 50ha would bring in 4 sites
 - ST7 East of Metcalf Lane
 - ST8 North of Monks Cross
 - ST14 Clifton Moor

ST15 Whinthorpe

This would be presented to land owners as a choice in the following priority order; (1) on site provision, (2) provision on another suitable site in their ownership or (3) a commuted sum. Any funds collected could then be used to pay for provision of facilities on any other identified sites and the purchase of sites by the Council (see option 2 above)

5. For Travelling Show People the provision of accommodation and equipment storage is actively encouraged on employment sites. Owners of employment sites are invited to put forward proposals.
6. On a separate but related issue an error has been made in the site boundary on site 747 Elvington Lane Elvington, a site suitable for Gypsy, Roma and Travellers. A Plan showing the revised boundary is attached.

Attachment: Plan showing revised boundary of the proposed Gypsy, Roma and Traveller site at Elm Tree Farm, Elvington (site 747) following discussions with landowners.