

Report of	Meeting	Date
Chief Executive (Introduced by the Executive Leader and Executive Member for Economic Development and Partnerships)	Council	21 July 2015

CENTRAL LANCASHIRE GYPSY, TRAVELLER & TRAVELLING SHOWPEOPLE'S ACCOMMODATION ASSESSMENT – JUNE 2015

PURPOSE OF REPORT

1. To inform members about the revised Central Lancashire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) – June 2015.

RECOMMENDATION(S)

2. Those members defer the consideration of the Assessment Document and the progression of the Traveller Local Plan to the next Council meeting.

EXECUTIVE SUMMARY OF REPORT

3. A revised draft GTAA published in May 2015 identified a need for 11 permanent pitches for Travellers in Chorley Borough, (an additional 6 to the 5 being progressed through the Chorley Local Plan 2012-26) 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026.
4. The GTAA provides an up to date assessment of the Gypsy, Traveller and Travelling Showpeople's housing needs in the Central Lancashire area. Its findings inform the approach taken to cover this issue in Local Plans and it forms part of the evidence base behind the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan.
5. Following discussions and clarifications sought from the Council this figure has been revised down to a need for 10 permanent pitches.
6. It is the understanding of the Council that this pitch requirement may be challenged by the local traveller community upon whose need the assessment is primarily based. It is understood that the position of the local traveller community is that the Assessment may overstate the number of pitches needed to be provided. Local Circumstances are also a relevant factor for considering the appropriate provision.

Confidential report Please bold as appropriate	Yes	No
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Key Decision?	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. As the GTAA forms a significant part of the evidence to the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan, the Issues and Options version of which is currently being drafted, it is important that the Council proceed on the most certain position possible. As the Assessment findings have changed again it is appropriate at this stage to try to obtain this certainty.
8. Central Government have also indicated that they intend to review their policies on Gypsy and Traveller Planning matters at the earliest opportunity. Again if these policies are to change it changes the context of and therefore undermines the Council's approach to the preparation of the Gypsy and Traveller Local Plan.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Failure to undertake a GTAA and progress a local plan to allocate sufficient land to meet the identified need for new pitches would be contrary to national planning policy guidance.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

11. The previous GTAA published in May 2007 covered a 10 year period to 2016. It was used to evidence the Central Lancashire Core Strategy, which was found sound and adopted by the Central Lancashire Councils in July 2012.
12. However, at the Chorley Local Plan Examination hearing (April 2013), the Inspector did not accept that this study was sufficiently up to date and only issued a Partial Report (on 25th October 2013) on her findings into the soundness of the Plan on all matters other than those relating to Gypsies, Travellers and Travelling Showpeople. It was her intention to re-convene the Examination following completion and consultation on an up to date Central Lancashire GTAA and consultation on proposed sites and policies in order to enable the progression of the Chorley Local Plan to adoption.
13. Arc4 was commissioned by the Central Lancashire Authorities (Chorley Council, Preston City Council and South Ribble Borough Council) in July 2013 to undertake a Central Lancashire Gypsy and Traveller Accommodation Assessment to determine the need for any additional pitch and plot provision in the area.
14. This study was initially completed in January 2014 and identified a need for 5 permanent pitches for Travellers in Chorley Borough, 15 in Preston, none in South Ribble and a Central Lancashire wide need for 15 transit pitches to 2026. No need for Travelling Showpeople accommodation was established in Central Lancashire.

15. The GTAA was considered by the Inspector, however she was concerned that it may have underestimated the level of need and she asked for further detailed work on this matter. In the meantime, in order to progress the Chorley Local Plan to adoption, she advised that a site of 5+ permanent Traveller pitches should be allocated.
16. Accordingly, additional fieldwork was undertaken by Arc4 between 7th June 2014 and 6th October 2014. This provided more detailed information about current and future accommodation needs and aspirations of Gypsies, Travellers and Travelling Showpeople.
17. The revised GTAA was completed in May 2015. It has identified a need for 10 permanent pitches for Travellers in Chorley Borough (an additional 5 to the 5 being progressed through the Chorley Local Plan 2012-2016), 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026. There is also an 'aspirational need' identified for 13 Travelling Showperson plots in Central Lancashire.

DEFINITION OF GYPSY AND TRAVELLER

18. The definition of 'Gypsies and Travellers' is set out in the Government's 'Planning Policy for Traveller Sites (March 2012) as:

'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 dependents' educational or health needs or old age have ceased to travel temporarily or permanently....'

LEGISLATIVE AND POLICY CONTEXT

19. In March 2012 the Government published both the National Planning Policy Framework and its Planning Policy for Traveller Sites. These documents replace all previous national planning policy and guidance in respect of Gypsies and Travellers. This national guidance is a material consideration in determining local planning applications and its overarching aim is 'to ensure fair and equal treatment for Travellers'.
20. Under this guidance Local Authorities should make their own assessment of Gypsy, Traveller and Travelling Showpeople accommodation needs for the purposes of planning, and plan for sites over a reasonable timescale.
21. The policy also states that:
 - Plan making and decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.'
 - Planning policies need to be fair, realistic and inclusive; and
 - Planning policies should increase the number of Traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply.
22. It is within this policy context that local planning authorities have to plan future provision for Gypsies and Travellers across their respective areas. The Framework emphasises the role of evidence and how it should be used within this context. Policy A: Using evidence to plan positively and manage development stresses the need for timely, effective and on-going community engagement (both with Travellers and the settled community); in addition the 'use of a robust evidence base to establish accommodation needs to inform the preparation of Local Plan and make planning decisions' is advocated.

23. Paragraphs 8 and 9 of Planning Policy for Traveller Sites state that;
- ‘Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities’.
- Local planning authorities should, in producing their Local Plan:
- a) Identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets;
 - b) Identify a supply of specific, developable sites or broad locations for growth, for years six to ten 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);
 - 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.
24. Despite the revocation of the North West Regional Spatial Strategy (North West of England Plan – Regional Spatial Strategy to 2021) in May 2013, the need for strategic planning remains, especially to ensure coherent planning beyond local authority boundaries. To this end the Localism Act (2011) introduced on local planning authorities the Duty to Co-operate in relation to planning sustainable development. Under this Duty local planning authorities must engage constructively, actively and on an ongoing basis in the preparation of development plan documents, other local development documents, and activities that can be considered in any way to prepare the way for development plan documents. Under the Act the sustainable development or use of land that would have a significant impact on at least two planning areas is considered to be a strategic matter falling within the Duty to Co-operate¹.
25. Paragraph 181 of the National Planning Policy Framework (The Framework) states that “Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination”.
26. The Framework also provides further guidance on the duty, focusing on “planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156”. (Para 178, The Framework). The Framework is clear that local planning authorities (LPAs) and other public bodies should work collaboratively on Gypsy and Traveller and Travelling Showpeople provision and reflect this in Local Plans.

STUDY METHODOLOGY

27. The methodology used for the study was as prescribed by the legislation, and guidance contained in the Framework and Planning Policy for Traveller Sites. It also included the ‘Gypsy and Traveller Accommodation Needs Assessments – Guidance’ (CLG 2007).

¹ The Localism Act 2011 Part 6 Chapter 1 Duty to co-operate in relation to planning of sustainable development Section 110

28. It comprised; interviews with Gypsies and Travellers, desktop analysis of existing documents, data and pitch information, a key stakeholder on-line questionnaire for professionals who have direct contact with Gypsy and Traveller and Travelling Showpeople communities, a review of the bi-annual caravan count for DCLG and Local Authority information on existing site provision (permanent and temporary) and unauthorised encampments.
29. The results of the study are set out below:

HEADLINE FINDINGS – PERMANENT PITCH REQUIREMENTS BY AUTHORITY

	Chorley	Preston	S Ribble
Total additional requirement to 2026 for Gypsy and Traveller pitches to fit to Local Plan timeframe 2013/14 to 2026	10	22	1

30. The report also highlights a shortfall of 13 Travelling Showperson plots to 2026. This is based on aspirational need across Central Lancashire and is explained further in paragraph 29.

TRANSIT NEED REQUIREMENT

31. The study also identifies a need for 4 transit pitches across Central Lancashire. This need is calculated using data on unauthorised encampments from each of the three authorities (numbers of caravans and duration of stay). The report recommends that Central Lancashire authorities work together to explore the opportunities of a joint provision to satisfy this need.

TRAVELLING SHOWPEOPLE NEED

32. In respect of the Travelling Showpeople's 'aspirational need' of 13 identified, this cannot be quantified as actual need.
33. The revised study secured 9 interviews with Travelling Showpeople, none of whom live in the Central Lancashire area. In addition, none presented themselves as having a 'need' to locate within Central Lancashire. Of the 9 Travelling Showpeople who were interviewed, 8 expressed a desire to re-locate to Central Lancashire, 4 specifically mentioned Chorley as a preferred base for their yard. However, this 'aspiration' to live in Central Lancashire would only be taken as a 'need' if it could be demonstrated that there are family connections or work reasons to locate in Central Lancashire. As only 3 households provided details on where they travel to, a 'need' cannot be accurately quantified. All those respondents are currently accommodated in surrounding areas. Chorley is only mentioned as a destination for one of the households for one month during a full year of travelling therefore there is no evidence to suggest that Chorley should accommodate these Showpeople.
34. In the absence of more complete information, the study recommends that further engagement work is undertaken as part of the Gypsy and Traveller and Travelling Showpeople Local Plan in order to establish whether there is in fact a need for permanent Travelling Showpeople plots.

LOCAL CIRCUMSTANCES

35. In addition to the Assessment the Council are also obliged to take into account local circumstances in addressing need. It is understood that the local Gypsy and Traveller Community may consider the level of pitch need to be overstated. This is a further issue to be taken into account and requires further investigation which may result in a lower figure of permanent need than that contained in the GTAA Assessment.

GYPSY AND TRAVELLER AND TRAVELLING SHOWPEOPLE LOCAL PLAN

36. Chorley's permanent Travelling pitch need figure of 10 is largely based on the Traveller Community currently residing at Hut Lane projected forward to 2026 (the emerging Chorley Local Plan period). The prescribed model takes their presence as a current indication of need for a permanent site. Given that the current local plan will allocate 5 permanent pitches at Cowling Farm, the remaining 5 would need to be allocated through the Traveller Local Plan. The figure also includes one Traveller in bricks and mortar who wishes to reside on a pitch and an estimate of 1 'hidden need' from a potential additional Traveller in bricks and mortar.
37. Chorley Council will progress a permanent site for a minimum of 5 Traveller pitches through its Local Plan. A report recommending the endorsement of the Inspector's Minded Modifications and the adoption of the Local Plan is also being considered at this meeting.
38. Chorley's remaining 5 permanent Traveller pitches and any additional 'need' across Central Lancashire will be explored through a Local Plan on Gypsy and Travellers and Travelling Showpeople.
39. A public consultation on an Issues and Options version of this document will invite comment on the study methodology and identify key issues that have to be addressed by the plan.
40. Central Lancashire officers and Members will agree how and where the transit need can be best provided and proposed sites will be subject to a sustainability and deliverability assessment. Preston, South Ribble and Chorley will also explore how best to satisfy their respective permanent Traveller site needs and any Travelling Showpeople need.
41. Outside Central Lancashire, surrounding authorities are all progressing their own GTAAs, therefore their respective Gypsy and Traveller and Travelling Showpeople needs will be covered by these. Any cross boundary need will be satisfied through the arrangements set up under the duty to cooperate.

NEXT STEPS

42. Failure to undertake a GTAA and progress a local plan to allocate sufficient land to meet the identified need for new pitches would be contrary to national planning policy guidance and would have a number of impacts including:
 - Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
 - Reinforcing the cycle of nomadism for those Gypsies and Travellers who may prefer a more settled existence, but cannot find a permanent site;
 - Restricting the Councils' ability to enforce against unauthorised development as ability to enforce is related to proactivity in meeting the need for new provision; and
 - Increasing the difficulty of ensuring that the Gypsy and Traveller community has access to all the support and services they need.

43. The Gypsy and Traveller Accommodation Needs Assessment Guidance (CLG 2007) states 'This guidance aims to provide advice on carrying out an assessment of the accommodation needs of gypsies and travellers. It is not exhaustive or prescriptive. While it is recommended that the basic principles outlined in it should be followed, the exact approach will need to be adapted to local circumstances.'
44. The GTAA is largely based on the Traveller Community currently residing at Hut Lane projected forward to 2026. However, the guidance does not specifically state that an existing temporary permission for Travellers should constitute a need. Rather Para 62 states that such information should be used to 'inform the assessment'.
45. However, an illustration of how current and future need might be calculated (para 96) considers unauthorised encampments and unauthorised developments for which planning permission is not expected as constituting a need, therefore the implication is that a temporary permission is considered need. Indeed, the consultants have advised that their model is widely used throughout England and has been considered sound/robust at a number of public examinations.
46. In addition to this in September 2014 the government undertook public consultation on updating the PPTS. Within this paper it proposed to change the definition of Travellers and also proposed that draft planning guidance on assessing accommodation needs of gypsies and Travellers would be laid in Parliament (as required under Section 226 of the Housing Act 2004). This commitment was re-affirmed in parliament on 10 June to be undertaken at the "earliest opportunity".
47. There is therefore be an argument to state that given the governments intentions, the existing guidance is out of date and no-longer fit for purpose, which makes the figures that have been arrived at potentially open to challenge. There could also be merit in exploring whether there are local circumstances that could influence the final figure of need in Chorley. The Local circumstances are that the Hut Lane travellers are living as an extended family unit which reduces their need for actual pitches as up to three caravans can be accommodated on a pitch. In a statement to the Local Plan Inspector their consultant stated that 'the family itself they need accommodation equivalent in scale to 5 pitches now (albeit laid out as an extended family site), and with potential for subsequent further expansion'. The nature of their future expansion needs to be clarified in order for a final need figure to be established.
48. It is therefore recommended that further work be undertaken by Officers to ascertain when the government's revised guidance on Travellers is likely to be issued and to further explore the issue of 'local circumstances' that may apply to Chorley Borough. This will then be reported to a future Council meeting.
49. Officers will then report on this work and any implication it may have for the figure of need identified in the GTAA. A revised timetable for the progression of the Central Lancashire Gypsy and Traveller and Travelling Showpeople Local Plan can then be set.
50. Before the Traveller Local Plan is adopted, should any applications be submitted for Gypsy or Traveller sites, Central Lancashire Authorities will apply Core Strategy Policy 8: Gypsy and Traveller and Travelling Showpeople in order to assess the appropriateness of any proposed sites.

IMPLICATIONS OF REPORT

51. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	x	Customer Services	
Human Resources		Equality and Diversity	x
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

52. Inevitably any increase in pitch numbers will have an impact on the resources required to create the site. At this point in time, and until the master planning of the site is completed and the DPD adopted, it is not possible to identify the full cost implications. In previous reports I have highlighted that the infrastructure costs of developing out the site could be significant and at this point in time nothing has changed.
53. We will, of course, look to the HCA to part fund some or all of this potential development, but again, until such time that there is clarity on the exact requirements I am unable to furnish members with an estimate of costs.
54. Given the time frames and the next steps the outcomes from pieces of work referred to above will need to feed into the Councils budget setting process and I will, of course, bring details before members as soon as this is possible.

COMMENTS OF THE MONITORING OFFICER

55. As the report addresses issues of fact or professional judgment there are no comments in this regard. The statements concerning the implications of non-adoption are supported. One of the potential reasons for scrutinising the GTAA figures further is the intention of the Government to revisit and update the policy documents concerning Gypsy and Travellers. This commitment was re-affirmed in parliament on 10 June to be undertaken at the "earliest opportunity". Given that existing need, as stated by the occupiers of the temporary Gypsy and Traveller site, is to be met by allocations within the Local Plan document, it could be argued that by fixing in a local planning policy document now, measures to address future need based upon methodology and policies that are to be updated (whatever the impact of the updating) is premature. This position, if taken, will need frequent revisiting to ensure that no stakeholders are being adversely affected by any delay caused in adopting the traveller local plan.
56. It is reasonable to ensure the information before Council is as complete as possible before commencing the procedure for the preparation of the Gypsy and Traveller and Travelling Showpeople Local Plan and a deferral at this stage to get this certainty is acceptable. However this is not to say that such a delay will always be appropriate and consideration should be given at the point of making the decision.

Background Papers			
Document	Date	File	Place of Inspection
Central Lancs GTAA	May 2015	web	http://chorley.gov.uk/Pages/AtoZ/Examination-news.aspx
Report Author	Ext	Date	Doc ID
Peter McAnespie	5286	27 May 2015	