

**Report of the Director of City Development**

**Report to Executive Board**

**Date 4 September 2013**

**Subject: Planning Policy for Gypsies and Travellers**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Council's Submission Core Strategy is at Examination and will be examined in early October. The policy concerning accommodation for Gypsies, Travellers and Travelling Showpeople (Policy H7) was prepared during 2011 and agreed by Executive Board on 10<sup>th</sup> February 2011. It sets criteria to determine suitable sites.
2. Government guidance, published in March 2012, "Planning Policy for Traveller Sites", set out a requirement for locally set pitch targets rather than criteria. Without pitch targets Policy H7 is not compliant with national guidance and on this basis may not be found sound at the Core Strategy Examination; potentially placing progression of the whole plan in jeopardy.
3. The Council has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7. Officers are currently engaging with Gypsy and Traveller groups and neighbouring local authorities on the Draft Study (a further requirement of national guidance). It is intended to submit the Study to the Inspector in mid-September, which will provide an evidence base to support any modifications he may wish to make in order to ensure that the Policy is sound.

## **Recommendations**

4. Executive Board is requested to approve:
  - i) the Leeds Gypsy and Traveller Pitch Requirement Study for the purposes of supporting Policy H7 of the Submission Core Strategy at Examination,
  - ii) the approach to making further changes to the plan set out in paras. 2.8 and 2.9.

## **1 Purpose of this report**

- 1.1 To ensure that the Submission Core Strategy policy dealing with Gypsies, Travellers and Travelling Showpeople is supported by an up to date evidence base, which is compliant with national policy and aligns with the wider activities of the Council in planning positively for Leeds-based Gypsies and Travellers.

## **2 Background information**

- 2.1 Planning Policy for Traveller Sites came into effect on 27 March 2012. At the same time Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople were cancelled.
- 2.2 Within the Leeds context emphasis has been placed upon addressing immediate needs and priorities (for roadside families), as well as developing a longer term approach through the Core Strategy and where necessary, allocations through the site allocations process.
- 2.3 The Submission version Core Strategy contains a policy which guides the development of accommodation for Gypsies, Travellers and Travelling Showpeople (**Appendix 1**). The policy is a positive criteria-based policy and establishes the approach to be taken to identifying suitable sites through the Site Allocations DPD. Prepared and signed off in advance of revised Government guidance, the policy is now in danger of being declared unsound at the Core Strategy Examination because of its inconsistency with national policy.
- 2.4 To be sound the policy should include pitch targets for Gypsies and Travellers, including a 5 year supply picture, which addresses the likely permanent and transit site accommodation needs of Travellers in the Leeds area.
- 2.5 Upon release on the new national policy in 2012, the Core Strategy was at an advanced stage of production and the most up to date source of evidence for the setting of pitch targets was contained within the West Yorkshire Gypsy and Traveller Accommodation Assessment (May 2008) (GTAA), carried out by the Centre for Regional Economic and Social Research at Sheffield Hallam University.
- 2.6 The GTAA report is now out of date – it was published in 2008 and covered the period up to 2015. The GTAA report categorised much of the current pitch need as covering ‘concealed households’ and ‘movement between sites and housing’. This primarily related to households who would describe themselves as being of Gypsy or Traveller ethnic origin and who live in settled housing. Critically, these assumptions have been subsequently considered within the Leeds context and through liaison with Gypsies and Travellers and on-going monitoring there is no evidence to suggest that such a level of concealed households, who live in conventional housing with an unmet need for pitches, exists within Leeds.

- 2.7 Consequently, the Council has undertaken further research to understand local requirements. The Draft Gypsy and Traveller Pitch Requirement Study has only recently been completed (March 2013) and is attached as **Appendix 2** to this report.
- 2.8 Within the context of the proposed amendments to Policy H7, it should be emphasised that following the submission of the Core Strategy for independent examination, in responding to Inspector's questions and in satisfying the requirements for soundness, it may be necessary to make further amendments to the plan (following consideration by Council 14<sup>th</sup> November 2012). It should be noted also, that any 'major' or 'minor' Modifications arising from the examination process, will need to be subject to public consultation. The Council has to request the Inspector to recommend the 'main' modifications as part of his report prior to the final adoption of the plan.
- 2.9 In anticipating the scope of any further changes, the following approach is advocated to clarify the decision making process and to help keep the Examination process on track. Such changes fall into three broad categories as follows:
- i) Significant changes to Policy wording and supporting text, such as the current report, which will require consideration by Executive Board,
  - ii) Changes to Policy wording and supporting text but which retain the intent of the submission plan, to be considered in the first instance by the Executive Member for Neighbourhoods, Planning and Support Services,
  - iii) Minor text changes (not critical to soundness), to be considered at the discretion of officers.

### **3 Main Issues**

- 3.1 Planning for Travellers (2012) advises that local authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople. It also advises that in producing their Local Plan authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
- 3.2 If a Gypsy or Traveller is statutorily homeless the Council is obliged to secure them suitable accommodation. It is important to ensure that their cultural needs are met and recognise that there will be a cultural aversion to bricks and mortar housing for most Gypsies and Travellers. The Inspectors matters for examination are included as **Appendix 3** to this report.
- 3.3 The Draft Gypsy and Traveller Pitch Requirement Study identifies that as of 2013 there are 19 Gypsies and Travellers who have registered a housing application requesting pitch based accommodation in Leeds and where provision of bricks and mortar housing is not acceptable. All have been assessed as being homeless in accordance with the 1996 Housing Act.

3.4 Applying a 5% compound growth rate to this baseline figure of need (to account for natural change within the population) means that by 2028 there will be a need for 40 pitches to cover the plan-period between 2012 to 2028.

3.5 The overall requirement reflected in five-year periods is as follows:

<i>2012-2017</i>	<i>13.3 pitches</i>
<i>2017-2022</i>	<i>13.3 pitches</i>
<i>2022-2028</i>	<i>13.3 pitches</i>

3.6 It should be noted that the Council is in receipt of a planning application to extend the Cottingley Springs site by 12 pitches. Should this be approved it would largely provide for the first five years' worth of supply i.e. reduce the overall needs figure from 40 to 28.

3.7 The Council is currently exploring options for additional Gypsy and Travellers sites for years 2017 to 2028 through the Site Allocations Plan process, which is currently at Issues and Options stage.

3.7 There is a need for further work with the Showmen's Guild of Great Britain to establish a need for transit plots and consider whether this requires an amendment to the policy. The Draft Gypsy and Traveller Pitch Requirement Study does not consider needs of Travelling Showpeople which are distinct from Gypsies and Travellers. Arrangements for accommodation for this group have tended to be considered as arrangements between private landowners and Showmen themselves. It is therefore difficult to accurately identify the current levels of showmen living in Leeds or their future needs. This was an issue which the West Yorkshire Report failed to conclusively resolve and established a "fair shares" approach of 8 plots per authority. Further work will be required.

## **4. Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The approach set out above would continue the Council's recent positive activities on this issue:

- a Council Scrutiny Board Inquiry was held during 2010 and concluded that the current cycle of unauthorised encampment was not meeting the needs of Gypsies and Travellers, was leading to community tensions and was not delivering value for money in relation to use of the Council's resources. The immediate priority of the Council was to address the housing needs of 12 Leeds based roadside families.
- the Council successfully applied for Homes and Community Agency grant funding to develop twelve new pitches at the Cottingley Springs site which meets the immediate and short term needs of Gypsies and Travellers in Leeds and is subject of a current planning application.

- 4.1.2 The Draft Gypsy and Traveller Pitch Requirement Study was prepared by the Head of Housing Support, Environment and Neighbours. The Department is supportive of the approach being taken to the Core Strategy.
- 4.1.3 Consultation on Policy H7 was undertaken as part of the publication and pre-submission draft versions of the Core Strategy. A total of 9 representations were received which stated that the policy was unsound. One of these, from Bradford District Council, stated that the policy was not informed by an evidence base. No representations from the Gypsy and Traveller community were received.
- 4.1.4 Active consultation with the Gypsy and Traveller community is ongoing as part of the Site Allocations process and the Gypsy and Traveller Exchange have been invited to comment on the evidence base. Comments from GATE will be reported verbally at the Executive Board meeting.
- 4.15. At the same time, so as to help satisfy, the Duty to Cooperate, the Council has been engaged with neighbouring authorities on the issue through the Duty to Cooperate officer group. Comments from neighbouring authorities will be reported verbally at the Executive Board meeting.

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 Establishing the needs for Gypsies and Travellers and Travelling Showpeople in Leeds raises equality issues in terms of access of different groups to housing. These issues are assessed in the Equality Impact Assessment screening (attached as an appendix) with the conclusion that there are positive impacts arising.

## **4.3 Council policies and City Priorities**

- 4.3.1 Leeds' Core Strategy Policy H7 anticipates releasing enough land to meet Leeds' Gypsy and Travellers housing needs, including a 5 Year Supply. Meeting Leeds' housing needs also forms part of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Other relevant plans include ...

## **4.4 Resources and value for money**

- 4.4.1 This report is concerned with ensuring that Leeds meets the needs of its Leeds-based Gypsies and Travellers and prepares a sound policy in line with national policy. In implementing the policy there will be a need to find sites sufficient to accommodate 28 pitches (approximately 2 sites). Sites for Gypsies and Travellers do not have to be Council owned or Council managed, but where this is the case in the future there will be implications on Council resources. Ongoing work as part of the Site Allocations Plan will provide more detail on this issue.

## **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The report seeks to ensure that the Council complies with relevant duties as set out in the Housing Act and Planning and Compulsory Purchase Act as amended by the Localism Act.
- 4.5.2 A decision may be Exempt from Call In if the decision taker considers that the decision is urgent (i.e. that any delay would seriously damage the Council's or the public's interests). This report is exempt from call-in as the Core Strategy Inspector has set a deadline of 16 September for the submission of supplementary statements by the Council for the Core Strategy examination. Any delay may damage the Council's or public's interest.

## **4.6 Risk Management**

- 4.6.1 This decision will help ensure that Policy H7 of the Leeds Core Strategy is more likely to be found sound at the Examination. This outcome would lessen the risk of further delay to the Core Strategy process.

## **5 Conclusion**

- 5.1 There is a need to ensure that the Submission Core Strategy policy dealing with Gypsies, Travellers and Travelling Showpeople is supported by an up to date evidence base, which is compliant with national policy and aligns with the wider activities of the Council in planning positively for Leeds-based Gypsies and Travellers.
- 5.2 The report sets out the reasons for the discrepancies in the current policy and advises that Executive Board approve the Leeds Gypsy and Traveller Pitch Requirement Study so that the planning inspector may recommend modifications to the Examination in October. Any modifications made to the Core Strategy would be subject of further public consultation once the hearing sessions have ended.

## **6 Recommendations**

- 6.1 Executive Board is requested to approve:
- i) the Leeds Gypsy and Traveller Pitch Requirement Study for the purposes of supporting Policy H7 of the Submission Core Strategy at Examination,
  - ii) the approach to making further changes to the plan set out in paras. 2.8 and 2.9.

## **7 Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## **Appendix 1: Extract from Submission Version Core Strategy (April 2013)**

### **Accommodation for Gypsies, Travellers and Travelling Showpeople**

- 5.2.28 In planning for all sections of the community to have access to decent housing, there is a need to make appropriate provision for gypsies, travellers and travelling showpeople. According to government guidance Core Strategies should provide criteria for future Site Allocations DPD, to enable sufficient sites to be allocated to provide for identified need.
- 5.2.29 The West Yorkshire Gypsy and Traveller Accommodation Assessment 2008 (GTAA) provided an overall assessment of the long term requirement for Gypsies and Travellers (residential and transit sites) and Travelling Showpeople. The GTAA identified that there was an unmet need for residential pitches (not including pitches for transit sites and travelling showpeople) up to 2015.
- 5.2.30 Following consideration of the GTAA findings, relevant guidance, local circumstances and the analysis of immediate short/medium term priorities, the initial focus of the City Council has been to address the housing needs of the Leeds based 'roadside' families, who have a housing need for 12 pitches in advance of producing future Site Allocations plans.
- 5.2.31 In order to determine an up to date level of local need for the plan period, the City Council will undertake further monitoring, evidence based work and through appropriate mechanisms establish requirements. In order to guide the identification of sites to meet these requirements, Policy H7 sets out site selection criteria to accommodate additional pitches through the Site Allocations DPD.
- 5.2.32 Consultation responses from representatives of the Gypsy and Travellers community have previously indicated a strong preference for sites to be of a small size suited to occupation by close family groups, and reasonably located for local facilities. Extension of the existing site at Cottingley Springs was not favoured. It may not be possible to identify sites without considering exceptional and limited alterations to the Green Belt Boundary. Any alterations to the Green Belt boundary will need to be considered as part of the Site Allocations DPD. Alternatives will be explored before Green Belt locations are considered.



**POLICY H7 : ACCOMMODATION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE**

The City Council will identify suitable sites (of around no more than 15 pitches per site) to accommodate Gypsies, Travellers and Travelling Showpeople, through a Site Allocations DPD, subject to the following criteria:

- i) Sites must be located near major roads and have reasonable access to public transport, health care, schools, shops and local services (and should not be located on land that is deemed unsuitable for general housing such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.),
- ii) Sites should avoid zones of high flood risk (zone 3 flood risk areas),
- iii) The following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt,
- iv) Alterations to the Green Belt boundary to accommodate sites will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations DPD, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople site only.
- v) Sites should avoid designated areas, including nature conservation sites and Special Landscape Areas and should not introduce unacceptable off-site impacts such as might occur from recreational pressures on such sites.

## **Appendix 2: Draft Gypsy and Traveller Pitch Requirement Study (2013)**



### **Draft Gypsy and Traveller Pitch Requirement Study**

#### **Leeds City Council Neighbourhoods and Housing Department**

##### **Introduction**

In 2008, Sheffield Hallam University published a West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA) setting out, along with the other four West Yorkshire authorities, the unmet pitch requirements in the Leeds district. The West Yorkshire GTAA calculated that in the period 2008 to 2015 Leeds would need to provide 48 additional pitches.

Leeds City Council has never accepted the findings of the West Yorkshire GTAA as it believes it was rooted in flawed methodology. Specifically, that the calculated pitch requirements are based on the number of Gypsies and Travellers, irrespective of their housing status, who expressed a preference for pitch based living.

In contrast, Leeds City Council believes that the calculation of current unmet pitch requirements should be made by establishing the number of Gypsies or Travellers who have expressed a wish to live on pitch based accommodation, by registering a housing application, and who have an unmet housing need that can only be met through the provision of pitch based accommodation.

##### **Statutory Framework**

Leeds City Council is mindful of the statutory framework relating to meeting the housing need of Gypsies and Travellers:

The Criminal Justice and Public Order Act 1994 repealed the duty on local authorities to provide sites for Gypsies and Travellers which had previously been required by the Caravan Sites Act 1968.

Section 225 of the Housing Act 2004 requires local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or resorting to their area, under the Local Housing Needs Assessment process set out in Section 8 of the Housing Act 1985.

The Housing Act 2004 also requires local housing authorities to include the needs of Gypsies and Travellers in any housing strategy they produce in line with section 87 of the Local Government Act 2003 and to take any such strategy into account in exercising their functions.

Part VII of the 1996 Housing Act (as amended) obliges local housing authorities to secure suitable temporary accommodation, for an indefinite period of time, for housing applicants, including Gypsies and Travellers, who it considers to be eligible for assistance, unintentionally homeless and in priority need.

In March 2012 the Government published guidance on planning policy for Gypsy and Traveller sites, with one of the stated aims being that **'local planning authorities should make their own assessment of need for the purpose of planning'**.

## **Methodology**

Leeds City Council believes that the unmet pitch requirement included within the Core Strategy should be calculated using the following methodology:

- § the number of Gypsies and Travellers who expressed an intention to live on pitch based accommodation by registering a housing application on the Leeds Homes Register, and
- § following an assessment of homelessness, under Part VII of the 1996 Housing Act (as amended), Leeds City Council has accepted that the Gypsy or Traveller is statutorily homeless and has awarded 'preference' for re-housing, under Part VI of the 1996 Housing Act (as amended), on the Leeds Homes Register.

Leeds City Council believes that an approach, based upon an assessment of unmet housing need, is a more robust methodology than that set out in the West Yorkshire GTAA.

Leeds City Council would place Gypsies and Travellers who have unmet housing need into three broad categories:

- § Those living on the 'roadside': Gypsies and Travellers who have nowhere to lawfully station their mobile homes and resort to trespassing on public or private land.
- § Those who are 'doubling up': have stationed their mobile home on pitch based accommodation that has been formally let to another household.
- § Those who are living in 'conventional' (bricks and mortar) housing but for whom this accommodation is unsuitable because they have a 'cultural aversion' to conventional housing.

Leeds City Council adheres to the legal principle that each housing applicant should have their housing need assessed on its individual merits/specific characteristics; no blanket policy should be adopted in respect of Gypsy or Traveller housing applications. For example, Leeds City Council would need to assess on a case by case basis whether each Gypsy or Traveller applicant, who is living in conventional

housing but has applied for pitch based accommodation, has a 'cultural aversion' to conventional housing.

## **Housing Applications and Homeless Assessment**

Registering a housing application on the Leeds Homes Register (Leeds City Council managed common allocation scheme) is the mandatory first step for securing conventional council housing in Leeds. Equally, a Gypsy or Traveller registering a housing application is a prerequisite for securing a pitch on a Leeds City Council managed Gypsy and Traveller site.

There are 25 live housing applications on the Leeds Homes Register where Gypsies and Travellers are requesting pitch based accommodation. The 25 applicants are either living on the 'roadside' (on an unauthorised encampment), 'doubling up' on a pitch that has been formally let to another household or living in conventional housing.

The 25 live housing applications for pitch based accommodation is the starting point for assessing current pitch requirements in the city. The next step is to carry out a homeless assessment, in accordance with the terms of Part VII of the 1996 Housing Act (as amended), to determine whether the household has an unmet housing need and a housing duty is owed.

Paragraph 175 of the 1996 Housing Act (as amended) sets out the provisions relating to an assessment of homelessness:

- (1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he –
  - (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
  - (b) has an express or implied licence to occupy, or
  - (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain occupation or restricting the right of another person to recover possession.
- (2) A person is also homeless if he has accommodation but –
  - (a) he cannot secure entry to it, or
  - (b) if consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.
- (3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

- (4) A person is threatened with homelessness if it is likely that he will become homeless within 28 days.

Whilst each case will need to be assessed on its individual merits, it is likely that a particular regard will be placed on establishing whether a Gypsy or Traveller who is living on the 'roadside' has anywhere to lawfully station their mobile home and for those who are 'doubling up' whether they have a legal interest in the accommodation space that they are occupying.

In respect of Gypsies and Travellers who are living in 'conventional housing', and such accommodation is available to occupy and the occupant has a legal interest in the property/can secure entry to it, then Leeds City Council will need to assess whether this accommodation is 'reasonable' for their occupation.

The test of reasonableness will consider whether the Gypsy or Traveller has a 'cultural aversion' to conventional housing. The principle of 'cultural aversion' emerged in case law: *Codona v Mid Bedfordshire Council*. It would not be reasonable for Leeds City Council to adopt a blanket policy that any person who has been living in conventional housing cannot have a 'cultural aversion' to such housing. Each case would need to be assessed on its individual merits and important considerations could be the reasons why the Gypsy or Traveller moved into the conventional housing: absence of available pitches and the difficulties associated with living on the 'roadside' or 'doubling up' could have resulted in the Gypsy or Traveller feeling that they had no choice but to move into conventional housing. The impact of living in conventional housing on a Gypsy or Traveller's health and wellbeing may also be relevant factors in determining whether the accommodation is reasonable for occupation. Other factors could be the length of time that the Gypsy or Traveller has lived in the conventional housing or the status of their residence: person has elected to purchase a property through a mortgage.

In respect of establishing homelessness, the 'cultural aversion' test would only apply to those Gypsies and Travellers who are living in 'conventional housing' and that accommodation is available to occupy, the occupant has a legal interest in the property and can secure entry to it. It would not apply to those Gypsies or Travellers who are living temporarily in 'conventional housing', those on the 'roadside' or 'doubling up'. The test of homelessness relates to the person's existing housing status rather than their capacity to secure alternative housing.

The test of 'cultural aversion' will apply to Gypsies and Travellers who are living temporarily in 'conventional housing, on the 'roadside' or 'doubling up' if Leeds City Council accepts that they are statutorily homeless (eligible for assistance, unintentionally homeless and in priority need) and therefore 'suitable' temporary accommodation needs to be secured for the applicant. The assessment of what constitutes 'suitable' accommodation would need to be made through a consideration of the specific characteristics of each case.

This report sets out the test of homelessness in some detail as this is key in respect of establishing unmet housing need of Gypsies and Travellers. Part VII of the 1996 Housing Act (as amended) also contains other tests that a homeless applicant must fulfil if a temporary housing duty is to be owed:

**Eligibility:** an applicant will be eligible for assistance if they are ordinarily resident in the United Kingdom.

**Intentionality:** an applicant may be intentionally homeless if they have ceased to occupy accommodation as a result of their own actions or failure to act and this accommodation would otherwise have been both available and reasonable to occupy. The test of 'cultural aversion' may well be relevant if a Gypsy or Traveller has voluntarily given up 'conventional housing' provision because they believed it was unsuitable for them.

**Priority Need:** an applicant with dependent children or with a household member who is pregnant, who is 16 or 17 years old, who was in local authority care at the age of 16 and not yet reached the age of 22 or who has become homeless because of an emergency have an automatic priority need. An applicant who is considered to be 'vulnerable', perhaps because of old age or ill health, may also be considered to have a priority need. The effects on a Gypsy or Traveller's health and well being of living in 'unsuitable' housing may well render the person 'vulnerable'.

The tests of eligibility, intentionality and priority need all need to be carried out by assessing the specific characteristics of the applicant rather than applying a blanket policy.

## **Housing Preference and Allocation**

Part VI of the 1996 Housing Act (as amended) states that all local housing authorities have a scheme for allocating council housing in their district. In Leeds this is called the Leeds Homes Register.

Part VI also states that local housing authorities should give 'reasonable preference' (priority) through their allocation scheme to housing applicants who meet certain criteria such as being statutorily homeless.

Gypsies or Travellers who are established to be eligible for assistance, unintentionally homeless and in priority need will be awarded Band A status for re-housing on the Leeds Homes Register. In exceptional circumstances, such applicants might be awarded Band A Plus status for re-housing if they have two reasons why they should get 'reasonable preference' for re-housing e.g. acute medical need that is distinct from the statutory homeless award.

Gypsies or Travellers who are established to be eligible for assistance but intentionally homeless and/or not in priority need will be awarded Band B status for re-housing on the Leeds Homes Register.

Gypsies or Travellers who are established to be not homeless are awarded Band C status on the Leeds Homes Register.

Pitch based accommodation, managed by Leeds City Council, is allocated to the Gypsy or Traveller who has the highest priority award and who has held this priority award for the longest period of time.

## **‘Suitability of Housing’**

If it is established that a Gypsy or Traveller is statutorily homeless then Leeds City Council is obliged to secure them ‘suitable’ temporary accommodation pending an offer of ‘suitable’ permanent accommodation. What constitutes ‘suitable’ accommodation is therefore of critical importance. The test of ‘cultural aversion’ will be a key consideration in assessing ‘suitability’ of accommodation. The assessment of ‘suitability’ will be made by looking at the specific characteristics of the case/applicant.

## **Open Housing Register**

Leeds City Council is mindful of Section 225 of the Housing Act 2004 requiring local housing authorities to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in or resorting to their area. Leeds City Council also acknowledges that the nomadic lifestyle of some Gypsies and Travellers means that applying rigid local connection criteria to the allocation of housing might serve to disadvantage some Gypsies or Travellers.

The Localism Act 2012 amends Part VI of the 1996 Housing Act and permits local housing authorities to introduce criteria relating to which groups of people can make a housing application. Leeds is currently consulting on an updated Lettings Policy, in light of the Localism Act changes, and is minded to maintain an ‘open’ housing register. This will mean that Gypsies or Travellers who do not live in Leeds can register a housing application. However, this does not necessarily mean that they will be awarded priority status for re-housing. Section 166A(5)(c) of the HA 1996 also permits authorities to use local connection to a particular area as an additional determinant for priority for re-housing and Leeds City Council could apply a local connection criteria to the letting of a specific plot.

## **Current Pitch Need**

There are currently 25 Gypsies and Travellers who have registered a housing application requesting pitch based accommodation in Leeds. The applicants have been categorised under the headings of ‘roadside’, ‘doubling up’ and living in ‘conventional housing’. All have been assessed as homeless in accordance with Part VII of the 1996 Housing Act (as amended).

Leeds City Council believes that an assessment of unmet housing need, warranting a Band A or Band B award for re-housing on the Leeds Homes Register, necessitates inclusion within the Core Strategy unmet pitch requirement. There are 19 such applications on the Leeds Homes Register.

## **Pitch Requirement 2012 to 2028**

Leeds City Council has made a calculation that there is currently an unmet need for 19 pitches for Gypsies and Travellers.

In order to calculate future need up to 2028, a compound growth rate of 5% per annum has been applied to the existing 19 pitch requirement.

This results in a calculation of 40 pitches being required being required by 2028 (including the current identified need for pitches).

On the basis of a 5 year deliverable supply this would mean that sites sufficient to deliver just over 13 pitches per five year period would be required as follows:

2012-2017	13.3 pitches
2017-2023	13.3 pitches
2023-2028	13.3 pitches

## **Proposed Pitch Provision**

The Executive Board of Leeds City Council gave approval in September 2012 for officers to pursue the feasibility of expanding the existing Council managed Cottingley Springs site by an additional 12 pitches. This is subject to a successful planning application. If delivered, these 12 pitches will count towards the current identified 40 pitch requirement.

Existing pitch provision is set out on the next page. None of these pitches will count towards the 19 current pitch requirement.



## Current Supply

### Travellers sites situation June 2013

Site locations and pitches/plots

	Type	Pitches
<b>A. Authorised Sites</b>		
Cottingley Springs (Permanent site)	Leeds City Council	41
Nepshaw Lane (has acquired lawful use rights)	Private	1
Roseneath Place, Upper Wortley	Private	1
<b>B. Temporary sites with planning permission</b>		
n/a	n/a	0
<b>C. Sites with planning or enforcement appeals pending</b>		
n/a	n/a	0
<b>D. Sites with Planning Applications pending</b>		
Springfield Villas, Gildersome	Private	1
Sandon Mount, Hunslet	Private	1
<b>E. Tolerated Sites</b>		
Old Ilkley Rd, Otley	Leeds City Council	1
Knotford Nook, Otley	Leeds City Council	3
Moor Road, Hunslet	Leeds City Council	5
Primrose High, Burmantofts	Leeds City Council	16
<b>Total authorised (A)</b>		<b>43</b>
<b>Total with temporary permission (B)</b>		<b>0</b>
<b>Total other (C+D+E)</b>		<b>27</b>
<b>Total Sites</b>		<b>70</b>

## **Appendix 3: Inspector's Initial Matters for Consideration at Hearing Sessions**

### **Leeds City Council Core Strategy Examination Session 11**

**Date & Time: 09.30, 16 October 2013**  
**Venue: Sullivan Room, Leeds Town Hall**

#### **Gypsy & Traveller Accommodation**

1. Planning Policy for Traveller Sites requires local planning authorities to make their own assessment of need for traveller sites. Is the 2008 Gypsy and Traveller Accommodation Assessment sufficiently up to date to be a reliable assessment of need?
2. Has the Council, as required by national guidance, engaged with traveller communities in order to prepare and maintain an up to date understanding of need?
3. Does the Core Strategy comply with Planning Policy for Traveller Sites with regard to the identification of a 5 year supply of deliverable sites and to identify broad locations for growth thereafter?
4. Planning Policy for Traveller Sites requires criteria based policies to be fair and to facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. National guidance does not preclude the provision of sites in National Parks. Policy H7 seeks to preclude sites in Special Landscape Areas. Is this a fair test?