

Report of Director of City Development

Report to Executive Board

Date: 5th March 2014

**Subject: Leeds Core Strategy – Further pre-hearing changes to Policy H7:
Accommodation for Gypsies, Travellers and Travelling Showpeople**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): District-wide	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>
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 Publication Draft Core Strategy was agreed by Executive Board on 10th February 2012 and examined by a Planning Inspector in October 2013. The Core Strategy has been specifically identified within the Best Council Plan as a key action; delivering on the best council objective to promote sustainable and inclusive economic growth. Good progress has been made, in that the Core Strategy was submitted to the Secretary of State in April 2013 and is currently subject to Examination.
2. Within this context additional work on Gypsies, Travellers and Travelling Showpeople has been requested by the Core Strategy Inspector. A further hearing session has been scheduled, on 13 May 2014, to consider amendments to the policy. The Inspector was concerned that there had been insufficient engagement with local representatives of the Gypsy and Traveller community and that the evidence was not fully in line with Government guidance. Without these changes the Inspector will not endorse the policy, and the Core Strategy would be found unsound.
3. The Council has reviewed its Gypsy and Traveller Pitch Requirement Study to take on board the Inspector's concerns. In so doing it has closely engaged with the Leeds Gypsy and Traveller Exchange (GATE) and facilitated a local survey of Travellers needs. Prior to the further hearing session on 13 May 2014 the revised

policy will be subject to a six-week period of public consultation. The Inspector has also issued his matters (questions) for consideration at the hearing session. These are included in section 3 below.

Recommendations

4. Executive Board is requested to:
 - a) approve the revised Core Strategy Policy H7 Accommodation for Gypsies, Travellers and Travelling Showpeople for the purposes of: i) public consultation; and ii) subsequent submission to the Core Strategy Inspector for discussion at the further hearing session in May 2014;
 - b) note that the Head of Forward Planning and Implementation will be responsible for implementation in line with the timescales set out in 5.1 and 5.2.

1 Purpose of this report

- 1.1 To ensure that the Core Strategy and the policies within it proceed to adoption and meet the requirements of the National Planning Policy Framework.
- 1.2 To that end, the policy on Accommodation for Gypsies, Travellers and Travelling Showpeople (Policy H7) must be supported by a robust evidence base, be compliant with national policy and demonstrate that co-operation with travellers and their representative body has taken place. The Core Strategy Inspector is not satisfied that the policy currently meets these requirements and the Council has put forward a series of amendments to address his concerns.

2 Background information

- 2.1 The Government's Planning Policy for Traveller Sites came into effect in March 2012 and its requirements for a locally derived assessment of pitch needs were not reflected in the Publication Draft Core Strategy. However, in seeking to meet these requirements the Council undertook further research to understand local requirements and Executive Board approved the Gypsy and Traveller (G&T) Pitch Requirement Study on 5th September 2013. This identified a requirement for 41 pitches for G&T between 2012 and 2028 and formed the basis of the evidence submitted to the Inspector at the Examination of the Core Strategy.
- 2.2 Government guidance suggests that the needs of Gypsies and Travellers are treated separately from the needs of Travelling Showpeople. Consultation with the Showmen's Guild confirmed that 15 plots would be needed for the plan period (on one or two sites depending on size).
- 2.3 The Core Strategy Inspector wrote to the Council following the initial hearing session at the Core Strategy Examination (16 October 2013). He accepted the Council's evidence on Travelling Showpeople. However, he raised some further issues around the evidence on Gypsies and Travellers, as follows:
 - a lack of evidence that the Council has successfully co-operated with local travelling communities and their representatives
 - a lack of full compliance with the 2007 Government guidance, especially relating to:
 - early and effective stakeholder engagement, and
 - survey work to ensure that existing data is comprehensive (especially so as to reveal levels of "concealed" need in Leeds) and to identify preferences in terms of accommodation
- 2.4 Following these comments the Council made some amendments to the Leeds Gypsy and Traveller Pitch Requirement Study to draw out the main links with the 2007 Government guidance. Whilst the Inspector welcomed these amendments, he remained of the view that the policy could not be found sound (and therefore not endorsed) unless a Gypsy and Traveller Accommodation Assessment was prepared in line with the 2007 guidance i.e. including more effective stakeholder engagement and a survey of local needs.

3 Main Issues

- 3.1 Following the Examination of policy areas in October 2013 the Inspector directed that only two parts of the Core Strategy required further hearing sessions: affordable housing and Gypsies and Travellers. Executive Board agreed amendments to the affordable housing policy at its meeting on 18th December 2013.
- 3.2 Members are recommended to approve the submission of an amended Policy H7 (attached as Appendix 1). The pitch target arises from a revised assessment, including the results of a recent survey of Leeds based G&T. A summary of this assessment is attached as Appendix 2.
- 3.3 Due to the need to ensure that the two outstanding issues do not delay adoption of the Core Strategy as a whole the timetable for completing further work on the Gypsies and Travellers policy has been challenging. Final survey responses were received during the week of the 17th February.
- 3.4 The main changes to the policy are as follows:
- an amendment of a pitch target for the plan-period from 41 to 62 due to the identification of concealed needs within Leeds
 - clarification by reference to private pitch provision, that the local authority will not necessarily be the primary provider of pitch provision (see paragraph 3.6 and 3.7 below)
 - changes to the explanatory text, documenting the process of preparation and intended implementation of the policy
 - simplification of the criteria used to assess site allocations and determine planning applications
- 3.5 The Leeds Gypsy and Traveller Pitch Requirement Study will now need be amended prior to submission to the Inspector and the changes will be as follows:
- the outcomes of a survey, which attracted 115 responses from Leeds based G&T
 - increase in estimates of Leeds based G&T who are on the housing waiting list for pitch provision i.e. 26 families
 - supplemented estimates of concealed need primarily arising from G&T living in bricks and mortar housing who express a preference for pitch provision
 - expression of preference for private pitch provision i.e. 26 families
 - an expression of preference for negotiated stopping i.e. 6 families
 - outcomes of engagement with Leeds GATE and the local G&T community e.g. their key role on the steering group and in drafting and carrying out the survey
 - outcomes of consultation with neighbouring authorities under the Duty to Cooperate
- 3.6 As a result of the survey there is a clear split between preferences for pitch requirement on public and private sites. In relation to public provision, this is predicated on two principles. First, the Council operates an open waiting list and any Gypsy or Traveller can apply for pitch based accommodation providing that they are eligible (right of residence in UK) and 'qualify' (on the basis of behaviour)

for council allocation. Second, the demand for council provision is conditional on having an assessed unmet need that can only be met through pitch based provision (i.e. a cultural aversion to conventional housing). Sites to meet identified needs will be identified through the Site Allocations Plan process.

- 3.7 Through the survey a number of people have expressed a sole preference for either developing pitches on their own land or land owned by other people. This will likely be accommodated through small sites. The figure for private provision will to a certain degree be an aspirational one: dependent upon whether Gypsies and Travellers have the resources to buy and develop land. The Site Allocations Plan may identify sites, which have been submitted to the Council for private provision, subject to the provisions of Policy H7 and sustainability criteria. However, it will not be possible to pre-determine preferences for private provision where such sites have not been submitted. There will be a need to determine private pitch provision through decision taking; assessed against the criteria within Policy H7.
- 3.8 The Inspector has asked a set of questions for the further hearing sessions. These are set out in the following paragraphs along with a summary of the Council's suggested response.

Planning Policy for Traveller Sites (PPTS) requires local planning authorities to make their own assessment of need for traveller sites. Is the latest work carried out by the City Council a robust and a reliable assessment of need?

The proposed draft main points of our response are:

- yes the latest work carries out by the City Council is a robust and reliable assessment of need;
- the recent work updates the original assessment of the Council, and the Inspector has indicated that he has no reason to dispute the figures put forward to him; only that there are gaps;
- the survey of existing G&T in Leeds has identified clear preferences for accommodation which provides us with a view on private sector pitch provision demand and those whose preference / need is for locally authority provision;
- the survey has also enabled the identification of a group of G&T who had not previously engaged with the Council i.e. a concealed need for pitch provision.

Has the Council, as required by national guidance, engaged with traveller communities in the production of the assessment?

The proposed draft main points of our response are:

- yes, the Council has complied with national guidance in this regard;
- the Council has involved Traveller communities in the following ways:
 - the presence of GATE on the steering group for the work
 - GATE have worked with Council officers in preparing an agreed methodology for the local assessment
 - the Council has provided GATE with funding to cover the costs of their time and that of community enumerators in carrying out the survey.

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?

The proposed draft main points of our response are:

- no, not at present but, the Council will establish a 5 year supply of sites through the Site Allocations Plan process which is progressing well and consultation on issues and options was held during June and July 2013. The consultation invited views on the suitability of sites for Gypsies and Travellers and Travelling Showpeople and responses are currently being assessed. The Council has encouraged GATE to submit sites to the process and continues to meet with them to identify potential suitable sites
- the overall pitch target arising from the revised Gypsy and Traveller Pitch Requirements Study is yet to be determined but is likely to be higher than the previously submitted figure of 41 pitches. When broken down into five year periods it is unlikely that sufficient supply will be identified to meet the figure
- in December Plans Panel West took the decision to approve in principle an extension to the Council run Cottingley Springs Gypsy and Traveller site pending the decision by the Secretary of State. This would extend the site by 12 pitches and therefore accommodate a great deal of the initial five year requirement.
- the Council has recently granted permission for 2 pitches¹ which would contribute to the 5 year supply and is considering an application for 2 pitches² which pending a decision may also contribute
- should an application for a pitch be made to the Council outside of the Site Allocations Plan process it could be positively dealt with in accordance with the NPPF, national guidance and the criteria within Policy H7.

Are, as required by PPTS, the criteria in Policy H7 fair and will they facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community?

The proposed draft main points of our response are:

- yes, the criteria in Policy H7 are designed to be positive and supportive of sustainable development. They are in line with criteria applied to the location of housing for the settled population.

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The Executive Member for Neighbourhoods, Planning and Support Services has supported the revised Gypsy and Traveller Pitch Requirement Study through joint work by Housing Support, Environment & Housing and City Development. Both Directorates are supportive of the approach being taken to the Core Strategy.

4.1.3 Active consultation with the Gypsy and Traveller community has occurred primarily via Leeds GATE who has played a central role in jointly preparing a revised methodology and in undertaking the survey of members of the Travelling community

¹ at Sandon Mount, Hunslet

² at Springfield Villas, Gildersome

in Leeds. As at February 2014 three steering group meetings and three specific meetings to discuss the survey have been held with GATE.

- 4.1.4 Leeds GATE has confirmed their support for the revised process and are supportive of the emerging policy.
- 4.15. At the same time, so as to help satisfy the Duty to Cooperate, the Council has been engaging with neighbouring authorities on the issue through the Duty to Cooperate officer group. The group met on 21st January 2014 and will be asked to comment on the revised evidence base material. City of Bradford Council had expressed concerns about the methodology of the submitted policy, which has now been revised. They are also now in the process of reviewing their evidence base on the matter and discussions between the authorities will continue through officer meetings and the Executive Members Group of Leeds City Region authorities chaired by the Executive Member for Neighbourhoods, Planning and Support Services.

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 Appendix 3) 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'. The Best Council Plan contains an objective to promote sustainable and inclusive economic growth. Policy H7 helps support the inclusivity of the Leeds housing offer to a wide range of residents.

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 a number of pitches (possibly 2 or 3 new sites in addition to Cottingley Springs or a range of smaller private sector 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 decision is exempt from call-in as it is required to maintain progress on the Core Strategy. Following Executive Board's recommendation a period of six week's public consultation on the Council's proposed further hearing changes will be undertaken, prior to the further hearing session on 13th May 2013.

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 further hearing session of the Examination. This outcome would lessen the risk of delay to the Core Strategy process.

5 Conclusion

5.1 There is a need to address the concerns raised by the Core Strategy Inspector on the Council's approach to accommodating Gypsies, Travellers and Travelling Showpeople otherwise the Core Strategy will be found unsound. The Inspector has required that the Council provide a revised accommodation needs assessment and ensure that the views of local Gypsy and Traveller groups are positively taken into account. This work has been finalised and was completed at the end of February.

5.2 The report sets out the reasons for the discrepancies in the current policy and advises that Executive Board approve the revised Policy H7. This will be subject to a further hearing session as part of the Core Strategy Examination on 13th May 2014. Following this it is envisaged that the Inspector, subject to any proposed modifications arising (and further consultation), is in a position to write his report and recommend adoption of the Core Strategy.

6 Recommendations

6.1 Executive Board is requested to:

- a) approve the revised Core Strategy Policy H7 Accommodation for Gypsies, Travellers and Travelling Showpeople for the purposes of: i) public consultation; and ii) subsequent submission to the Core Strategy Inspector for discussion at the further hearing session in May 2014;
- b) note that the Head of Forward Planning and Implementation will be responsible for implementation in line with the timescales set out in 5.1 and 5.2.

7 Background documents³

7.1 None

³ 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

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

Accommodation for Gypsies, Travellers and Travelling Show people

- 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, Planning Policy for Traveller Sites 2012, local planning authorities should identify a need for Gypsies, Travellers and Travelling Showpeople's accommodation for the plan-period and allocate sufficient sites (pitches and plots) to meet identified needs as well as demonstrate a sufficient supply of sites to meet identified needs within a five year period.
- 5.2.29 In Leeds there is a current supply of 48 pitches for Gypsies and Travellers. The Council maintains a site at Cottingley Springs, Gildersome with 41 pitches. Elsewhere there are 7 pitches on private sites. There are currently no authorised plots for Travelling Showpeople within Leeds, although there are currently 7 families living on plots with the consent of landowners.
- 5.2.30 In accordance with national guidance, "pitch" means a pitch on a Gypsy and Traveller site and "plot" means a pitch on a Travelling Showperson's site (often called a "yard"). This terminology differentiates between residential pitches for Gypsies and Travellers and mixed-use plots for Travelling Show people, which may need to incorporate space or to be split to allow for the storage of equipment.
- 5.2.31 In order to determine an up to date level of Gypsy and Traveller needs for the plan period, the City Council worked with Leeds Gypsy and Traveller Exchange (GATE) in preparing a Gypsy and Traveller Accommodation Assessment in 2013/14. This assessment was based on methodology derived from Communities and Local Government, Planning Policy for Traveller Sites (2012) and also Communities and Local Government, Gypsy and Traveller Accommodation Needs Assessments (2007). The approach is locally based, in accordance with Planning Policy for Traveller Sites, and agreed between the Council and Leeds GATE. The main sources of information used were Leeds' housing applications data (including housing needs assessments for Gypsies and Travellers on the housing waiting list), Leeds GATE local knowledge and a survey prepared and carried out by Leeds GATE with support from the Council.
- 5.2.32 This information provides an understanding about the needs and preferences of Leeds' Gypsies and Travellers. It suggests that there is a preference for small sites, that whilst many Gypsies and Travellers wish to live on a Council run site there is a significant group that wish to make their own provision and that there are a number of people in pitch based provision that seek a bricks and mortar house as a preference.

- 5.2.33 The GTAA (2014) shows an unmet housing preference for 58 pitches made up of 26 households seeking permanent public sector provision and having an assessed housing need and 26 households seeking permanent private pitch provision. There is also an identified expressed preference from 6 households seeking a transit site. By applying a compound growth of 3% and allowing for vacancy levels within the existing provision there is a need for 62 pitches for the plan period (i.e. up to end March 2028). For the plan period this need can be split as follows:
- Council provision = 25 pitches
 - Private provision = 28 pitches
 - Transit provision = 9 pitches
- 5.2.34 For Travelling Showpeople the Travelling Showmen's Guild has indicated that there is a need to provide suitable provision for 15 families throughout the Core Strategy plan period i.e. on 15 plots. They advise that this should be provided on either one or two sites (approximately 1 hectare in total), which would also contain some transit provision.
- 5.2.35 The Council will allocate land for Gypsies, Travellers and Travelling Showpeople on the basis of the identified needs above through the Site Allocations Plan. In order for Gypsies and Travellers to have a high quality of life it will be desirable for pitches and plots to have the same access to services as the settled population. This is a message that has arisen from consultation with the Gypsy and Traveller community themselves who do not desire to live in remote or inaccessible locations. At the same time it should be recognised that in some circumstances i.e. where available land can be more readily acquired to meet needs for private pitch provision, other factors may be material.
- 5.2.36 The Site Allocations Plan will engage positively with the Gypsy and Traveller community and Leeds GATE to ensure that suitable council run sites (including where appropriate an element of transit provision) are identified and allocated to meet the full needs for the plan period. For private pitch provision, including for Travelling Showpeople, the Council is reliant on sites being brought to its attention and will work with the Gypsy and Traveller communities, Leeds GATE and the Showmen's Guild to help identify and allocate such sites through the Site Allocations Plan in line with the criteria in Policy H7.
- 5.2.37 Where there remains a gap between allocated sites and need for private pitch and plot provision the Council will support applications for plots and pitches which are in line with the criteria in Policy H7. Planning Policy for Traveller Sites confirms that a criteria based policy can provide a basis for decision taking as well as allocating sites.
- 5.2.33 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. 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 in the Site Allocations Plan to accommodate the following identified needs:

- 62 pitches for Gypsies and Travellers (of no more than 15 pitches per site), and
- 15 plots for Travelling Show people (to be accommodated on either one or two sites)

In identifying land or determining planning applications for pitches / plots, consideration will be based on the following criteria:

- i) pitches and plots should be located near major roads and have reasonable access to public transport, health care, schools, shops and local services
- ii) pitches and plots 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
- iii) pitches and plots should avoid zones of high flood risk (zone 3 flood risk areas)
- iv) the following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt. Alterations to the Green Belt boundary to accommodate pitches and plots will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations Plan, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople's site only
- v) the availability of alternative sites for Gypsies and Travellers and Travelling Showpeople

Appendix 2

Pitch Need Calculation – Interim Summary 14 Years 2014/15 to 2027/28

The following tables summarise the revised assessment. The key principles applied in the revised calculation are in line with Government guidance, as per the Inspector's request and are as follows:

Supply

Current residential supply (assumes one household per pitch) of public sector pitches – **41**

Current residential supply of private pitches – **7**

Vacant Pitches (public and private) – **0**

New pitches with planning permission (public provision) planned for year 1 – **0**

New pitches with planning permission (private provision) planned for year 1 – **0**

Current Supply – 48

Unmet Housing Preference

Households seeking permanent public sector pitch accommodation and having an assessed housing need – **26**

Households seeking permanent/long term private pitch provision **26**

Households seeking negotiated stopping site – **6**

Total Demand 58

This calculation captures current demand and therefore covers 2012/13 and 2013/14

Growth (compound growth 3% per annum) 2014/15 to 2027/28

Household growth on existing supply of public sector provision over a fourteen year period - 21

Household growth on existing private provision over a fourteen year period - 4

Household growth on unmet demand/with assessed housing need for public sector pitches over a fourteen year period – 13

Household growth on unmet demand for private sector pitches over a fourteen year period– 13

Household growth on unmet demand for negotiated stopping over a fourteen year period – 4

Turnover

Number of existing public sector pitches expected to become vacant in fourteen year period – **35**

Number of private pitches expected to become vacant in fourteen year period – **15**

Calculations

Council Pitches – 26 (unmet demand) + 21 (household growth on existing supply) + 13 (household growth on unmet need) – 35 supply turnover) = **25 pitches**

Private Pitches – 26 (unmet demand) + 4 (household growth on existing supply) + 13 (household growth on unmet need) – 15 (supply turnover) = **28 pitches**

Negotiated Stopping – 6 (unmet demand) + 3 (household growth on unmet demand) = **9 pitches**

Total = 62 pitches