

**Report of Director Environment and Neighbourhoods**

**Report to Executive Board**

**Date: 14 December 2011**

**Subject: Gypsy and Travellers site options – selection criteria**

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

**Summary of main issues**

1. The Executive Board in July 2011 approved the recommendation to instigate a search for a new accommodation site or sites for Gypsies and Travellers. A project group, comprising officers from the Environment and Neighbourhoods and City Development (both Planning and Asset Management Services) Directorates, has been established to carry out this search. Officers believe that the first key action in the search process is to develop and secure approval for prescribed site selection criteria.
2. Prior to the assessment of any site's suitability, and in order to establish a sound rationale for site selection, a set of criteria and assessment process has been developed for Executive Board approval.
3. The site selection criteria proposed pays due regard to government guidance on housing Gypsies and Travellers and reflects Council priorities relating to this group and the best use of Council owned land assets. The site selection criteria consists of two parts: categorisation of sites by type and status, and assessment of sites against set housing, planning, technical and asset management criteria.

**Recommendations**

4. To approve the use of the proposed site selection criteria for identifying potential sites to accommodate Gypsies and Travellers.

## **1. Purpose Of This Report**

- 1.1. To secure approval to use proposed site selection criteria for identifying potential sites to accommodate Gypsies and Travellers.

## **2. Background Information**

- 2.1. In July 2011 Executive Board gave approval for officers to instigate a search for a new accommodation site or sites for Gypsies and Travellers. The outline principles that would underpin this search were set out in paragraphs 3.9 and 3.10 of the report to the July Executive Board.
- 2.2. The report submitted to the July Executive Board placed an emphasis on addressing the housing needs of the current 12 core Leeds based 'roadside' Gypsy and Traveller families with the aim of reducing the number and impact of unauthorised encampments by these families. Each family would require one pitch. A pitch is defined as being a plot of land on a site where a family has exclusive access to station their mobile homes/other vehicles and exclusive access to the amenities located within the boundaries of the pitch.
- 2.3. A project group, comprising representatives from the Environment and Neighbourhoods and City Development (both Planning and Asset Management services) Directorates, has been established to progress the search.
- 2.4. The first key action of the search process is to develop criteria that will be used to assess the suitability of potential sites to accommodate Gypsies and Travellers.
- 2.5. The site assessment criteria has been developed taking into account appropriate current and emerging government guidance on providing sites to accommodate Gypsies and Travellers, reflects Council priorities relating to Gypsies and Travellers and the Council's wider plans for the best use of its land assets.

### **Government Guidance**

- 2.6. The CLG published a good practice guide on designing Gypsy and Traveller sites in 2008. According to this guidance sites should be:
  - 2.6.1. Sustainable, safe and easy to manage and maintain.
  - 2.6.2. Of a decent standard: equitable to that expected for social rented housing.
  - 2.6.3. Able to support harmonious relations between Gypsies and Travellers and the settled community.
- 2.7. The guide includes standards that should be taken into account when it comes to the location of sites. These include:
  - 2.7.1. Sites should have easy access to major roads, public transport, health care, schools, shops and local services.

- 2.7.2. Unless there are exceptional circumstances, sites should not be located on land that is deemed unsuitable for general housing: contaminated land, adjacent to a rubbish tip, landfill site, and heavy industry or electricity pylons.
- 2.7.3. Caravans are deemed to be a 'highly vulnerable' form of accommodation and should not be located in high risk (Zone 3) flood areas.
- 2.7.4. Where possible, sites should be located near to housing for the settled community in order to promote better relations.
- 2.7.5. Sites must have access to mains water, electricity, drainage and sanitation that conform to British standards.
- 2.8. The Council will need to have regard to current planning guidance, which at present is ODPM Circular 1/06, on planning for Gypsy and Traveller sites. The guidance was published in 2006 and reflects the aim of giving everyone the opportunity to live in a decent home. In summary, Circular 1/06 intends to address the under-provision of sites, to reduce the number of unauthorised encampments and to promote the nomadic way of life of many Gypsies and Travellers whilst respecting the interests of the settled community. The Circular also seeks to ensure that housing and planning authorities adopt a strategic approach, both locally and (sub) regionally, to better meeting the housing needs of Gypsies and Travellers. The Housing Act 2004 requires authorities to include Gypsies and Travellers in their accommodation strategies and to develop plans covering how these needs will be met.
- 2.9. Circular 1/06 describes a three stage planning process. Firstly, the Gypsy and Traveller Accommodation Assessment (GTAA) which assesses need and identifies pitch requirements for each local authority. The next stage is to check pitch numbers provided by the GTAA from a regional perspective using the Regional Spatial Strategy (RSS). Finally, the Development Plan Document (DPD) is used to identify specific sites to match pitch numbers from the RSS.
- 2.10. The West Yorkshire GTAA was completed in May 2008 and the findings are set out in more detail in paragraphs 2.13 and 2.14. Whilst in July 2010, the government announced the abolition of Regional Spatial Strategies, the courts have confirmed that the RSS remains part of the development plan pending its anticipated abolition in the spring of 2012 and that this is a 'material consideration' that planning authorities should consider in making decisions. Policy H6 of the RSS (May 2008) says that the region needs to make additional provision to meet the housing needs of Gypsies and Travellers to address a shortfall of pitches across the region (86 pitches in West Yorkshire). The Local Development Framework (LDF) comprises Development Plan Documents and Supplementary Plan Documents. The LDF will gradually replace the Unitary Development Plan. There is no current Development Plan Document covering the number of/identified sites required for Gypsies and Travellers. The Planning Act 2004 permits Central Government to intervene if it is felt that a local authority is not adequately addressing Gypsy and Traveller site requirements in its area. Work will commence on Leeds Site Allocations Development Plan Document once the Core Strategy is adopted. The Site Allocations DPD will consider the longer term need for further

gypsy and traveller sites, up to 2028. It is unlikely that this DPD will be adopted before 2014. Given this timescale, officers believe it is important that the Council progresses the current site search without delay and in advance of the adoption of the Core Strategy and Site Allocations DPD.

- 2.11. Circular 1/06 states that there is a general presumption against inappropriate development within Green Belts and this includes sites for Gypsies and Travellers. The Circular also states that alternative options should be explored before Green Belt locations are considered and that use of Green Belt can usually be avoided if an authority identifies alternative sites within its LDF.
- 2.12. In April 2011, the Government published a consultation document, proposing new planning guidance on site development for Gypsies and Travellers which is intended to replace Circular 1/06. The consultation period ended in August 2011. The consultation document suggests that to date the perception across the country has been that planning applications for Gypsy and Traveller sites located on Green Belt land have been treated more favourably than those for other forms of housing. In future, the Government wants to see a re-balancing of this position whereby all housing related planning applications on Green Belt are treated the same way. The draft guidance recommends that wherever possible Gypsy and Traveller sites should be developed on brownfield sites. The document reaffirms many of the principles set out in the 2008 good practice guide: including not locating sites in high risk flood areas, locating sites where there is ready access to local services/facilities and promoting good relations between Gypsies and Travellers and the settled community.

### **West Yorkshire Gypsy and Traveller Accommodation Assessment**

- 2.13. The West Yorkshire Gypsy and Traveller Accommodation Assessment (GTAA) identified that there was an unmet need of 40 pitches in Leeds in 2008 rising to 48 by 2015. The GTAA assumes each pitch would be used by a specific family. 8 of the 40 pitches were to cover families who live on unauthorised encampments. The evidence presented to the Scrutiny Board Inquiry, and ongoing monitoring of unauthorised encampments, has identified a current need for 12 pitches relating to families who live on unauthorised encampments.
- 2.14. The GTAA report categorises the remaining 32 pitch need as covering 'concealed households' and 'movement between sites and housing'. This primarily relates to households who would describe themselves as being of Gypsy or Traveller ethnic origin and who live in settled housing. The Scrutiny Board Inquiry did not identify, nor has ongoing monitoring, significant instances of unauthorised encampments of Gypsies and Travellers who live in settled housing. The concept of 'cultural aversion to conventional housing' has emerged through case law relating to suitable accommodation for Gypsies and Travellers. Whilst every case would need to be assessed on its individual merits, it is reasonable to conclude that households who have chosen to live in 'bricks and mortar' housing would find it more difficult to sustain an argument that they have a 'cultural aversion' to such housing. There is no legal duty on local authorities to provide sites for Gypsies and Travellers and current planning guidance has been framed around the principle that all people should have the opportunity to access decent housing.

- 2.15. It is the view of officers that, following consideration of the GTAA findings, relevant guidance and case law, the short/medium term focus should be placed on addressing the housing needs of the 12 Leeds based 'roadside' families who have a housing need of 12 pitches.

### **Asset Management**

- 2.16. From an asset management perspective, the option of using land assets to accommodate Gypsies and Travellers will need to be weighted against other potential land uses. Opportunities to use land assets for purposes other than a Gypsy and Traveller site to promote social/economic benefits, and/or to raise capital receipts for the Council, in the short, medium or long term, will continue to be taken if that is considered the best use of the site. The wider economic and social impacts of locating an accommodation site for Gypsies and Travellers in a particular locality will be considered. If it is proposed to use part of a site to accommodate Gypsies and Travellers then the impact on the remaining part of the site, in terms of its use options, will also be considered.

### **Funding Application**

- 2.17. Paragraph 3.10 of the report to the July 2010 Executive Board advised that officers intended to submit a bid to the Homes and Community Agency (HCA) for capital funding to develop new accommodation for Gypsies and Travellers. This bid was made and has been shortlisted for further consideration. There is a reasonable chance that the HCA will approve a funding allocation; if this is the case then funding will be available to be drawn down until March 2015.

## **3. Main Issues**

- 3.1. The site assessment criteria can be broken down into two parts:

3.1.1. Type and status of site.

3.1.2. Assessment of each site against agreed housing, planning, technical and asset management criteria.

### **Type and status of sites**

- 3.2. The assessment of type/status of sites has been restricted to Council owned land assets. This is because whilst officers are optimistic that HCA funding will be available (see paragraph 2.17); it is unlikely that money will be available to purchase non-Council owned land: the expectation of the HCA is that land will be a contribution made by the Council.

- 3.3. The type of sites has been categorised and listed in order of priority as follows:

1. Prospective residential sites – brownfield
2. Prospective residential sites – greenfield
3. Prospective industrial/employment sites

4. Prospective commercial (leisure/retail/town centre uses) sites
5. Green space/sports pitch sites
6. Green belt sites

3.4. The status of sites has been categorised and listed in order of priority as follows:

- a) Available
- b) On the market or being prepared for marketing in the next year
- c) Under offer
- d) Allocated for a Council scheme
- e) Occupied/tenanted

The status of sites is not fixed. Sites will be subject to ongoing review to meet the priorities and requirements of the Council.

3.5. Sites will be prioritised as follows:

| <b>Category</b> | <b>Description</b>   |
|-----------------|--|
| 1 A             | Prospective residential brownfield site and available  |
| 1 B             | Prospective residential brownfield site on the market or being prepared for marketing in the next year |
| 2 A             | Prospective residential greenfield site and available  |
| 2 B             | Prospective residential greenfield site on the market or being prepared for marketing in the next year |
| 3 A             | Prospective industrial sites and available   |
| 3 B             | Prospective industrial sites on the market or being prepared for marketing in the next year            |
| 4 A             | Prospective commercial sites and available   |
| 4 B             | Prospective commercial sites on the market or being prepared for marketing in the next year            |
| 5 A             | Green space/sport pitches and available  |
| 5 B             | Green space/sport pitches on the market or being prepared for marketing in the next year               |
| 6 A             | Green Belt and available   |
| 6 B             | Green Belt on the market or being prepared for marketing in the next year                              |

3.6. Officers believe that there is limited value in considering sites that are under offer, allocated for another purpose or occupied/tenanted given the alternative value that they represent to the Council.

3.7. This method of categorising land type reflects current and emerging Government guidance in terms of prioritising brownfield sites over greenfield and Green Belt, makes it more likely that sites would be located close to services and amenities and means that sites are less likely to be located in areas that are not considered suitable for general housing. The method of categorising land status supports the Council's wider asset management objectives: the initial focus on available sites will mean that there is no impediment on alternative use decisions to promote social or economic benefits or to generate capital receipts through disposal.

- 3.8. Prospective residential brownfield sites that are currently available for use are considered to be the optimum site options under this method of categorisation. Higher priority would be given in the rating of such sites against the site assessment criteria.

### **Site Assessment**

- 3.9. The site assessment criteria comprises four elements: housing, planning, technical and asset management. Sites will be assessed against the four elements in the sequential order of housing, planning, technical and asset management. Only sites that are considered to be acceptable when considered against all four elements will be taken forward as potential site options. A site will be discounted if it is not considered to be acceptable when considered against any of the four elements.
- 3.10. The housing assessment will consider each site against the standards set out in the CLG Good Practice Guide: whether a site option would be sustainable, safe and easy to manage and whether it would support harmonious relations between Gypsies and Travellers and the settled community.
- 3.11. The planning element comprises consideration of the site's designation on the UDP Review set out in paragraph 2.10 and a range of sub-criteria: site type (brownfield/greenfield), flood risk rating, accessibility to services, facilities, and public transport.
- 3.12. The technical element comprises sub-criteria relating to access for vehicles and pedestrians, land contamination, noise pollution, if the site is rated as a medium (Zone 2) flood risk whether these risks can be alleviated without increasing flood risk on surrounding land, and availability of utilities such as gas, electricity and water supply. The technical element will also cover land ownership, likely cost and timescales for delivery. Given the limitations on funding availability then land ownership, development and cost and delivery timescales will be key criteria for assessing site viability.
- 3.13. The asset management element comprises sub-criteria relating to potential options for site use and value of the site. If only part of the site was to be considered for accommodating Gypsies and Travellers then an assessment would be made of the impact on using the remaining land for other purposes: this may include opportunities to contain the site into a specific area or to screen the site.

### **4. Next Steps**

- 4.1. If Executive Board approve the use of the site selection criteria, then officers will categorise and order all available sites by size/type as described in paragraphs 3.2 to 3.9. Sites that meet the type/status criteria will then be rated against the site assessment criteria set out in paragraphs 3.10 to 3.14. This process will identify sites that are potentially viable as accommodation options for Gypsies and Travellers.

### **5. Corporate Considerations**

## **5.1. Consultation and Engagement**

5.1.1. The process of identifying potential accommodation site options for Gypsies and Travellers is at an initial stage; with this report solely asking for approval to assess site options against set criteria. The report to the July Executive Board set out the intention to present potential site options to the Executive Board for consideration when a robust assessment process has been completed. A proactive and comprehensive consultation exercise will take place with local communities prior to any planning applications being made. The preferences of Gypsies and Travellers in relation to potential site location will be a factor to consider. This will not represent an absolute mandate for Gypsies and Travellers to determine where potential sites should be located. Government guidance states that accommodation standards for Gypsies and Travellers should be commensurate to that offered to social housing tenants. The Council's Lettings Policy offers housing applicants some degree of choice in applying for council housing: register bids for properties advertised to let. Nevertheless, the choice offered to housing applicants is naturally restricted by the availability of properties to let that the Council owns.

## **5.2. Equality and Diversity / Cohesion and Integration**

5.2.1. An equality, diversity, cohesion and integration screening exercise has been carried out. This has affirmed that equality, diversity, cohesion and integration considerations have been effectively considered in relation to developing site selection criteria. The distinct housing needs of Gypsies and Travellers (that a nomadic lifestyle is part of many Gypsy and Traveller's cultural expression), the need to ensure that accommodation options for Gypsies and Travellers are commensurate with the standard of housing offered to social housing tenants in conventional accommodation and the need to promote harmonious relationships with settled communities have all been highlighted in this report. The site selection criteria has been framed around government guidance on site development. The principles of recognising the distinct housing needs of Gypsies and Travellers, treating all community groups equitably and promoting harmonious relationships between settled communities and Gypsies and Travellers are firmly embedded in government guidance. A further screening exercise, to determine whether an equality impact assessment should be carried out, will be undertaken before any potential site options are submitted to the Executive Board.

## **5.3. Council Policies and City Priorities**

5.3.1. Action to address the impact of unauthorised encampments of Gypsies and Travellers in the city specifically reflect two of the aims of the Vision for Leeds: 'Leeds will be fair, open and welcoming' and 'All Leeds' communities will be successful'. This work will especially contribute to the 'Safer and Stronger' Communities Plan priority around 'Increasing a sense of belonging that builds cohesive and harmonious communities' and those relating to reducing crime and anti-social behaviour.

## **5.4. Resources and Value for Money**

5.4.1. From a resources perspective, the development of new accommodation sites for Gypsies and Travellers will be dependent upon securing HCA funding. No alternative Council funding has been identified or has been requested if the HCA funding is not secured.

5.4.2. Between 2003 and 2010, the Council incurred costs of £1.994m in responding to unauthorised encampments.

## **5.5. Legal Implications, Access to Information and Call In**

5.5.1. There is no legal requirement for the Council to provide sites for Gypsies and Travellers although the Council does have a duty to consider and make reasonable provision for the accommodation needs of this group.

5.5.2. It is intended that viable site options will be submitted to Executive Board for consideration and approval at a later point. If site options are approved by Executive Board, then planning applications will need to be made. This is a wholly separate process: planning applications will be assessed on their individual merits and will not be influenced by decision making by the Executive Board.

5.5.3. The report does not contain any exempt or confidential information.

5.5.4. The report is open to call-in.

## **5.6. Risk Management**

5.6.1. Applying standard criteria to the assessment of site options will enable the Council to demonstrate that it has adopted a consistent approach to the site assessment and selection process.

## **6. Conclusions**

6.1. The proposed site selection criteria takes into account current and emerging Government guidance on accommodating Gypsies and Travellers and reflects Council priorities concerning this group and the best use of its land assets.

## **7. Recommendations**

7.1. To note the content of the report and to approve the site selection criteria.

## **8. Background documents**

8.1. Equality, Diversity, Cohesion and Integration Screening Document.