

Report of the Director of City Development

Report to: Development Plan Panel

Date: 7th August 2012

Subject: LDF Core Strategy – Publication Draft, Analysis of Consultation Responses: Policy H7 Accommodation for Gypsies, Travellers and Travelling Show People.

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 type="checkbox"/> Yes	<input checked="" 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 Core Strategy Publication Draft was subject to 6 weeks public consultation during February – April 2012. Section 3 of this report summarises the issues raised and the Table in Appendix 1 suggests how the City Council should respond. Appendix 2 illustrates how the text of the Core Strategy would need to be altered.
2. It is considered that there are no issues which are significant enough to justify major changes. The majority of comments warrant no changes, and a few issues warrant minor changes. The analysis and suggested changes are set out in Appendices 1 and 2.

Recommendations

Development Plan Panel is requested to:

- i) Note and comment on the contents of the report and the course of further action (as detailed in Appendix 1 to the report).

1.0 Purpose of this Report

- 1.1 Within the context of the Core Strategy Initial Report of Consultation (6th June), the purpose of this report is to review consultation responses in relation to Policy H7, Accommodation for Gypsies Travellers and Travelling Show People. Appendix 1 attached, summarises the representors, key issues raised, the City Council's view and proposed action.

2.0 Background Information

- 2.1 Following Consideration by the Development Plan Panel and Executive Board, a 6 week period of public consultation has been undertaken, commencing on 28th February to 12th April 2012. Consistent with the LDF regulations, this is a targeted stage of consultation, with emphasis upon requesting responses in relation to the "soundness" of the plan. Within this context, the consultation material comprised of a range of documents, which were subsequently made available on line or as paper copies, including:

- Core Strategy Publication Draft (Main Document)
- Sustainability Appraisal (& Non Technical Summary)
- Habitats Regulations Assessment Screening
- Equality Impact Assessment Screening
- Draft Infrastructure Delivery Plan
- Draft Core Strategy Monitoring Framework
- Health Topic Paper
- Report of Consultation on Preferred Approach (October – December 2009)

Links were also incorporated to the consultation web pages to the evidence based material, which has been prepared to help inform the emerging document (including the Employment Land Review, Leeds City Centre, Town and Local Centres Study, Housing Growth in Leeds, Strategic Housing Land Availability Assessment, Strategic Housing Market Assessment and the Leeds open space, sport and recreation assessment.

3.0 Main Issues

- 3.1 Main issues of concern were on the evidence base, on allocation of sites, monitoring of provision, and flood risk. There was also confusion as to whether the policy was seeking provision for just 12 pitches (a pitch being the space needed for one family, which may have several caravans and vehicles on it).
- 3.2 As regards the evidence, Bradford Council were concerned that a clear requirement, based on the West Yorkshire Gypsy and Traveller Accommodation Assessment should be included. Other comments were that co-ordination with neighbouring authorities was needed to ensure compliance with requirements for the Duty to Cooperate as set out in the National Planning Policy Framework.
- 3.3 Several representors were concerned that Green Belt land should not be considered, or greenfield sites, and sites on brownfield land with access to schools, shops and facilities should be favoured. A number of smaller sites, accommodating

less numbers of pitches was favoured over one large site with a large number of pitches.

- 3.4 The Environment Agency requested that 'high flood risk' should be defined and made comments about the drainage of sites. There was also confusion as to whether the policy was seeking provision for just 12 pitches, and about short term and long term requirements.
- 3.5 Minor changes are recommended to clarify the short and long term needs and to define areas of high flood risk.

4.0 Corporate Considerations

As noted above, the Core Strategy, forms part of the Local Development Framework and once adopted will form part of the Development Plan for Leeds.

4.1 Consultation and Engagement

- 4.1.1 As outlined in this report, the Core Strategy Publication draft has been subject to a further 6 week period of consultation. This has been undertaken in accordance with the LDF Regulations and the City Council's adopted Statement of Community Involvement (SCI).

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality Impact Assessment Screening was undertaken on the Core Strategy Publication draft, prior to consultation (see Core Strategy Executive Board Report, 10th February 2012). This concluded that equality, diversity, cohesion and integration issues had been embedded as part of the plan's preparation. For information and comment, the Screening assessment has also been made available as part of the supporting material for the Publication draft consultation. Within this overall context, it will be necessary to continue to have regard to equality and diversity issues, as part of the ongoing process of preparing the Core Strategy, including considering representations and next steps.

4.3 Council Policies and City Priorities

- 4.3.1 The Core Strategy, plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in meeting a host of social, environmental and economic objectives, where relevant the Core Strategy also seeks to support and advance the implementation of a range of other key City Council and wider partnership documents. These include the Leeds Growth Strategy, the City Priority Plan, the Council Business Plan and the desire to be a 'child friendly city'.

4.4 Resources and value for money

- 4.4.1 The DPD is being prepared within the context of the LDF Regulations, statutory requirements and within existing resources.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The DPD is being prepared within the context of the LDF Regulations and statutory requirements. The DPD is a Budgetary and Policy Framework document and as such this report is exempt from call-in by Scrutiny.

4.6 Risk Management

- 4.6.1 The Core Strategy is being prepared within the context of the LDF Regulations and the need to reflect national planning guidance. The preparation of the plan within the context of ongoing national reform to the planning system and in responding to local issues and priorities, is a challenging process. Consequently, at the appropriate time advice is sought from a number of sources, including legal advice and advice from the Planning Advisory Service and the Planning Inspectorate, as a basis to help manage risk and to keep the process moving forward.

5. Conclusions

- 5.1 This report provides an overview of the issues raised about Policy H7 on accommodation for gypsies and travellers. There are no issues which are considered significant enough to justify any major changes, and most issues warrant no changes at all. The remaining issues warrant minor changes to the supporting text and policy.

6. Recommendations

- 6.1 Development Plan Panel is requested to:

i) Endorse the analysis of the issues raised and any suggested Core Strategy text and policy changes (as detailed in Appendices 1 and 2 to the report) for presentation to Executive Board for approval.

7. Background documents¹

- 7.1 A substantial number of documents are available representing various stages in preparation of the DPD and the background evidence base and Equalities Impact Assessment Screening. These are all available on the City Council's web site (LDF Core Strategy Pages) web pages or by contacting David Feeney on 247 4539.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

APPENDIX 1: Core Strategy Publication Draft - Analysis of Consultation Responses

Policy H7 Accommodation for Gypsies, Travellers and Travelling Show People

Representor (include agent)	Representor Comment	LCC Initial Response	Action
Concerns with evidence			
<p>0100 Bradford Metropolitan District Council & 5941 Bradford Council - Highways</p>	<p>Policy H7 does not set out a clearly stated policy position on the pitch requirement for the plan period. 'Planning policy for Traveller Sites' makes clear that Local Plans should set pitch targets based upon robust evidence to establish accommodation needs.</p> <p>No rationale given for 12 pitches decision. Does not conform with West Yorkshire Gypsy and Traveller Accommodation Assessment May 2008 which states: 2008 - 15 - For gypsies & travellers - 48 standard pitches plus additional 6 transit pitches = 54 pitches For travelling show people – 8 pitches</p> <p>For 2016-26 - For gypsies and travellers - 34 standard pitches For travelling show people - 8 pitches Total Pitch requirements 2008-26 Gypsies and travellers - 88 pitches Travelling show people - 16 pitches</p> <p>The lack of required new provision could result in a greater number of unauthorised developments and encampments both within and adjoining the Leeds District.</p> <p>Change suggested: establish a clear and robust requirement for the plan period for Gypsies, Travellers and Travelling Showpeople.</p>	<p>The policy is not for 12 pitches only. H7 refers to finding sites of around 12 pitches per site. This should be amended to state 15 pitches per site in line with the Good Practice Guide which recommends the ideal site size should accommodate not more than 15 pitches (one pitch being for one family, which can include a number of caravans plus vehicles).</p> <p>The wording will be made clearer to avoid confusion between the immediate search for 12 pitches and the longer term search for sites.</p> <p>The West Yorkshire needs assessment was carried out in 2008, and whilst regard will be had to this, it is considered outdated. Para 5.2.27 refers to determining an up to date level of local need and undertaking further work to do this. It is considered that it would be misleading to put in an unrealistic requirement, and this would be contrary to Planning Policy for traveller sites CLG March 2012 (to be read in conjunction with the NPPF) which states that Local Plan policies should be realistic.</p>	<p>Minor change – refer to sites for 15 pitches, not 12 and make supporting text clearer in distinguishing between current short term work and longer term needs.</p>

Representor (include agent)	Representor Comment	LCC Initial Response	Action
2956 Cllr Thomas Leadley	Little evidence of consultation and co-ordination with neighbouring Planning authorities, which therefore is unsound as not being compliant with NPPF.	The West Yorks assessment was across the West Yorkshire authorities. The NPPF was published after the Core Strategy Publications Draft. Gypsy and Traveller provision will be a topic for continued discussion in meetings with neighbouring authorities, under the new duty to cooperate provisions of the NPPF.	No change.
Allocation of sites			
0106 Aberford Parish Council	Only Brownfield land with good (not reasonable) access to public transport, health care, schools, shops and local services should be allocated for this purpose. Not Green Belt or Greenfield.	Brownfield is first priority. CLG guidance 'Planning Policy for traveller sites' March 2012 allows for local authorities to make an 'exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site through the plan making process.	No change.
4783 Mr Cedric Wilks	The use of green belt land for such sites would be a very big mistake. There is less trouble with sites for travelling showpeople.	Brownfield is first priority. CLG guidance 'Planning Policy for traveller sites' March 2012 allows for local authorities to make an 'exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site through the plan making process.	No change.
4825 Morley Town Council	Policy has our general support, however, the statement in the summary box that 'The City Council will identify suitable sites (of no more than 12 pitches per site)' is in error and at odds with the second paragraph on p.63 which says that the need of all the Leeds-wide roadside families is twelve pitches in all. A small number of pitches rather than one massive one is needed.	General support welcome but note comments regarding clarity of text.	Minor change – refer to sites for 15 pitches, not 12 and make supporting text clearer in distinguishing between current short term work and longer term needs.

Representor (include agent)	Representor Comment	LCC Initial Response	Action
Monitoring			
4783 Mr Cedric Wilks	This is a policy requiring very strict monitoring and the greatest of care. Problems associated with travellers have been costly.	Noted	No change
Flood Risk & Site specific comments			
0046 Environment Agency	<p>The term 'high flood risk' should be defined.</p> <p>Sites should have the capacity to connect to the public foul sewer. If discharge of foul drainage to ground is necessary, this should only be allowed in areas where there is low risk to the water environment. It would be useful if the policy text could make reference to the potential need for an Environmental Permit for any discharge of foul drainage to ground or surface water.</p>	<p>Agree term 'high flood risk should be defined'.</p> <p>This is a matter of detail not appropriate to a strategic Core Strategy and will be dealt with via subsequent DPDs (notably the Site Allocations DPD) and individual planning applications.</p>	<p>Minor Change: Amend policy H7 to include definition of high flood risk being zone 3.</p> <p>No Change</p>

APPENDIX 2 – RELEVANT TEXT CHANGES TO CORE STRATEGY

Accommodation for Gypsies, Travellers and Travelling Show People

- 5.2.24 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.
- 5.2.25 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.
- 5.2.26 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.*
- 5.2.27 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.
- 5.2.28 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 12 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, ~~and~~ 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.