

Report of Chief Planning Officer

Report to Development Plan Panel

Date: 19th May 2015

Subject: Gypsies, Travellers & Travelling Showpeople Site Allocations Progress Update

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): ALL		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. There is a shortage of authorised sites for Gypsies and Travellers which has historically led to increasing incidence of unauthorised encampments, which can create tensions between the settled community and Gypsies and Traveller communities. Whilst the Council has effectively managed such incidences in recent years there remains a pent-up demand for more Gypsy and Traveller sites in Leeds.
2. A level of need in Leeds has been established in the Core Strategy and the Site Allocations Plan must identify sites to address these needs for the plan period. The process of identifying sites is ongoing and this report provides an update for Panel Members on the legislative and policy background, the current authorised provision in Leeds and the approach to allocating sites.
3. A further report will be presented to Panel Members at the 24th June meeting and consultation with Ward Members, neighbouring authorities and local representatives will be undertaken on specific sites prior to this meeting.

Recommendations

4. Members of the Development Plan Panel are recommended to:
 - i. Note the progress on identifying Gypsy and Traveller sites for the Site Allocations Plan & Aire Valley Leeds Area Action Plan.

1. Purpose of this report

- 1.1. To update Members on progress towards allocating sites for Gypsies and Travellers in Leeds through the Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP). This report sets out the approach used and forms the first of two reports to Plans Panel. A further report, to be considered at the 24th June meeting, will identify a range of preferred sites.

2. Background

- 2.1. It is widely accepted that there is a national shortage of authorised sites for Gypsies and Travellers (G&T) and Travelling Showpeople. This has led to increasing incidence of unauthorised encampments, which can create tensions between G&T and the settled community. It is well recognised that G&T are amongst the most socially excluded groups in society and independent national research confirms the link between the lack of good quality sites and poor health and education outcomes. G&T are being held back by some of the worst outcomes of any group across a range of social indicators on housing, health, education, incidence of hate crime and access to employment¹. Both the Government and the Council recognise that unmet need for housing must be addressed. The provision of authorised sites is therefore an important step in managing a host of issues.
- 2.2. There is a considerable body of legislative and national planning guidance to assist local authorities in addressing these matters and meeting the housing needs of G&T:
 - Section 225 of the **Housing Act (2004)** places an obligation on local housing authorities to assess the accommodation needs of G&T in their area and to develop a strategy to address these needs. If a G&T is statutorily homeless the Council is obliged to secure them suitable temporary accommodation and to maintain this duty until suitable long-term accommodation can be secured. However, it is not defined in law that suitable accommodation must be pitch based.
 - G&T have been recognised by the courts as being distinct ethnic groups and are protected from discrimination by the **Equality Act 2010**. The courts have made clear that travelling is not a defining characteristic of these groups, but only one among others. It is important to ensure that the cultural needs of G&T are met and recognise that for most, there will be an aversion to bricks and mortar housing. The Council also has a statutory duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing its policies and delivering its services.
 - The **Equality Act** defines English, Welsh and Scottish Gypsies, Romany Gypsies, Irish Travellers, New Age Travellers, and Travelling Showmen as

¹ (2012) Department of Communities and Local Government, Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers

distinct ethnic minorities because of their long shared history, with family and cultural traditions that distinguish them from other groups.

- Government planning guidance “**Planning Policy for Traveller Sites**” (PPTS) was published in 2012. PPTS advises that local authorities should set pitch targets for G&T 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. It states that the Government’s overall aim is to ensure fair and equal treatment for Travellers, while respecting the interests of the settled community.

- 2.3. For the purposes of SAP, and to ensure the accommodation needs of all G&T are considered (including those who do not have a nomadic habit of life but may still have a strong cultural aversion to bricks and mortar accommodation and be in need of a pitch), the definition of G&T as used in the 2004 Housing Act is used². This defines G&T as:

“Persons with a cultural tradition of nomadism or of living in a caravan; and all other persons of a nomadic habit of life, whatever their race or origin, including: (i) such persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age, have ceased to travel temporarily or permanently; and (ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).”

- 2.4. The needs of Gypsies, Travellers and Travelling Showpeople differ. Gypsies require sites which are accessible to local services and pitches which are large enough to accommodate up to two caravans alongside amenity blocks.
- 2.5. Travelling Showpeople are a different ethnic group and do not always live in caravans. Their needs are more directly linked to their main employment (servicing fairs and fairgrounds) therefore sites tend to be larger, due to the practicalities of securely storing equipment and HGVs. Accessible road travel is also a priority and constraints relating to the use of HGVs are a key factor in assessing the local impacts of sites. When developing a site, Showpeople require little input from the local authority as they are prepared to purchase land, develop the site and put in water, electricity and roads themselves.
- 2.6. In Leeds G&T are represented by a member’s organisation called Leeds Gypsy and Traveller Exchange (Leeds GATE). Most Showmen belong to the Showmen’s Guild,

² It should be noted that DCLG released a consultation in September 2014 seeking to amend the Housing Act definition to remove the words “and permanently”. This would have the effect of meaning that those G&T who have ceased travelling permanently for reasons of health, education or old age (be it their needs or their family’s or dependents’) are for the purposes of planning treated in the same way as those who continue to travel. A Government response to this consultation has not been released.

a firm regulatory body for its members, who have specific responsibilities, rights, and privileges. The Showmen's Guild is represented at a Yorkshire level.

Current approaches to the provision of accommodation

- 2.7. Leeds, like most other parts of the country, has a shortage of authorised G&T sites. Historically this has created unauthorised developments and encampments. However, in recent years, and following a Scrutiny Inquiry in 2010, emphasis has been placed upon addressing immediate needs and priorities (for families living on the roadside), as well as developing a longer term approach through the Core Strategy and Site Allocations Plans to meet arising needs and where families are "doubling up" on existing provision. To that end, the Council has pursued two options to address immediate needs:
- a planning application for an additional 12 pitch extension to Cottingley Springs (the Council's only managed site for permanent pitches) was refused by the Secretary of State following a "call-in" hearing in public. The main reasons for refusal were: harm to Green Belt outside of a plan-making process and impact on the neighbouring settled community.
 - a 3 year temporary permission for 8 pitches has been granted at Kidacre Street (City & Hunslet), which is fully subscribed and has helped to reduce the incidence of unauthorised encampments and to relieve pressure for pitches at Cottingley Springs.
- 2.8. The Council recognises that the ability to enforce against unauthorised development in Leeds is related to our proactivity in meeting the need for new provision. If the Council supports the provision of sites largely for Leeds based G&T it will be in a much stronger position to resist inappropriate encampments.

Gypsies and Travellers – Existing Supply

- 2.9. In Leeds there is a current residential supply (assuming one household per pitch) of 41 public sector pitches at Cottingley Springs, Farnley & Wortley and 7 authorised private pitches. Authorised pitches include sites with planning permission (in the form of permanent, personal or temporary permissions) and sites with established use rights or other planning status which means that planning enforcement action cannot be taken. Note that the site at Kidacre Street does not form a part of the existing supply, as this was granted permission after the CS assessment was completed. The 7 authorised households are on sites at:
- Nepshaw Lane, Morley South (permanent non-personal permission)
 - Rose Neath Place, Farnley & Wortley (long term encampment)
 - Ninevah Lane, Kippax & Methley (temporary personal permission)
 - Knotford Nook, Otley & Yeadon (long term encampment)
 - Springfield Villas, Morley North (temporary personal permission)

- 2.10. There are also a number of G&T sites which are unauthorised but categorised as “tolerated sites”. These did not form part of the identified existing supply of land at the time of the Leeds Needs Assessment. These sites are:
- Dunningley Lane, Middleton, Middleton Park (expired personal permission)
 - Ilkley Road, Otley & Yeadon (no permission / currently vacant)
- 2.11. In addition, further investigation – through the Site Allocations Plan process – has revealed that a number of sites have received planning permission for “siting of caravan use” exclusively for G&T families. These are sites at:
- Scarecrow Farm, Farnley & Wortley
 - land to the south of Scarecrow Farm, Farnley & Wortley
 - Thorp Lane, Ardsley & Robin Hood
 - Thorpefields, Ardsley & Robin Hood
 - Urn Farm, Middleton Road, Middleton Park
- 2.12. The SAP is an opportunity to consider the long term future planning status of these authorised, unauthorised and tolerated sites and to establish a level of provision on each. Consultation between the Council and landowners, families on the sites and local representatives is ongoing to establish the potential for these sites to be considered as future identified sites. This will not only ensure certainty for the families who currently live there and local people and is likely to reduce the need to identify new sites.

Travelling Showpeople – Existing Supply

- 2.13. There are 21 funfairs in Leeds each year between April and October but the operators of these funfairs have no authorised accommodation in Leeds. Operators and their families are living in overcrowded conditions, secure their equipment on sites where they don't live or travel long distances to operate in Leeds, which increases the costs of their livelihoods.
- 2.14. The recent local Leeds GTAA carried out with the Showmen's Guild assessed a need for 15 plots in Leeds up to 2028 and that these could be accommodated on one or two sites.
- 2.15. There is an unauthorised “tolerated” site at Whitehall Road where 7 families are reported to currently reside. The site is over-crowded and not well laid out. Any further provision will have to take into account the long term prospects of this existing site and any established use rights it may acquire so as to ensure that there is no over provision in the District.

3. The Core Strategy Policy

- 3.1. Policy H7 of the Adopted Core Strategy plans for the accommodation of G&T in Leeds. The Core Strategy Inspector had initial concerns with the submitted policy at hearings in October 2013, as he felt that the assessment of need was not sufficiently

robust. However, following further work on levels of concealed need, including a survey of the local G&T population, the policy was found sound at a hearing in May 2014, with the Inspector commending the Council on its additional positive work. The Adopted Core Strategy policy H7 is included in full below.

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 Showpeople (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 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 deliverable sites for Gypsies and Travellers and Travelling Showpeople

3.2. The justification to the policy also includes the following principles:

- whilst the national guidance is for no more than 15 pitches per site there is a preference from local G&T's themselves and local Members for a larger number of small sites rather than a smaller number of large sites – this approach to size has helped influence the selection of sites
- the overall need is split between an expressed preference for public provision, private provision and negotiated stopping/transit provision as follows:
 - Public provision 25 pitches
 - Private provision 28 pitches
 - Negotiated stopping 9 pitches

- a recognition that in reality the most accessible sites in Leeds will not always be viable for the delivery of public G&T provision or for G&T to purchase land themselves. The deliverability of sites is therefore included as a criterion to inform the allocation of sites and decision taking.

4. Site Allocations Plan

- 4.1. The Core Strategy identified levels of G&T need for public and private provision. The majority of the need arises from locally based G&T already living in Leeds. Much of the private provision was considered as “concealed” need and some arose from G&T living in bricks and mortar housing, but with a preference for a private pitch. Having set the pitch provision targets in Policy H7 it is for the Site Allocations Plan to identify sites sufficient to meet the local needs in Leeds. The Core Strategy need figures (in addition to the existing authorised 48 G&T pitches) are:

	Gypsies and Travellers	Showpeople
Public	25	0
Private	28	15
Temporary	9	approx 7 (out of the 15 above)
Sites	4 to 15 sites*	1 or 2
TOTAL	62 households	15 households

* national guidance and Core Strategy Policy H7 advises that sites should be no larger than 15 pitches. There is a local preference for smaller sites (i.e. around 5 households) which are more widely distributed.

- 4.2. In overall terms the provision for G&T is a very small component of the total housing allocations for the settled community yet carries an extremely high level of controversy. It is therefore important to utilise the legal and national planning guidance which helps support the identification of sites and recognise that the allocation of sites is a key means of addressing many of the local tensions and social issues experienced by the existing local Leeds Gypsy population.
- 4.3. The identification of sites is chiefly via the application of criteria in Policy H7. In addition, the Core Strategy Inspector made a specific point in his report that national guidance requires local planning authorities to ensure that their policies promote “peaceful and integrated co-existence” and that this will doubtless be a factor in choosing sites through the site allocations process. This is an objective which applies to the needs of both the existing settled community as well as the needs of G&T families.

Stages of the Site Allocations Plan

- 4.4. At the time of the Site Allocations Issues and Options consultation (Summer 2013) a specific level of need for G&T was not established and agreed upon. Therefore no sites were proposed for G&T use at the time. However, at Issues and Options stage the Council sought the views of people as to whether any particular sites which were

also being assessed for housing would be suitable for G&T or whether there were any other sites which were suitable which were not being assessed for housing i.e. “a call for sites”.

4.5. The council received 172 comments to these questions. 55 comments stated that sites for G&T should be found within the main urban area. 46 individual site suggestions were made throughout the District and these have been considered as part of an assessment. However, there were a number of issues with the “call for sites” submissions:

- no sites were submitted by landowners at Issues and Options consultation stage
- a number of comments were offensive and racist – these have been removed from the Council’s database and no further consideration has been given to them
- a number of suggestions were for sites which could not be taken seriously as they were not available e.g. the airport and Millennium Square in the City Centre
- a number of suggestions were on large housing submissions by private house builders

4.6. In parallel to the Issues and Options work for the SAP the Core Strategy was being prepared. As part of this the Council liaised closely with the Leeds Gypsy and Traveller Exchange (Leeds GATE) and representatives of the Showmen’s Guild. Through this consultation a range of sites were proposed to the Council which have been assessed as part of the SAP. In addition, as part of the Leeds local GTAA a survey of G&T was held. In total 115 surveys were completed by local G&T families. A specific question on the survey was around whether there were any sites which would be suitable for G&T accommodation or whether G&T owned any land that they wished to submit to the SAP “call for sites”. This question did not elicit any responses from the 115 households who were surveyed.

4.7. Following the Issues and Options call for sites the Council received one submission of a site by a landowner. This was submitted via a planning consultant specialising in G&T accommodation provision throughout the country and is assessed alongside the other sites.

4.8. Consultation with Leeds GATE and the Showmen’s Guild has continued throughout the process and following Adoption of the Core Strategy a further meeting was held to encourage Leeds GATE to explore with their local members whether there were additional sites. Officers also visited a Showmen’s site in Doncaster to understand their specific needs.

The approach to assessing sites

4.9. G&T sites vary in terms of size and there is no one size fits all measurement for a pitch or plot. Good practice guidance suggests that G&T sites should provide enough land per household for a mobile home, touring caravan and a utility building,

together with space for the parking of two vehicles. In accordance with the views of consultees, local members and Leeds GATE the Council has looked for a greater spread of smaller sites where around 5 families could be accommodated. The minimum site area required is estimated at 0.3 hectares but some sites could be smaller or larger depending . Sites for Showpeople are usually larger as there is not only the need to store equipment, there is also a desire for more Showpeople to live together so as to ensure greater natural security for their equipment and HGVs.

- 4.10. When identifying suitable sites a range of factors need to be taken into consideration. PPTS states that sites for the short term (first five years of a plan period 2012 - 2017) should be deliverable and that sites, or broad locations, for the medium and longer term (years six to ten (2018 – 2022) and years eleven to fifteen (2023 – 2027/8) should be developable.
- 4.11. For a site to be considered deliverable, it should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable. For a site to be considered developable, it should be in a suitable location for development and there should be a reasonable prospect that that the site is available and could be viably developed at the point envisaged.

Assessment Stage One

- 4.12. In accordance with the Core Strategy, the potential of each site was assessed against the site selection criteria in Policy H7. At the same time, each site was assessed for its deliverability which included an assessment of:
- *Suitability* – does the site meet wider Core Strategy or National Planning policies e.g. on environmental and conservation issues
 - *Availability* – does the site have permission/allocation for another use or has the landowner submitted it for another use as part of the SAP process?
 - *Achievability* – is the site below 2ha or where smaller parcels of larger sites could easily be achieved without prejudicing the remaining site for other uses?
- 4.13. The “long list” assessment included 83 sites comprising:
- Sites which were submitted to the Council through the Issues and Options consultation but not by those who owned the land
 - Sites submitted in consultation with Leeds GATE
 - Sites submitted in consultation with the Showmen’s Guild
 - Sites submitted by private G&T landowners
 - All existing sites in the District without the benefit of full planning permission (unless they were the subject of a planning application at the time)
- 4.14. Many of the stage one sites were simply not available as they had not been submitted by willing landowners. The results of stage one was a potential pool of 13 sites, which were mainly existing tolerated sites but also included a private submitted

site. The potential capacity of these sites would not meet the identified need in Policy H7.

Assessment Stage Two

- 4.15. One of the main means of ensuring that sites are deliverable/developable, is to assess land in the Council's ownership over which it has control, which is surplus to requirements and is suitable for G&T accommodation. Such sites were considered as part of a stage two assessment examining land in Council ownership. The results of stage two were a further 24 sites. These sites were selected on the basis of the tests of suitability, availability and achievability above.
- 4.16. Although Policy H7 of the Core Strategy states that sites in the Green Belt will not be permitted unless other locations have been considered and only then in very special circumstances, if Leeds has an identified unmet need and no available sites elsewhere, this may well constitute very special circumstances.
- 4.17. In general the site search has been a difficult exercise for the following reasons:
- there has only been one submission of a site by its landowner
 - the use of Council land is supported however the Council as landowner must seek best value on its assets, especially in difficult public funding climates.
- 4.18. One of the key messages from the assessment and consultation with stakeholders has been the desire to have smaller sites for a smaller number of families per site. This approach also helps to address some of the concerns raised by the Inspector who considered the Cottingley Springs application and considered that there is an issue with a local resident population feeling overwhelmed by larger sites. It is difficult to set a limit and national guidance advises that sites should be no larger than 15 families. However, the site assessment has been carried out on the basis that small sites for around 5 families would be preferable. The approach to site selection is a balance between suitable sites, locational preferences of the G&T population and impacts on existing areas. An approach to smaller sites means that a greater range of sites are available, there is more prospect of peaceful integration as smaller sites may be easier to assimilate with existing communities and inevitably that there is a greater spread of sites throughout the District.
- 4.19. Consultation with landowners, ward members, Leeds GATE and the Showmen's Guild will be undertaken prior to the publication of these sites for consideration by Development Plans Panel. It is intended that the preferred list of sites will be tabled at the meeting on 24th June.

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 have secured planning permission for 8 pitches at Kidacre Street for 3 years to meet immediate needs.
- 4.1.2 The Site Allocations Plan has been prepared with the full engagement and support of Neighbourhoods and Housing and wider City Development service. Neighbourhoods and Housing are responsible for managing public sites and officers have provided views on the suitability of sites during the assessment.
- 4.1.3 Active consultation with the Gypsy and Traveller community via Leeds GATE and the Showmen's Guild is ongoing as part of the plan making process.
- 4.1.4 Whilst not considered to be a strategic planning matter the site allocations process for G&T will be set out at the May Duty to Cooperate meeting.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Allocating sites for Gypsies and Travellers and Travelling Showpeople in Leeds raises equality issues in terms of access of different groups to housing. These issues will be addressed in an Equality Impact Assessment screening for Executive Board.

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 adopted Core Strategy takes forward the spatial objectives of the Vision for Leeds and the priorities set out in the City Priority Plans and the Best Council Plan (in particular Objective 2: to 'promote sustainable and inclusive economic growth'). Housing Growth is a City Council 'break through' project. This will be supported through the identification of land and its phasing through the Site Allocations Plan and Aire Valley Leeds Area Action Plan.

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 Site Allocations Plan in line with national policy.

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.

4.6 Risk Management

- 4.6.1 This decision will help ensure that the Site Allocations Plan is considered sound by a Planning Inspector. This outcome would lessen the risk of further delay to the plan making process which identifies allocations for settled housing and other land uses.

5.0 Conclusion

- 5.1 As part of the Site Allocations Plan process the Council has undertaken an assessment of sites to meet the accommodation needs of Gypsies and Travellers, including Travelling Showpeople. For Gypsies and Travellers the requirements set out in the Core Strategy are to make provision for 62 families in Leeds with a split between private, public and negotiated stopping sites.
- 5.2 This report sets out the approach to identifying suitable, available and achievable sites. The Council has identified a number of small sites across Leeds which would accommodate around five families as opposed to a smaller number of sites in specific areas which would accommodate up to fifteen families.
- 5.3 The next stage of the process is consultation with relevant Ward Members and representatives of the Gypsy and Traveller community prior to a preferred site allocations list being prepared for the a meeting of Development Plan Panel on 24th June 2015.

6.0 Recommendations:

- 7.1 Members of the Development Plan Panel are recommended to:
- i. Note the progress on identifying Gypsy and Traveller sites for the Site Allocations Plan and Aire Valley Leeds Area Action Plan.