

North Warwickshire

Local Development Framework



Gypsies and Travellers Development Plan Document

Issues and Options Consultation

June 2012

1 General Introduction on North Warwickshire's Local Development Framework

- 1.1 The Planning and Compulsory Purchase Act 2004 introduced a fundamental reform of the planning system replacing Local Plans with Local Development Frameworks (LDFs). LDFs are essentially a folder of separate but related Local Development Documents setting out policies and proposals for spatial planning in the Borough. North Warwickshire Borough Council has already published a draft Core Strategy. As the title suggests, this sets out the Council's overall strategy towards new development. It will plan for housing and economic growth up to 2026, by setting the amount of new development to be planned for and where it should go. As the Core Strategy deals with general strategy it does not identify new development sites or describe in great detail individual requirements for development proposals. The Development Plan Documents ("DPDs") are the documents which set out the statutory policies and proposals. Within the Borough the allocation of new development will be dealt with through an Allocations DPD. The details of what we will be looking for in all new development proposals will be dealt with in a second DPD entitled "The Development Management DPD." The detail of how we look at Gypsy and Traveller requirements will be dealt within this, the third DPD. The Council wants to "manage" new development such that it is of high quality and so that it accords with the overall approach set out in its Core Strategy. It will be no surprise that all of the DPDs are being prepared at the same time.
- 1.2 The Core Strategy and these three DPDs will, once adopted, largely replace the North Warwickshire Local Plan 2006. It will therefore be essential that all of the existing policies in that Plan will need to be reviewed and assessed to see if they should be taken forward into the new Documents.
- 1.3 It is necessary to ensure that the Gypsy and Traveller DPD accords with existing and emerging national planning policy as well as the Core Strategy, together with the Council's Sustainable Community Strategy. The DPD can not contain policies that do not accord with these higher level policies. The contents should therefore aim to deliver the overall objectives of the Community and Core Strategies and provide the context for coordinating the actions of our partners in achieving the objectives of these two Strategies.
- 1.4 The draft Core Strategy includes a "spatial portrait" of North Warwickshire which outlines and describes our location; physical characteristics, bio-diversity, heritage, population, housing, economy, resources and transport. It is not repeated here, but it is important to recognise that it describes what makes North Warwickshire the place we know – in other words its local character and distinctiveness. The Gypsy and Traveller DPD will need to ensure that this portrait is reflected in its proposals.

2 The Reasons why a Gypsy and Traveller DPD is being prepared

Background

- 2.1 Gypsies and Travellers have been resident within England for many hundreds of years. Romany Gypsies and Irish Travellers are recognised as ethnic groups and are covered by the provisions in the Race Relations Act 1976. This ethnic group makes up just 1% of the national population with the majority living on local authority managed or private authorised sites. Within North Warwickshire the total residing population is estimated to be low with the majority (some 46 persons) living on the socially rented site at Alvecote (GTAA). There are seasonal differences in the population with slight increased numbers of Gypsies and Travellers during the summer months as many pursue an active, itinerant lifestyle. However, increasingly, communities are becoming more settled and their need is for a permanent residential site which also acts as a base from which they can travel.

National Policy on Gypsy and Traveller Accommodation

- 2.2 The 1968 Caravan Sites Act required local authorities to provide adequate accommodation for Gypsies and for those authorities that did, provision was made for additional powers for the removal of unlawful encampments. Under this legislation the Alvecote Gypsy Caravan Site was set up to provide permanent Gypsy site provision for North Warwickshire.
- 2.3 The 1994 Criminal Justice and Public Order Act removed the statutory obligation on local authorities to provide public caravan sites and made it a criminal offence to camp on land without the owner's consent. Although Circular 18/1994 did state that local authorities were expected to retain and maintain existing sites, and could still use previous legislation to provide new sites. In practice, the removal of the duty to provide sites resulted in a halt to new site provision and those local authorities that hadn't made provision for their Gypsies and Travellers, found that this group started to buy their own land where they could rather than where it was most appropriate or complied with planning policies.
- 2.4 The 2004 Housing Act required local authorities to identify sufficient sites through the planning process to meet identified needs. The Government's Circular 01/2006 entitled "Planning for Gypsy and Traveller Caravan Sites" emphasised this need to ensure that enough sites were provided and sets out a planning process for achieving this.
- 2.5 Travelling Showpeople do not in general share the same culture or traditions as Gypsies and Travellers but have a separate rich tradition associated with the holding of fairs and circuses across the country. Travelling Showpeople generally require secure, permanent bases for the storage of equipment and for residential purposes. The 2004 Housing Act and subsequent legislation including Government Circular 04/2007 place a similar requirement on local authorities to

provide for the site requirements of Travelling Showpeople. There are no records of Travelling Showpeople residing in North Warwickshire (GTAA).

- 2.6 In August 2010, the Secretary of State declared the intention of the Government to replace the circulars relating to Travellers with more light-touch guidance outlining council's statutory obligations. This would include removing regional targets for the provision of sites for Gypsies, Travellers and Travelling Showpeople contained within Regional Strategies, which will be abolished. However, he went on to say that local authorities would continue to be required to identify sufficient sites in their areas to reflect local need and historic demand.
- 2.7 In March 2012 the Government released the revised document entitled "Planning Policy for Traveller Sites" to be read in conjunction with the National Planning Policy Framework. The Planning Policy for Traveller Sites document replaces Circular 01/2006 and outlines the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The Planning Policy further goes on to state that local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities. To achieve this, local planning authorities should, in producing their Local Plan:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
 - b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15;
 - c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);
 - d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density; and,
 - e) protect local amenity and environment.
- 2.8 In March 2012, the Government also published the National Planning Policy Framework (NPPF). This Framework replaces current national policy contained within Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). The NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. At the heart of the NPPF is a presumption in favour of sustainable development which the Framework stresses should be as a golden thread running through both plan-making and decision-taking..
- 2.9 Gypsies and Travellers are currently defined in the Planning Policy for Traveller Sites
-

document as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.” (Annex 1).

- 2.10 Many Gypsies and Travellers continue to pursue an active itinerant lifestyle and are generally self employed people. However, increasingly communities are becoming more settled. Gypsies and Travellers are not a uniform homogeneous community, but rather a group of communities which share some features but have their own histories and traditions. Even within each main group there is fragmentation between different families. However, the main cultural groups include:
- Romany Gypsies
 - Irish Travellers
 - New Age Travellers
- 2.11 There are three types of site identified as required to meet Gypsy and Traveller needs. These are:
- Permanent sites – these provide residents with a permanent home;
 - Transit sites – these are permanent sites that provide temporary accommodation for their residents, normally between 28 days and 3 months; and,
 - Emergency stopping places – these are pieces of land in temporary use as authorised short term (less than 28 days) stopping places for all travelling communities.
- 2.12 Travelling Showpeople are currently defined in the Planning Policy for Traveller Sites as:
- “Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers” (Annex 1).*
- 2.13 Travelling Showpeople have different site requirements from Gypsies and Travellers in that they normally require sites which have both residential and business uses on site to store and repair fairground equipment. Larger sites are often subdivided into individual family ‘plots’ or ‘yards.’

Purpose of the Development Plan Document (DPD)

- 2.14 The intention of North Warwickshire Borough Council is to seek to make positive provision for Gypsies, Travellers and Travelling Showpeople through the allocation of sites in a Development Plan Document (DPD). Providing sufficient caravan pitches in the right places will help meet the needs of the travelling communities and it should also reduce the number of unauthorised sites and the
-

tension that this might generate and would enable the police and other service providers to take a more effective and consistent approach.

2.15 The broad aims of the DPD are therefore:

- To identify sufficient suitable residential and transit sites to meet the long term needs of Gypsies, Travellers and Travelling Showpeople;
- To set out a clear delivery strategy, identifying how much development is to happen, where, when and by what means it will be delivered.

2.16 The main spatial issues to be addressed in the DPD include:

- There is a need to provide residential sites and a transit site to meet the long term needs of Gypsies, Travellers and Travelling Showpeople;
- There is a need to consider a spatial distribution of site provision across North Warwickshire which meets the identified needs of the travelling communities, creates mixed and balanced communities and conserves the open countryside and natural environment;
- There is a need for this DPD to be in accordance with the Core Strategy and with National Policy.

3 The Issues and Options Consultation Stage

- 3.1 At this first stage of public consultation, the Council is seeking input and views from the widest range of stakeholders, interest groups and residents on the issues that should be considered in assessing the level of need for sites and pitches and also the options for providing for that need. In order to facilitate responses, this document sets out the context for consideration of these issues and options including national and regional policies and the available evidence base/statistical background. Some of these contextual matters will constrain or direct the way in which the Council moves the document forward to the 'Preferred Options' and 'Submission' stages of the process, and this will be made clear so that those wishing to participate in the various stages of consultation are aware of the constraints that may be placed on the ability to influence certain aspects of the final document.
- 3.2 Set out in this document, and in the accompanying comments form, there are a number of specific questions which will help the Council in preparing the 'Preferred Options' and the eventual 'Submission Document' but this is not meant to deter other comments and views being expressed at this stage. All relevant comments will be taken into account and considered by the Council. Comments need to focus on planning issues. Any comments received which are deemed to contain material which is prejudicial against any race or religion will be returned to the author.
- 3.3 It must be stressed that the issues and options identified, together with the associated questions, should not be interpreted as reflecting in any way the Council's view on the issues. Nor should the inclusion of a question be taken as prejudging an issue. The intention at this stage is solely for the Council to obtain the views of others on all relevant issues and the options available. The views received will inform the Council's further considerations on this whole issue.

The Issues and Options for Consideration

Issue 1 Assessing the Appropriate Level of Residential Pitch Provision for the Borough for Gypsies and Travellers

- 3.4 Assessing the appropriate level of pitch provision for a District does have its difficulties as there are no reliable figures for the numbers of resident Gypsies and Travellers at a national, regional, county or district level. Whilst this information may improve over time, this consultation document can only refer to data currently available.

3.5 Data Available:

Southern Staffordshire and Northern Warwickshire area Gypsy and Traveller Accommodation Assessment (GTAA) (February 2008);

3.5.1 This was a study jointly commissioned by a number of local authorities across the Southern Staffordshire and Northern Warwickshire area (Rugby Borough Council, Lichfield District Council, South Staffordshire Council, Nuneaton and Bedworth Borough Council, Cannock Chase District Council, North Warwickshire Borough Council and Tamworth Borough Council). The study was conducted by a team of researchers and was greatly aided by research support and expertise provided by members of the Gypsy and Traveller communities. This Study estimated that North Warwickshire Borough Council had a need for a further:

27 residential pitches from 2007 -2027

Bi-annual Gypsy Caravan Counts.

3.5.2 Twice a year all Councils have to count the numbers of Gypsy Caravans residing within its Borough and send these results to Central Government. The numbers of caravans counted for the latest available counts in 2011 were:

January 2011	39 caravans (of which 26 were sited at the Alvecote Socially Rented Site)
July 2011	29 caravans (of which 24 were site at Alvecote)

Question 1a) Do you agree that the figure of 27 additional residential pitches up to 2027 is an appropriate and reasonable estimate of the level of need for additional residential pitch provision in the Borough? If not, what figure should the Borough be working towards? Please explain as fully and as clearly as possible how this revised level was derived?

Question 1b) Are you aware of any other data that the Council should be using to estimate this figure? If yes, please explain?

Issue 2 Transit Site Provision

3.6 The Southern Staffordshire and Northern Warwickshire GTAA did make an assessment of the need for transit accommodation needs, i.e., the need for sites to provide temporary stopping places for Gypsies and Travellers passing through the Borough as they travel for work or pleasure. The GTAA estimated that there was a need for:

5 transit pitches to accommodate predicted need up to 2027.

Question 2) Do you agree with the GTAA's figure of the need for 5 transit pitches in the Borough up to 2027? If not, on what basis should an appropriate level of provision within the Borough be assessed?

Issue 3 Travelling Showpeople

- 3.7 Travelling Showpeople are not included in the official definition of Gypsies and Travellers but instead a definition is contained within Circular 04/2007 'Planning for Travelling Showpeople.' The GTAA did not identify a need for Travelling Showpeople within North Warwickshire as there are no known sites within the Borough. As such it is not intended to make provision for Travelling Showpeople in this DPD unless any new evidence determines otherwise.

Question 3a) Should provision be made for Travelling Showpeople within the Borough and if so, on what basis?

Question 3b) Alternatively, should North Warwickshire provide for a site criteria based policy for Travelling Showpeople to deal with any future needs that may be identified? If yes, what should this site criteria base policy include?

Issue 4 Green Belt

- 3.8 The Planning Policy for Traveller Sites document states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Gypsy and Traveller Sites (temporary and permanent) are defined as being inappropriate development in the Green Belt. It further goes on to state that Green Belt boundaries should be altered only in exceptional circumstances.
- 3.9 Alterations to the Green Belt boundary can be used in exceptional circumstances where a local authority's area contains a high proportion of Green Belt land and no other suitable sites outside the Green Belt exist. Almost 40% of land within North Warwickshire is protected by Green Belt. The three authorised Gypsy and Traveller sites within the Borough being at Alvecote, Hartshill and Mancetter, are all located outside of the Green Belt. Should North Warwickshire's Green Belt be a factor in limiting the level of provision in the Borough? Are there any other issues that should also be taken into account in determining the level of pitch provision in North Warwickshire?

Question 4) North Warwickshire's Local Plan Policies and the Government's Draft National Planning Policy Framework both give a lot of protection to the Green Belt. Do you think the Green Belt should be the main factor in limiting the level of Gypsy and Traveller pitch provision? Are there other factors that should be taken into account in assessing the appropriate level of provision and, if so, what are they?

Issue 5 Where to Provide the Level of Residential Pitch Provision?

- 3.10 Whatever the eventual level of pitch provision is, there are a number of options for the way in which provision could be made:

Option 1 – Sites within Development Boundaries following the Settlement Hierarchy in the Core Strategy

- 3.11 There are nine Strategic Objectives identified in the Core Strategy. Strategic Objective 1 is to secure a sustainable pattern of development by:
- giving priority to previously developed land
 - promoting development within existing settlements
 - recognising regeneration opportunities
 - protecting the local character and appearance of our settlements
 - reducing the need to travel
 - protecting community facilities and services
 - improving access to those facilities
- 3.12 The Settlement Hierarchy expands on this Objective by guiding future development towards those towns and villages that are deemed to be sustainable. The Planning Policy for Traveller Sites advises that local planning authorities ensure that traveller sites are sustainable economically, socially and environmentally. A number of policies are listed which such sites should be in accordance with
- 3.13 However, to date, the Council has not been able to identify any suitable sites for Gypsy and Traveller accommodation within existing urban areas. In addition, urban locations are also more likely to give rise to ‘affordability’ issues for private Gypsy and Traveller sites. However, are there potential sites that can be identified for further consideration that are available and which the Council may have overlooked? Are there opportunities for existing vacant, untidy or derelict urban sites being positively enhanced through the establishment of a well-planned, landscaped Gypsy and Traveller site, and which would reduce pressure for the need to release land in rural areas?

Question 5a) Do you consider that Option 1 should be considered where the possibilities for Gypsy and Traveller sites being located within urban areas in line with the Settlement Hierarchy are explored first before any rural sites?

Question 5b) Are you able to identify sites within any of the Borough’s existing settlements for further consideration including details of landowners, their availability etc.?

Option 2 – Sites on the Edge of Settlement Boundaries

- 3.14 If sites can not be identified within existing urban areas, the Planning Policy for Traveller Sites document does state that rural sites on the edge of urban settlement boundaries may be appropriate. In view of the nature of the administration boundaries of North Warwickshire, these settlements may be located in Tamworth, Nuneaton, Bedworth and Coventry as well as the towns and villages in North Warwickshire. This Option does not include land located within the Green Belt or land constrained by another nationally recognised designation such as a Site of Special Scientific Interest (SSSI).
-

- 3.15 Such land could be located within 1km of the boundary of a settlement within the Settlement Hierarchy or a neighbouring authority where the land benefits from a regular bus service.

Question 5c) Do you consider that Option 2 should be considered where the possibilities for Gypsy and Traveller sites being located on the edge of urban areas are explored?

Question 5d) Where should these sites be located?

Option 3 - Sites within Rural Areas and within the Green Belt

- 3.16 The Planning Policy for Traveller Sites document does state that where there is a lack of available land to meet Gypsy and Traveller needs then authorities in rural areas can include 'rural exception' sites within their DPD. This rural exception site policy would be the same as other forms of affordable housing. Any such site would continue to be located within the Green Belt or rural area but would be identified as acceptable for use as a Gypsy and Traveller site, and not for any other residential use. .

- 3.17 Option three explores the allocation of land only as rural exception sites. This could include looking at land where there are presently unauthorised sites.

Question 5e) Do you consider that Option 3 should be considered where the possibilities for Gypsy and Traveller sites being located within the Green Belt and within rural areas are explored?

Question 5f) Should sites identified be based on the existing unauthorised sites or should they be new sites identified as 'exception sites' in the Green Belt or rural areas?

Issue 6 Whilst there is a need to allocate sufficient available sites for Gypsies and Travellers, there is a need for a degree of flexibility and so the Council could also adopt a criteria-based policy to assess planning applications for additional gypsy and traveller sites against.

Question 6a) Should the Council adopt a criteria-based policy (in addition to the allocation of specific sites)?

Question 6b) If yes, what do you feel is the most issue to incorporate into a criteria-based policy:

- distance from schools
- distance from public transport networks
- distance from towns
- distance from doctors
- distance from shops
- other (please explain)

Issue 7 Development Industry to provide additional pitches

- 3.18 A suggestion is that it may be possible to negotiate the inclusion of some element of the overall housing provision on larger residential developments to be in the form of Gypsy and Traveller pitches. This would enable Gypsy and Traveller site provision to be better integrated with the adjacent settled community rather than possibly imposing sites on an existing area. However, such proposals may meet with some resistance from developers and affect the ability to secure forms of affordable housing and/or other community benefits. There may also be limited opportunities within North Warwickshire due to the lack of sites of a size to make this feasible.

<p>Question 7a) Should the Council seek to provide Gypsy and Traveller sites as part of proposed larger residential developments? If so, how should this be achieved and is there a site threshold that should be adopted?</p>
--

Issue 8 Delivery and Implementation

- 3.19 Whilst the intention of the DPD is to seek to identify and allocate specific sites for Gypsy and Travellers, the issue of permanent residential accommodation for them will only be resolved if the sites are attractive to Gypsies and Travellers themselves and that there are appropriate measures to deliver and fund the implementation of the sites.
- 3.20 There are three possible means of site provision:
- (i) Managed sites by local Councils or Registered Social Landlords (either for rent/lease or sale of pitches);
 - (ii) Private sites owned by Gypsies and Travellers themselves; and,
 - (iii) Part of larger residential developments (secured through legal agreements with the developer attached to a planning permission).
- 3.21 Of the Gypsy and Traveller Caravans counted within North Warwickshire, on average some 75% are sited on the Socially Rented Site at Alvecote. The GTAA noted that of the residents on this site, 59% had lived there for more than 5 years and that 75% of the residents no longer travelled.
- 3.22 The additional pitches required up to 2027 could be provided by the allocation of an additional socially rented site. As there is little data on Gypsy and Traveller's ability to afford their own sites this would ensure that additional provision is made. Such a site would also be included in the calculation for the New Homes Bonus for this Council. However, there would be major cost implications involved in setting up and managing such an additional facility. In addition to this, the GTAA noted that among those Gypsies and Travellers staying on unauthorised sites there was a general dislike for local authority sites due to the inability to influence the type of residents, concerns about poor site location and a desire to live within their own particular ethnic group.

- 3.23 The additional pitches could be through the provision of private sites owned and operated by the Gypsies and Travellers or it may be possible for the development industry to provide sites as part of larger residential developments.

Question 8a) Should the Council be responsible for acquiring and managing the required level of pitch provision through a Registered Social Landlord, and how should this be funded?

Question 8b) To what extent is it reasonable and appropriate to rely on Gypsies and Travellers delivering the required level of pitch provision through acquiring their own private sites?

Question 8c) How realistic is it to expect the development industry to provide sites as part of larger residential developments?

Issue 10 Size of Sites Required and Pitch Sizes

- 3.24 For the additional pitches required the Council could look to providing a large site to accommodate these pitches similar to the socially rented site at Alvecote, or it could look at a number of smaller sites such as the approved site at Mancetter for one pitch. Evidence in the GTAA suggests that there is a preference by Gypsies and Travellers for relatively small sites. Small sites are more likely to be assimilated into a local community and do reduce the potential tensions between Gypsies and Travellers and the settled community. The Policy for Traveller Sites document advises that the scale of the site should not dominate the nearest settled community and should avoid placing undue pressure on the local infrastructure.
- 3.25 As stated above sites can vary in size, although they should be at least large enough to accommodate one pitch. A pitch is an area of land where a Gypsy or Traveller household can reside. Typically this may contain a building, a parking space and one or more caravans. The GTAA found an average of 1.4 caravans per pitch within the Study Area. The average household was found to consist of 3.6 persons.

Question 9a) Is there an optimum size in terms of number of pitches (or range of pitch numbers) and if so what is this?

Question 9b) Should the Council be looking to allocate one large site or do you consider that permanent residential sites should generally be small and any larger ones should not contain more than 10 pitches?

4 Conclusions

- 4.1 We now need to hear from you.
- 4.2 This DPD has to accord with the Core Strategy and the new emerging National Planning Policy Framework. However even given these parameters there are options as to how we develop planning policies to deal with all sorts of development proposals that will be submitted in the future. The question is to decide on the best option and importantly the one that best fits North Warwickshire's interests and its character.
- 4.3 Please respond to this consultation paper replying to the questions raised. If you prefer to respond generally or not in the format of the questions then please still do so.
- 4.4 You can forward your replies to:

The Forward Planning Team
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Email: planningpolicy@northwarks.gov.uk

Telephone: 01827 719499/451