

Winchester District Local Plan Part 2: Development Management and Site Allocations

Background Paper 2 – Gypsy and Traveller Accommodation

Winchester City Council

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Winchester
City Council

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1. Introduction

- 1.1. This paper sets out the planning position in relation to gypsy and traveller accommodation, including that for traveling showpeople. It includes a brief commentary on the legislative and national planning policy background, current development plan policies, the representations received to the consultation on LPP2, and the proposed way forward including the preparation of a Gypsy and Traveller Site Allocations Development Plan Document.

2. Legislative Background/ National Planning Policy

- 2.1. Section 8 of the Housing Act 1985 requires local authorities to assess the housing needs of their district. Section 225 of the Housing Act 2004 requires that this includes an assessment of the accommodation needs of gypsies and travellers. Secondary legislation (the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers)(England) Regulations 2006) defines Gypsies and Travellers for the purpose of section 225.
- 2.2. The Government's planning policy for traveller sites is set out in "Planning policy for traveller sites" (PPTS, revised in August 2015) which should be read in conjunction with the National Planning Policy Framework (NPPF). The Government's overarching aim is 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.
- 2.3. PPTS 2015 amended the definition of travellers, limiting it to those who have a nomadic habit of life in the case of gypsies and travellers, or who travel for the purposes of holding fairs, circuses or shows in the case of travelling showpeople. In both cases there is provision for travellers to cease to travel temporarily to reflect education or health needs. Local planning authorities, including Winchester, are considering the implications of the new national policy position, in particular whether the new definition of traveller means that previous assessments of need should be revisited.
- 2.4. In addition, DCLG has published "Draft guidance to local housing authorities on the periodic review of housing need - Caravans and Houseboats" (March 2016) This provides guidance on how local authorities should consider the need for caravans and houseboats in their areas. This includes, but is not restricted to gypsies, travellers and travelling showpeople. This guidance will need to be taken into account should previous assessments of need be revisited.
- 2.5. Finally, the Government published "Planning and travellers: proposed changes to planning policy and guidance – Consultation response" (August 2015), alongside the revised PPTS, which sets out how the Government intends to proceed in this area of planning policy. The PPTS incorporated the amendments set out in the consultation response.

3. The Position in Winchester District

- 3.1. Travellers Accommodation Assessment for Hampshire (2013)
- 3.2. A Travellers Accommodation Assessment (TAA) was completed by Forest Bus Limited (a charity appointed as consultants to undertake the assessment) in 2013. The Assessment was commissioned by a consortium of 11 local authorities in Hampshire, including Hampshire County Council. This established the level of need for Gypsy, Traveller and Travelling Showpeople's accommodation across these Hampshire authorities, which included Winchester, East Hampshire and the Hampshire part of the South Downs National Park.
- 3.3. This study quantified the need for 26 gypsy/traveller pitches and approximately 9 travelling showpersons pitches within the part of Winchester District (excluding the SDNP area) to the end date of the study, 2027.
- 3.4. These figures were grossed up to provide an estimate of pitch requirements over the Local Plan period, which extends to 2031. This translated to 33 gypsy/traveller and 11 showpersons pitches for the Local Plan period to 2031.
- 3.5. Following the Assessment, the need for traveller accommodation was one of the matters considered in the work on developing the Local Plan Part 2. It was intended to include a pitch target within LPP2 and to allocate sites as necessary to meet the proposed target. This would follow the approach expected by Local Plan Part 1, policy CP5. In order to assist this, traveller sites were one of the 'needs' identified when looking for sites in the larger settlements through the LPP2 preparation process.
- 3.6. Gypsy, Traveller and Travelling Showpeople Site Assessment Study
- 3.7. East Hampshire District Council, South Downs National Park Authority and Winchester City Council (the Authorities) appointed Peter Brett Associates LLP (PBA) to provide advice on the delivery of pitches and plots, to help identify sites required to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in each of the local authority areas. The objective of this study was to assess potential sites to determine if they are suitable, available and achievable, in order to meet the pitch targets and to incorporate allocations as appropriate in LPP2. The results of this study were intended to inform the development of relevant policies and allocations in the emerging Local Plan Part 2 and guide the consideration of future planning applications for Gypsy, Traveller and Travelling Showpeople sites. In the event, the Gypsy, Traveller and Travelling Showpeople Site Assessment Study has been seriously delayed, by a mixture of factors to do

with limited resources in the local authorities, changes of staff at the consultants and changes to Government policy. It had been intended that the study would be available to inform the Draft LPP2 (published in autumn 2014) and enable sites to be allocated for consultation through the LPP2 process. In practice it was only possible to include the pitch targets in the Draft LPP2 (Draft LPP2 Policy DM4, and one proposed site allocation at Colden Common (Draft LPP2 Policy CC2).

4. Development Plan Policies

- 4.1. A The Development Plan for the Winchester District comprises the Winchester District Local Plan Review 2006 (saved policies), the Winchester District Local Plan Part 1- Joint Core Strategy (LPP1), Denmead Neighbourhood Plan (2015) and Hampshire Minerals & Waste Plan (2013).
- 4.2. Winchester District Local Plan Review (WDLPR) 2006
- 4.3. Para 4.88 of WDLPR acknowledged that LPA's no longer had a duty to provide sites for gypsies residing in or resorting to its area and referred to the Hampshire County Structure Plan which, at that time, required local plans to either identify locations for sites or set out criteria based policies for decision making.
- 4.4. Winchester District Local Plan Part 1 – Joint Core Strategy
- 4.5. LPP1 was adopted by the Council as a statutory Plan on 20 March 2013 and includes Policy CP5 – Sites for Gypsies, Travellers and Travelling Showpeople. CP5 is included at Appendix 1. This is a 'criteria-based' policy as, at the time, the Travellers Accommodation Assessment for Hampshire had not been completed, so there was no up-to-date evidence of pitch requirements. It committed the Council to undertaking such an assessment, and allocating sites as necessary, through the LPP2 (and/or the South Downs National Park Local Plan). The LPP1 Inspector found that, while it was less than ideal that LPP1 could not include a pitch target and sites, earlier information on pitch needs could not be relied upon (LPP1 Inspectors' Report, paragraph 68). The Inspector accepted that the LPP1 approach was the most suitable way forward in the circumstances and accepted that the criteria on policy CP5 are appropriate (LPP1 Inspector's Report, paragraph 69). Policy CP5 commits the Council to undertake needs assessments to quantify the accommodation requirements for gypsies, travellers and travelling showpeople within the District as a basis for allocating sites. The policy includes detailed criteria for use in allocating sites and assessing applications for planning permission.
- 4.6. Local Plan Part 2 (LPP2) – Development Management and Site Allocations
- 4.7. The Draft LPP2, published in October 2014, included Policy DM4 Gypsies, Travellers and Travelling Showpersons. Policy DM4 (included at Appendix 2) indicated that planning permission would be granted for pitches to meet identified traveller needs of about 33 pitches and 11 travelling showpeople's pitches over the plan period, including a site specific allocation for 8 pitches in Colden Common.

- 4.8. Draft LPP2 Policy DM4 was based on the Travellers Accommodation Assessment for Hampshire (2013), with the Assessment's pitch requirements to 2027 grossed up to the end of the Plan period (2031). The intention was to include further site allocations in the LPP2 in order to show how the full pitch requirement would be met, with this information coming from the Gypsy, Traveller and Travelling Showpeople Site Assessment Study. However, as noted above, the Site Assessment Study has been delayed and, since the Draft LPP2 was produced, the Government's policy, contained in the Planning Policy for Traveller Sites (2015) has changed. In addition, "Draft guidance to local housing authorities on the periodic review of housing need - Caravans and Houseboats" (March 2016) has been published and can be taken into account.
- 4.9. In order to avoid delaying the preparation and subsequent publication and submission of LPP2, the Council has reluctantly concluded that it is not possible to include up-to-date pitch requirements (reflecting the revised PPTS definition of travellers and draft guidance of March 2016) in LPP2 and has acknowledged the need to prepare a separate development plan document to address needs for and allocation of traveller sites. The Council's Local Development Scheme (October 2015), therefore, sets out an intention and timescale for the preparation of a Gypsy and Traveller Site Allocations Development Plan Document, as follows:
- Consultation draft November 2016
- Pre-submission consultation July 2017
- Submission October 2017
- Adoption June 2018
- 4.10. The Publication and Submission version of LPP2 therefore, does not include any policies relating to gypsies and travellers but sets out at Paragraph 6.2.19 the Council's commitment to the preparation of a separate Development Plan Document on this subject.
- 4.11. Representations to LPP2 Publication Plan
- 4.12. Only 2 representations relating to gypsies and travellers have been received. One representation contends that LPP2 is not legally compliant as it fails to give effect to the duty to facilitate the gypsy way of life or to discharge the public sector equality duty. It states that the local development plan is silent, absent and out of date in relation to meeting the accommodation needs of gypsies and travellers as there is no site allocations DPD or similar to establish a 5 year supply of sites. The second representation contends that the plan is not legally compliant because there is no provision for gypsies and travellers and that the Council could and should have identified suitable

sites to meet the immediate need. It is unacceptable for the Council to blame this on the August 2015 update of the PPTS and suitable land should be identified for Gypsy and Traveller sites to meet at least a 5 year requirement.

5. Preparation of Gypsy and Traveller Site Allocations Development Plan Document

- 5.1. The Gypsy, Traveller and Travelling Showpeople Site Assessment Study is ongoing and now nearing completion. Unfortunately the pitch requirements to which this Study refers are based on the Travellers Accommodation Assessment for Hampshire (2013). Following consideration of the implications of the revised PPTS, particularly the change to the definition of travellers, the Council has concluded that it will be necessary to commission a new accommodation needs assessment. The City Council is working with up to 9 other interested Hampshire authorities and it is expected that a new joint needs assessment will be commissioned by a group of Hampshire authorities within the next 2 months (based on the situation in March 2016).
- 5.2. The two key studies that will inform the preparation of the Gypsy and Traveller Site Allocations DPD are, therefore, either nearly complete or about to be commissioned. The evidence gathering stage of the DPD work has, therefore, commenced and it is expected that initial 'frontloading' consultation, an updated 'call for sites' and other work to develop the Draft DPD will proceed in accordance with the programme set out in the Local Development Scheme. .
- 5.3. The Gypsy and Traveller development plan document will therefore be the means by which the Council will establish a target for the number of traveller pitches / plots needed, in addition to the identification and allocation of sites necessary to meet the needs identified. Clearly the DPD will be produced so as to be in accordance with the requirements of the PPTS and NPPF, and reflecting the development strategies and proposals already expressed in Local Plan Part 1 and 2.

6. Conclusion

- 6.1. While the Council had intended to include a traveller pitch target and site allocations within LPP2, a combination of factors have meant that this has not proved realistic without incurring substantial delays to LPP2. Although this is not an ideal situation, it has been concluded that, on balance, it is better to deal with traveller needs and site allocations in a separate DPD rather than to delay LPP2 so as to include the necessary evidence and policies on travellers. Including traveller issues in LPP2 would require new policies which would themselves need to be subject to consultation. As a result, there would need at least to be a revised Publication LPP2, if not a new Draft Plan. This would not be possible to produce until November 2016 (based on the programme for the Traveller DPD), so it is likely to be at least a year before LPP2 could be re-submitted for examination if it were delayed to include traveller policies.
- 6.2. Such delays would have implications for the delivery of the LPP2 site allocations, and for the Council's ability to put in place up-to-date development management policies. The benefits of including traveller matters within LPP2 have to be weighed against these delays and, in any event, traveller site allocations would be made little or no earlier through a delayed LPP2 process than through a separate DPD. Accordingly, the Council has concluded that a separate traveller DPD is the best way to achieve provision for both the needs of travellers and to enable LPP2 to proceed rapidly to adoption, including development allocations and up-to-date development management policies for all other types of development.
- 6.3. The Council commends this approach to the LPP2 Inspector as the most appropriate way forward in the circumstances currently applying.

Appendix 1 LPP1 Policy CP5 – Sites for Gypsies, Travellers and Travelling Showpeople (including supporting text)

7.35 The Council has a responsibility as the housing authority to assess and meet the needs of gypsies, travellers and travelling showpeople, as well as other housing needs. Winchester District has a resident community of Romany Gypsies, Irish Travellers, New Travellers and Travelling Showpeople and is also frequently used by more transient groups. Each group has different cultures and site needs and some do not easily share sites.

7.36 The majority of gypsy and traveller sites and all travelling showpeople sites are on private land with either full or temporary planning permission, or are unauthorised. There is one local authority gypsy and traveller site within the District, at Tynefield (near Whiteley), and there are no transit sites.

7.37 Winchester City Council has undertaken work¹ to assess the needs of gypsies and travellers² and the concerns of the settled community. This has provided substantial information on the type of site needed by the different groups within the travelling community. Evidence from the gypsy, traveller and settled communities indicates preference for smaller sites, suited to family groups, dispersed around the District. This should avoid a disproportionate impact on existing settlements and help encourage integration with the settled community.

7.38 This work did not identify the number of pitches³ or transit sites required to meet the needs of the local travelling community and previous work to establish pitch requirements is now out of date or incomplete. Therefore, the Council and the South Downs National Park Authority are working with other Hampshire authorities to identify accommodation needs and bring forward additional sites as necessary through Local Plan Part 2 or the South Downs Local Plan. In the meantime, planning applications will be assessed against the criteria in Policy CP5. Accommodation needs will be quantified and sites allocated in Local Plan Part 2.

7.39 To maintain a supply of land and associated accommodation, the City Council considers it important to ensure that, within the District, existing permanent authorised sites for gypsies and travellers are retained. Planning for additional authorised sites in the District will help meet legitimate needs; safeguard the amenities of the settled communities, ease potential conflicts between the travelling and settled communities and address the Council's statutory obligations to meet the accommodation needs of all communities.

¹ WCC Informal Scrutiny Group Final Report – Allocation of Gypsy and Traveller Sites – WCC 2011

² For simplicity, the term 'gypsies and travellers' is used in this policy to describe gypsies, travellers and travelling showpeople.

³ In this context the term 'pitches' is used to describe pitches for gypsies and travellers as described in the glossary and plots, or yards, for travelling showpeople.

7.40 The following policy has been assessed against the Government's Planning Policy for Traveller Sites published March in 2012. It supports applications for new gypsy, traveller and travelling showpeople sites where they meet all the policy criteria. Unauthorised encampments will also be judged against these criteria and where found not suitable, enforcement action will be taken. Improved provision in locations well related to existing settlements can benefit social inclusion, sustainable patterns of living and the delivery of relevant services, such as education and health care, to these minority groups.

Policy CP5 - Sites for Gypsies, Travellers and Travelling Showpeople

The Local Planning Authority will undertake needs assessments (in Local Plan Part 2 or the South Downs Local Plan) to quantify the accommodation requirements for gypsies, travellers and travelling showpeople within the District.

Sites will be allocated and planning permission will be granted for sites to meet the objectively assessed accommodation needs of gypsies, travellers and travelling showpeople, providing they meet all of the following criteria:-

Sites should be well related to existing communities to encourage social inclusion and sustainable patterns of living, while being located so as to minimise tension with the settled community and:

- **avoid sites being over-concentrated in any one location or disproportionate in size to nearby communities;**
- **be accessible to local services such as schools, health and community services but avoid placing an unreasonable burden on local facilities and services;**
- **avoid harmful impacts on nearby residential properties by noise and light, vehicle movements and other activities.**

Sites should be clearly defined by physical features, where possible, and not unduly intrusive. Additional landscaping may be necessary to maintain visual amenity and provide privacy for occupiers. This and any security measures should respect local landscape character;

Sites should be capable of accommodating the proposed uses to acceptable standards and provide facilities appropriate to the type and size of the site, including:

- **water supply, foul water drainage and recycling/waste management;**
- **provision of play space for children;**
- **sites for travelling showpeople should include space for storing and maintaining equipment;**
- **safe vehicular access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site (taking account of site size and impact);**
- **in rural locations, any permanent built structures should be restricted to essential facilities such as a small amenity block;**

Proposals should be consistent with other policies such as on design, flood risk, contamination, protection of the natural and built environment or agricultural land quality and protect areas designated for their local, national or international importance, such as Gaps and the South Downs National Park.

Existing permanent authorised gypsy, traveller and travelling showpeople sites within the District which are needed to meet the identified needs of particular groups will be retained for the use of these groups unless it has been established that they are no longer required.

Appendix 2 LPP2 Policy DM4 – Gypsies, Travellers and Travelling Showpersons (including supporting text)

Policy DM4 – Gypsies, Travellers and Travelling Showpersons

Planning permission will be granted for pitches to meet identified traveller needs of about 33 gypsy/traveller pitches and 11 travelling showpeople's pitches over the Plan period, subject to the criteria outlined in policy CP5.

Sites will be identified and consent granted as necessary to meet this need, including a specific allocation for approximately 8 pitches at land adjoining Ashbrook Stables, Colden Common (Policy CC2).

Proposals for transit sites will be considered on an individual basis, following the criteria of CP5.

- 6.2.16 The 2013 [Travellers Accommodation Assessment for Hampshire](#) identified a need across that part of the District outside the South Downs National Park for 26 gypsy/traveller pitches from 2012 - 2027 and about 9 travelling showpeople's pitches in the same period. Projecting this forward to the end of the Local Plan period (2031) would give a need of about 33 gypsy/traveller pitches and 11 travelling showpeople's pitches (44 in total).
- 6.2.17 Work on site assessment within the larger settlements has identified a site at Colden Common which is suitable for allocation as a traveller site. The City Council has also, jointly with East Hampshire District Council and the South Downs National Park Authority, commissioned consultants to assess other potential sites for traveller accommodation. The results of this assessment will be subject to consultation and sites will be allocated as necessary in this Plan, using the criteria outlined in CP5 and established site assessment criteria, in order to meet the identified need and maintain an adequate supply of sites over the next five years.
- 6.2.18 The Accommodation Assessment also assessed the need for transit pitches within the Hampshire study area and split this need into two functional areas; 'western' and 'eastern'. The Eastern area covers Fareham, Gosport, Havant East Hampshire and Winchester (including the areas within the South Downs National Park) and the City Council will work with other authorities in this area to address the needs identified.

