

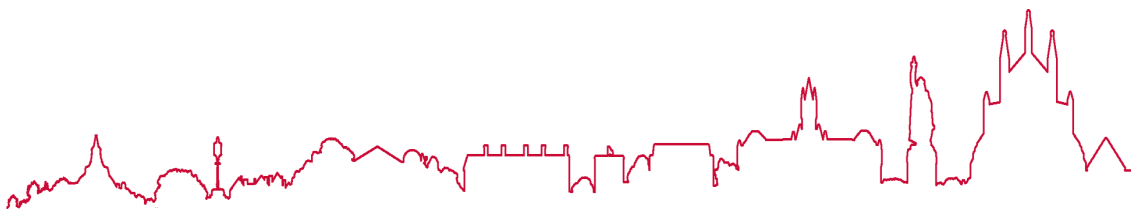


Winchester
City Council

Winchester District
Gypsies, Travellers and Travelling Showpeople
DEVELOPMENT PLAN DOCUMENT
‘Traveller DPD’

DUTY TO COOPERATE STATEMENT
(Town and Country Planning (Local Planning) (England)
Regulations 2012)

January 2018



WINCHESTER DISTRICT
TRAVELLER DEVELOPMENT PLAN DOCUMENT
DUTY TO COOPERATE STATEMENT

1 Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) places a legal duty on local planning authorities, County Councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plan.
- 1.2 The following paragraphs provide a summary of the actions taken regarding the Duty to Cooperate in relation to Traveller Development Plan Document (DPD) from 2015 when evidence was commissioned to the commencement of the DPD in 2016 to publication under Regulation 19 – pre-submission.

2 Duty to Cooperate Actions 2015 – January 2018

Introduction

- 2.1 Cross-boundary working has been embedded in the formulation of the Draft DPD from the outset. In that respect, the City Council has engaged positively with neighbouring authorities through the commissioning of key studies that contribute to the evidence base.

Evidence

Peter Brett Associates (PBA) - Gypsy and Travellers and Travelling Showpeople Site Assessment Study

- 2.2 PBA were appointed in 2015 on behalf of the following authorities

- East Hampshire District Council,
- South Downs National Park Authority and
- Winchester City Council

to advise the Councils on delivery of pitches and plots to meet the accommodation requirements of gypsies and travellers. The study identified and assessed potential sites to meet the needs of gypsies and travellers that were identified at the time by the Traveller Accommodation Assessment for Hampshire, itself commissioned and published by a consortium of 11 authorities in 2013. The methodology for the PBA study is set out in full in the report. In summary, all authorised and unauthorised sites were assessed together with those in public ownership (Winchester City Council and Hampshire County Council), plus any other potential sites identified at that stage. Each site was screened in terms of physical and landscape constraints and assessed with regard to suitability and availability. The results of this report were published in July 2016.

<http://www.winchester.gov.uk/assets/files/27968/190716-G-T-Site-Assessment-Study-FINAL-Reduced-size-.pdf>

- 2.3 The final PBA report was the culmination of a significant period of sustained cooperation between the authorities which included regular meetings and collaborative working.
- 2.4 Since publication of the report and initial preparation of the DPD, both Hampshire County Council and Winchester City Council as land owners, have confirmed that their sites are not available for consideration as gypsy and traveller sites, as these sites need to be retained for other operational or policy purposes.

The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - Opinion Research Services (ORS)

- 2.5 More recently, ORS were appointed in 2016, by a number of Hampshire authorities to undertake a comprehensive accommodation needs assessment of gypsies and travellers in the authorities' areas, including Winchester District. The partnership authorities were;
- Winchester City Council
 - Fareham Borough Council
 - Gosport Borough Council
 - Havant Borough Council
 - New Forest District Council
 - New Forest National Park
 - Test Valley Borough Council
- 2.6 The resulting Winchester GTAA covered the whole area of the District as a housing authority, this however differs to the planning authority which excludes the area covered by the South Downs National Park. The results for the National Park Authority's area have been forwarded to them (and excluded from Winchester's needs) as they are in the process of preparing a whole Park Local Plan, to include traveller sites.
- 2.7 The production of the ORS report required a sustained period of collaborative working with six neighbouring local authorities culminating in the publication of the Winchester GTAA in October 2016 and the combined authorities' final report in March 2017. The final report was presented to the elected members of the partner authorities by ORS on the 11 May 2017, which included a question and answer session.
- 2.8 A summary of the report can be viewed at <http://www.winchester.gov.uk/planning-policy/gypsy-and-traveller-development-plan/>

Preparation of the Traveller Development Plan Document

Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012)

- 2.9 Formal preparation of the Traveller DPD commenced with the publication of a notice on 28 October until 12 December 2016, to seek comments on the scope and content of the DPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This ‘commencement notice’ also included a further ‘call for sites’. All adjoining local authorities and relevant public bodies were consulted on the commencement notice.
- 2.10 An ‘options’ consultation was undertaken from late March to early May 2017. The focus was to explore the options and key matters to be taken into account when identifying sites, which are suitable and available for traveller purposes.
- 2.11 It was becoming clear at this stage that the Council may have difficulty in meeting in full the needs identified in the GTAA, particularly for Travelling Showpersons. Therefore, the Council invited 14 neighbouring authorities to a meeting on the 2 May 2017 in order to discuss cross-boundary issues relating to gypsy and travellers and travelling showpeople. Representatives from 6 authorities attended the meeting including Havant Borough Council, the South Downs National Park, East Hampshire District Council, Test Valley Borough Council, Basingstoke and Deane Borough Council, and Eastleigh Borough Council.
- 2.12 At that meeting neighbouring authorities were briefed regarding Winchester’s approach to travellers in the context of relevant Local Plan policies (Parts 1 and 2), the results of the finalised GTAA and on the emerging DPD. The Council also indicated that, based on the work on the DPD so far, it was likely that it would need to make a formal request as to whether neighbouring local authorities have sites that could meet any shortfall in travelling showperson’s sites in Winchester.
- 2.13 In the light of the evidence studies, the Council’s strategy for travellers’ accommodation set out in the Draft DPD was based on the conclusion that the supply of additional pitches and plots to meet the identified need is confined to those that are in existence, with two additional (gypsy and traveller) sites being submitted through the call for sites, one of which was already known to the Council. The DPD’s strategy proposes the following sources of pitches/plots
- Safeguarding existing permitted and vacant sites
 - Granting permanent permission on sites which currently have temporary consent

- Making proposals to promote additional travelling showpersons' plots on several specific sites

- 2.14 While the strategy set out in the Draft DPD demonstrates that the need for 15 gypsy and traveller pitches can be met, at that stage there was an identified shortfall of about 3 travelling showperson's plots. Despite several 'calls for sites', no further potential suitable sites were presented for consideration or are considered available for travelling showpersons' use. In this context, the Council has resolved to formally request whether neighbouring authorities are able to help meet that need on sites in their areas. This has also been raised during the course of meetings regarding the Duty to Cooperate, for example with Eastleigh Borough Council regarding its emerging Local Plan (August 2017).
- 2.15 Consultation on the Draft DPD commenced on the 10 July 2017, extended for an eight week period to cover the summer holidays, closing on the 4 September. This was widely publicised through the LDF e-newsletter, Parish Connect, and communication with all statutory and general consultees listed on the local plan database, plus those that had previously responded to the commencement notice and options consultation.
- 2.16 Correspondence issued raising awareness of this consultation specifically included the following request: ***The City Council therefore requests your help in identifying potential Travelling Showperson's sites in accordance with the 'Duty to Cooperate'***. None of the public bodies consulted as listed under Section 33a of the Planning and Compulsory Purchase Act 2004 responded offering sites for consideration.

Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012)

- 2.17 On the 18 September 2017 the Council invited 15 neighbouring authorities to continue discussions on cross-boundary issues relating to gypsy and travellers and travelling showpeople. Representatives from the South Downs National Park Authority, Basingstoke and Deane Borough Council, East Hampshire District Council, Fareham Borough Council, Southampton City Council and Eastleigh Borough Council attended. At that meeting Winchester reported progress on the DPD including a preliminary assessment of the responses to the Regulation 18 consultation which had closed on the 4 September 2017. Other issues discussed included the needs of travellers who do not meet the definition of gypsy and traveller or travelling showpersons set out in PPTS, the findings of the GTAA in respect of travelling showpersons, and the progress of a current Planning Inquiry in relation to the travelling showpersons' site at Carousel Park (an appeal against Winchester City Council's enforcement

action). The authorities present also updated the meeting regarding their current position in relation to traveller-related planning issues.

- 2.18 On the 9 October 2017 the Council held a separate meeting with the South Downs National Park Authority to discuss the need for gypsy and traveller accommodation arising in the National Park and in response to the specific comments received in relation to the Reg 18 consultation on the Traveller DPD.
- 2.19 The SDNPA's position had previously been that, in the light of the GTAA (ORS), there were insufficient sites within the SDNP to meet its own need and that it could therefore be concluded that that authority would be unable to deliver additional plots. It was agreed at the meeting that there were currently no traveller/travelling showperson's needs arising from that part of Winchester District within the SDNP, due to the Park Authority's reassessment and update of the needs identified in the GTAA. This showed that the need previously identified in the SDNP by the ORS survey no longer exists as the sites giving rise to the need at had subsequently been vacated and the occupants have moved away from the area.
- 2.20 It was also agreed that this position would be set out in a Memorandum of Understanding (or Statement of Common Ground) to be agreed between Winchester and SDNP to be published in due course.
- 2.21 The City Council again wrote to all Hampshire authorities on 6 November 2017 formally giving notice that, having taken account of the evidence commissioned jointly, several 'calls for sites' and having considered all the reasonable options for making provision, it would not be able to meet the identified need for travelling showpersons in full. The letter asked for assistance from the respective authorities and is reproduced at Appendix 1, along with the responses received.
- 2.22 At a meeting of the Council Cabinet (Local Plan) Committee on 4 December 2017 and Council on 10 January 2018, it was agreed to publish the Traveller DPD under Regulation 19. The [committee report](#) set out the various options that had been explored to meet the recognised shortfall in travelling showpersons sites which had increased to about 8 plots following amendment of the strategy in response to representations received under the Regulation 18 consultation.
- 2.23 The publication/pre-submission consultation will run from 15 January 2018 until 26 February 2018. Following the consultation, the Council will submit the DPD (with further amendments if necessary) together with the representations received to the Secretary of State for examination. The examination is expected to take place in the summer of 2018 with adoption towards the end of the year.

3 Next Steps

- 3.1 The Council will continue to engage constructively and actively as necessary with neighbouring authorities on cross-boundary issues arising from the Draft Traveller DPD.
- 3.2 In particular, it will continue to work with neighbouring authorities to seek to identify suitable sites to meet the unmet need for travelling showpersons' sites. It will highlight these unmet needs when commenting on neighbouring authorities' plans so as to ensure they are taken into account in developing and examining the relevant plans. It did this in commenting on the draft Fareham Local Plan 2036, highlighted the City Council's inability to meet identified travelling showpersons' needs and seeking flexibility in the Fareham Plan to help with this issue (see letter of 5 December 2017 at Appendix 2).

Appendix 1

Request to neighbouring authorities to help meet the needs of travelling showpeople

From: KEvans@winchester.gov.uk [mailto:KEvans@winchester.gov.uk]

Sent: 06 November 2017 11:22

To: localplan@eastleigh.gov.uk; planningpolicy@fareham.gov.uk; david.hayward@havant.gov.uk; planningpolicy@portsmouthcc.gov.uk; planning.policy@testvalley.gov.uk; localplan@easthants.gov.uk; ldf@basingstoke.gov.uk; ldfconsultation@hants.gov.uk; Lucy Howard <Lucy.Howard@southdowns.gov.uk>; gloria.ighodaro@push.gov.uk; planning@hants.gov.uk; Sarah Nelson <Sarah.Nelson@southdowns.gov.uk>; planning.policy@hants.gov.uk; David.Illsley@newforestnpa.gov.uk; mark.williams@nfdc.gov.uk; Dawn.Heppell@southampton.gov.uk; daniel.hawes@hart.gov.uk; nick.irvine@rushmoor.gov.uk; Oliver.Boulter@iow.gov.uk

Cc: JNell@winchester.gov.uk

Subject: Winchester Traveller DPD request for sites for Travelling Showpersons

Dear All

Winchester is progressing with its Traveller DPD, however, we are struggling to meet our OAN for Travelling showpeople. The pitch/plot requirement is established in adopted local plan policy, (15 gypsy/traveller pitches and 24 travelling showpersons plots in the period 2016 - 2031) The Council has undertaken the following in terms of exploring options to identify sufficient sites, at the present time there remains a shortfall of about 15 travelling showpersons plots:-

- Three 'calls for sites' during October - December 2016, March – May 2017 and July – September 2017 – no sites for travelling showpersons were received;
- Planning permission granted for 3 plots at the Nurseries, Shedfield – September - December 2016;
- Proposals in draft Traveller DPD, published for consultation July – September 2017:

(i) Gain of sites on an established site currently the subject of an Enforcement Inquiry (estimated at +3 plots) at Carousel Park, Micheldever (Policy TR3)

(ii) Regularisation of sites with a temporary consent +3 plots at The Nurseries, Shedfield (Policy TR4)

(iii) Potential for intensification/expansion on existing sites within the parameters of Policy TR6

- Use of its own land holdings – para 5.1 of CAB2947(LP) confirmed that the Council does not currently control any land or premises that is suitable or available for traveller sites;
- CAB2947(LP) included an additional recommendation to undertake an assessment of sites that could potentially be acquired on the open market. This process has been completed and it is concluded that no suitable sites have been identified to take this option forward.
- The recent Regulation 18 consultation provided the opportunity to formally request of immediate neighbouring planning authorities under the duty to co-operate whether any sites

could be identified to deliver any of the unmet need in the Winchester District, no sites were forthcoming.

Therefore, I'd be grateful if you give consideration to the capacity of your district and whether any sites are available that could be identified to meet the needs of Travelling Showpeople in the Winchester district, or indeed if there are any other options that the Council could consider to resolve this matter. It would be much appreciated if you could respond by 20 November 2017.

Regards

Jenny Nell

Head of Strategic Planning

Responses from neighbouring authorities to help meet the needs of travelling showpeople

From: Lucy Howard [<mailto:Lucy.Howard@southdowns.gov.uk>]

Sent: 17 November 2017 12:44

To: Kate Evans; Jenny Nell

Cc: Sarah Nelson

Subject: FW: Winchester Traveller DPD request for sites for Travelling Showpersons

Jenny

Thank you for your e-mail requesting that we consider if there is any capacity within the South Downs National Park to meet the needs of Travelling Showpeople in the Winchester district.

The SDNPA undertook a joint site search and assessment process with Winchester District and East Hampshire District. The result of this has been published and now forms the evidence base that supports much of the work of all three Planning Authorities on Gypsies and Travellers. The result of the work was that there were insufficient sites within the South Downs National Park to meet its own need and therefore it can be concluded that the Authority would be unable to deliver additional plots.

Consultation on the Pre-Submission Local Plan closes on the 21 November. If any further sites have been put forward for consideration we will review the position.

Kind regards

Lucy Howard

From: Lyons, Robyn [<mailto:RLyons@Fareham.Gov.UK>]

Sent: 23 November 2017 12:50

To: Jenny Nell

Cc: Collier, Adam

Subject: RE: Winchester Traveller DPD request for sites for Travelling Showpersons

Jenny,

Thank you for being patient in awaiting our response.

We've reviewed our call for site submissions and can confirm that there are no suitable sites available for Travelling Showpeople.

We have also contacted the Council's estates team to ascertain whether there are any FBC owned sites that could be suitable or available for such purposes. They've advised that using their regular reviews of FBC land and premises, they can confirm that they do not have any suitable/available sites.

We would also take this opportunity to advise that although our own need (for Gypsy and Traveller sites) is small in comparison to WCC's we are a far smaller borough and are still addressing challenges in meeting our own need in a suitable and available location. In our case we still need to overcome issues on one of the key (and only available sites) that is critical in meeting our own pitch requirement. If this issue cannot be resolved then we may face similar challenges in addressing our own need.

For the above reasons I am of the opinion that we are unfortunately unable to assist with addressing neighbouring need at this juncture.

Regards

Robyn Lyons

From: Heather Stevens [<mailto:Heather.Stevens@easthants.gov.uk>]

Sent: 14 November 2017 11:44

To: Kate Evans

Cc: Jenny Nell

Subject: RE: Winchester Traveller DPD request for sites for Travelling Showpersons

Dear Jenny

Thanks for your email. We understand from your email that there is likely to be an outstanding need for Travelling Showpeople plots in Winchester district following adoption of the Winchester Traveller DPD, and that you have explored all potential options available to you to identify suitable land to meet this need over the plan period without success.

We acknowledge the challenges associated with identifying suitable land to meet a significant need for all forms of housing, including Traveller accommodation, and the need for councils to continue proactive dialogue and close working on these issues. It is however, in this particular instance, possible that East Hampshire District Council may find itself in a similar situation, as it is also likely to have a significant need for Travelling Showpeople accommodation (outside of the South Downs National Park).

The Council has commissioned ORS to prepare an updated Gypsy and Traveller Accommodation Assessment (GTAA), which is due to be published shortly (by the end of the year). Whilst the findings remain confidential until the assessment is published, we anticipate a significant need for Traveller pitches and Travelling Showpeople plots over the plan period in the district (outside of the SDNP). We are currently considering our next steps in terms of plan making for the Local Plan, which will include allocations for Traveller accommodation. We have carried out a call for sites (May 2017), but as of yet have not progressed to detail site assessment stage. Therefore at present, we are not in a position to conclude whether we are able to meet all of our identified need for Traveller accommodation, and as such, cannot identify specific scope to assist with meeting the identified need of another area.

However, we recognise the importance and potential consequences of planned unmet need in a local area, and wish to continue close working with you and other councils to discuss how this can be addressed. The consequence of planned unmet need can be that when the personal need on the ground becomes acute, there is unauthorised development or a rise in planning applications. There may be benefit in the local councils working together now, sharing information and maintaining dialogue, so such situations can be appropriately responded to, whether that may be joint consideration of updating evidence base, joint plan making, or reviews of plans. It may be that the Winchester Traveller DPD considers triggers for plan review bearing in mind this unmet need, if other councils are not in a position to assist.

I hope this is useful. Please feel free to contact us to discuss further.

Kind regards,

Heather.

From; Basingstoke and Deane Borough Council

Dear Jenny

Many thanks for your email regarding whether there are any sites available in Basingstoke and Deane Borough that could be identified to meet the needs of Travelling Showpeople in the Winchester district.

As you may be aware, earlier in the year the council commissioned consultants to undertake an updated GTNA, based on the relevant updated Government guidance and definitions. This concluded that there remained a need for pitches in the borough (9 pitches for identified need and a potential further 8 pitches for currently unknown need). The council adopted a strategy for accommodating the needs of Gypsies and Travellers through its Local Plan (2011-2029) which allocated provision on the Plan's major housing site allocations. Currently the council cannot, however, meet its 5 year land supply requirements (5 pitches) and as such will need to take a proactive approach to delivering pitches on land within its ownership (on allocated sites) to meet this short term need. A call for future development sites was recently completed and no sites were put forward as suitable for gypsy and traveller provision. Similarly, the council has considered its own assets and no suitable sites were identified.

There remains pressure in the borough to provide further pitches, as evidenced through a number of live planning applications and injunctions currently being considered. In light of the on-going pressure within the borough to accommodate the needs of gypsies and travellers, particularly in terms of accommodating short term needs, the lack of available sites and the longer term strategy to accommodate pitches on allocated greenfield sites, there are no suitable opportunities within the borough that could be identified to meet the needs of Travelling Showpeople in the Winchester district.

If you would like to discuss this further, please just let me know.

King regards

Joanne Brombley

Appendix 2

Winchester's response to Fareham's consultation on Fareham's Local Plan 2039 (Regulation 18) (Extract)

Thank you for consulting the City Council on the Draft Fareham Local Plan and for your letter dated 16 November 2017 regarding Objectively Assessed Needs and the Duty to Cooperate. The Draft Plan does not raise any issues that warrant the City Council making formal representations, but we would make the following officer comments and suggestions.

It is noted that the Draft Plan meets the housing requirement set out in the PUSH Spatial Position Statement and extends this to 2036 based on the PUSH OAN. This is welcomed as it is important in terms of addressing strategic issues in the sub-region, under the Duty to Cooperate. However, the PUSH Position Statement's policy H1 suggests that *'local authorities should actively seek opportunities to identify additional potential for housing provision to address the shortfall against the objectively assessed need through the local plan process'* and it is not clear to what extent the Plan has sought to do this (especially as Welborne is partly intended to serve strategic needs). Also the Government's proposed standard methodology for determining OAN is likely to be in place by the time the Plan is submitted for examination, so it may be necessary to plan for a higher housing requirement.

The retention of the 'Meon' Strategic Gap (policy SP6) is welcomed and is consistent with the PUSH Spatial Position Statement.

The retention of the employment allocation at Solent 2 is welcomed (policy E2) and is consistent with the allocation in the Winchester Local Plan Part 2 (policy SHUA3). However, the proposed change of Little Park Farm from an employment allocation to an 'employment area' (policy E3) appears inconsistent with the continued allocation of the (greenfield) part in Winchester District (Winchester Local Plan Part 2 policy SHUA4).

The policy of meeting identified traveller needs within the Borough is welcomed (policy H10). However, the City Council has notified the Borough Council of its inability to meet identified needs for travelling showpersons' accommodation, which are most significant in southern Hampshire. These needs should be acknowledged as an 'identified need' within the terms of policy H10, allowing a permissive approach to be taken towards any sites that may come forward and which meet the requirements of policy H10.

I hope the above comments are helpful and I am happy to discuss them further if you wish.

Yours sincerely,

Jenny Nell