

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 10 June, 2013

Portfolio:	Strategic Planning and Environment
Subject:	Local Plan Part 2: Development Sites and Policies : Gypsy and Travellers Policy and Sites Consultation
Report of:	Director of Planning and Environment
Strategy/Policy:	Fareham Local Plan
Corporate Objective:	Protect and enhance the environment Safe and healthy place to live and work Balanced housing market Strong and inclusive communities

Purpose:

To seek endorsement and approval of a new gypsy, traveller and travelling showpeople policy, supporting text and development briefs on two proposed gypsy and traveller site allocations for inclusion within the Development Sites and Policies Plan, and to seek authorisation to undertake a formal consultation for a four-week period.

Executive summary:

Government policy requires local planning authorities to set pitch targets for gypsies and travellers and plot targets for travelling showpeople based on an assessment of need and to identify specific deliverable and developable sites through their Local Plan to meet that need. The Traveller Accommodation Assessment for Hampshire 2013 was published in April 2013. It sets out a requirement for Fareham Borough Council to identify 8 permanent gypsy/traveller pitches, in addition to the 5 pitches that currently have planning permission, for the period to 2027. Site assessments indicate that the established sites have the capacity to accommodate most of these 13 pitches.

For the reasons set out in the Briefing Paper it is proposed to undertake a four-week consultation on the following:

- A new policy on gypsies, travellers and travelling showpeople together with supporting explanatory text;
- Development site briefs for two proposed gypsy and traveller site allocations at The Retreat, Newgate Lane and 302A Southampton Road;
- The Technical Note setting out the Sustainability Appraisal/Strategic Environmental Assessment High Level Assessment and the screening for Likely Significant Effects under the Habitats Regulations of the new policy and proposed site allocations.

Recommendation:

That the following be approved:

Authorisation to undertake a formal four-week consultation on:

- A new policy on gypsies, travellers and travelling showpeople;
- Supporting text setting out the justification for the proposed policy's inclusion and to help aid its interpretation;
- Development site briefs on two proposed gypsy and traveller site allocations at The Retreat, Newgate Lane and 302A Southampton Road;
- The Sustainability Appraisal/Strategic Environmental Assessment High Level Assessment of the new policy and proposed site allocations; and
- Habitats Regulation Assessment Screening for Likely Significant Effects of the new policy and proposed site allocations.

Reason:

To undertake consultation as part of the preparation of the Development Sites and Policies Plan as required, and in accordance with Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012. To demonstrate that the Council is seeking to address the gypsy and traveller needs identified in the Travellers Accommodation Assessment for Hampshire 2013.

Cost of proposals:

The cost of undertaking publication and consultation are covered within existing budgets.

Appendix A: Local Plan Part 2: Development Sites and Policies Draft Policy for Gypsies, Travellers and Travelling Showpeople and Development Site Briefs

Background papers:

Technical Note: SA/SEA and HRA for the Fareham Borough Development Sites and Policies DPD - High Level Assessment and Screening of new proposed allocations for Gypsies, Travellers and Travelling Showpeople - Urban Edge Environmental Consulting (May 2013)

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date: 10 June, 2013

Subject: Local Plan Part 2: Development Sites and Policies: Gypsy and Travellers Policy and Sites Consultation

Briefing by: Director of Planning and Environment

Portfolio: Strategic Planning and Environment

INTRODUCTION

1. This Executive briefing paper seeks endorsement and approval of a new replacement gypsy, traveller and travelling showpeople policy, supporting text and development briefs on two proposed gypsy and traveller site allocations for inclusion in the Development Sites and Policies Plan. The policy is accompanied by a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) of the policy and two proposed site allocations, and a Habitats Regulations Assessment (HRA) Screening Statement assessing the two proposed site allocations' Likely Significant Effects on environmental designations of European importance.
2. The briefing paper seeks authorisation to undertake a four-week consultation to enable both the settled and the gypsy and traveller communities to have an opportunity to make comments on these proposals.
3. Upon adoption of the Development Sites and Policies Plan, it is proposed that this new policy will replace Core Strategy Policy CS19: Gypsies, Travellers and Travelling Showpeople Provision. Policy CS19 was adopted prior to the publication of new National Planning Policy for Traveller Sites¹, which informed the recently published Travellers Accommodation Assessment for Hampshire 2013². It is considered that in order to successfully deliver the recommendations set out in the Travellers Accommodation Assessment a more focused policy approach is required. This will enable specific sites to be identified for gypsies and travellers and ensure that the Council's policy approach takes full account of the advice set out in Policy B: Planning for Traveller Sites³ of Planning Policy for Traveller Sites.

¹ National Planning Policy Framework and the accompanying Planning Policy for Traveller Sites, Department for Communities and Local Government, March 2012

² Study Report by Forest Bus Limited, April 2012

³ Paragraphs 7-11

4. The role of the Development Sites and Policies (DSP) Plan, in which the proposed new policy will be incorporated, is to provide site-specific and development management policies for the Borough for the plan period up to 2026. The Plan's purpose is threefold:
 - To allocate sites principally for housing, employment and retail and other community facilities as necessary;
 - To review and designate areas in the Borough such as settlement boundaries and strategic gaps; and
 - To set out development management policies by topic area.
5. In light of the new evidence contained in the Travellers Accommodation Assessment, it is necessary to identify and allocate specific sites in the Borough to meet the need for additional and permanent gypsy and traveller pitches.

REQUIREMENTS FOR GYPSY AND TRAVELLER SITES

6. Planning Policy for Traveller Sites requires local planning authorities to proactively plan for gypsies, travellers and travelling showpeople. Policy B: Planning for Traveller Sites states that *"Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which addresses the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities"*.
7. While there is no universally agreed definition of what constitutes a gypsy and traveller pitch, Government guidance⁴ states that *"...as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer⁵ and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area"*.
8. The guidance also states that an amenity building *"must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area"*. Amenity buildings do not include sleeping facilities and are ancillary to the static caravan.
9. On the size of sites, Government policy⁶ states that in producing the Local Plan the local planning authority should *"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"*. Government guidance⁷ states that sites should ideally consist of up to 15 pitches but recognises that smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family.

⁴ Designing Gypsy and Traveller Sites - Good Practice Guide, Department for Communities and Local Government, May 2008

⁵ A 'trailer' is a term used by the gypsy and traveller community to refer to a mobile home or static caravan.

⁶ Planning Policy for Traveller Sites - Department for Communities & Local Government (March 2012)

⁷ Designing Gypsy and Traveller Sites: Good Practice Guide - Department for Communities & Local Government (May 2008)

10. The above principles have helped informed the approach to site-selection.

Permanent Pitches for Gypsies and Travellers

11. The Travellers Accommodation Assessment for Hampshire 2013 sets out a requirement for Fareham Borough Council to identify 8 additional permanent pitches, in addition to the 5 pitches that currently have planning permission, for the period to 2027. Of the 5 pitches with permission, 1 pitch has a permanent permission⁸ but 4 pitches only have temporary permissions which end on 31 December 2016. This means that the Council needs to identify a site or sites to accommodate 12 permanent pitches for gypsies and travellers for the period up to 2027.
12. Although DSP Plan only covers the period to 2026, in line with the Core Strategy, officers recommend that the DSP Plan uses the figures to 2027 set out in the Assessment given that all but 1 of the required pitches is for the period to 2022. There is therefore a need to identify sites in the plan to accommodate a total of 12 permanent pitches.
13. The Travellers Accommodation Assessment breaks down the requirement into 5 year tranches from 2012, so that:
- By 2017, 10 pitches (inclusive of the 4 pitches that currently have temporary planning permission) are required;
 - By 2022, an additional 1 pitch is required; and
 - By 2027, a further 1 pitch is required.
14. It is clear from the Assessment's findings that the need for additional gypsy and traveller pitches is greatest during the earlier part of the plan period to 2017, after which, the need for additional pitches diminishes significantly. There is a current planning appeal, on which the Inspector's decision is awaited, for 1 pitch at Burrige Road. Should the appeal be allowed, the overall requirements set out above will be reduced by 1 pitch to a total of 11 pitches up to 2027 (9 of which by 2017).
15. The Council undertook an official 'Call for Sites' in November/December 2011 during which organisations and individuals interested in promoting their site(s) in the Borough were invited to submit suggested development sites for uses including, but not limited to, housing, employment, retail, leisure and open space. However, no sites were put forward for gypsy/traveller accommodation at that time.
16. In order to ensure that the Council identifies sufficient gypsy/traveller sites to meet the pitch requirements set out in the Traveller Accommodation Assessment, approaches have been made to the gypsy/traveller families at the sites which currently have temporary planning permission and where it is considered that there is potential for additional pitches.

⁸ On land adjacent to 293 Titchfield Road, Stubbington, granted on appeal.

17. Based on assessments of these sites (summarised below), in consultation with the owners/occupiers, it is estimated that a total of 9 pitches can be accommodated at the Retreat, Newgate Lane (4 pitches) and 302A Southampton Road (5 pitches). These sites are therefore recommended for inclusion as formal site allocations within the Development Sites and Policies Plan. Development site briefs are attached to the proposed policy at Appendix A.

The Retreat, Newgate Lane

18. The Retreat, Newgate Lane is an established site of 0.26 hectares having two existing pitches and a small paddock and stable to the rear. It has planning permission⁹ for use “*as a small private gypsy site including two portable buildings, 2 touring caravans, ancillary day rooms and associated development*” until 31 December 2016.
19. The site is in excellent condition and has good access to nearby shops, services and facilities. It is not at risk from flooding and is capable of being provided with additional on-site services. An initial assessment of highway access indicates that the junction with Newgate Lane is of a high standard and suitable for the anticipated additional demand that would result from two additional pitches on the site.
20. An assessment of the site’s capacity and careful consideration of the advice contained in the Government's Good Practice Guide indicates that two additional pitches could be accommodated on the site, providing a total of four pitches.

302A Southampton Road

21. 302A Southampton Road is an established site of 0.43 hectares with planning permission¹⁰ for the “*use of land for siting of two mobile homes, two touring caravans and erection of two day rooms*” until 31 December 2016.
22. The site is well-maintained and the existing pitches are located to the south of the site on an area of lower ground that slopes away from Southampton Road. There is also a mobile home¹¹ on the site behind the adjacent bungalow No.302 Southampton Road.
23. The site performed well against site suitability and sustainability criteria in that it is accessible both to the highway and to nearby shops, services and facilities, is not at risk of flooding, and is capable of being provided with adequate on-site services. The allocation of additional pitches may require traffic management measures on Southampton Road to control right turning movements into and out of the site to ensure highway safety. There is a public footpath that crosses the site which should be kept free of obstruction or diverted.
24. An assessment of the site’s capacity and careful consideration of the advice contained in the Government's Good Practice Guide indicates that three additional pitches could be accommodated on the site, providing a total of five pitches.

⁹ Ref No: P/09/1045/FP

¹⁰ Ref No: P/11/0025/CU

¹¹ Ref Certificate of Lawful Use P/10/0306/LU

Transit Pitches for Gypsies and Travellers

25. The Travellers Accommodation Assessment also recommends that local planning authorities within the study area should work collaboratively to provide additional transit pitches. Whilst recognising that there were significant levels of unauthorised encampments across the study area in 2012 the Assessment does not recommend pitch numbers for individual authorities but for a grouping based on distinct highway corridors and broad geographical catchment areas. The Assessment identifies a notional target of approximately 29 pitches across an 'Eastern' grouping of authorities, i.e. East Hampshire, Fareham, Gosport, Havant and Winchester.
26. Having considered the findings of the Assessment, a site is not proposed for allocation in the Development Sites and Policies Plan but it is recommended that the Council continues to work closely with other local planning authorities to identify an appropriate site or sites within the Eastern grouping, in order to address the identified transit provision requirements.

Plots for Travelling Showpeople

27. The Travellers Accommodation Assessment, in common with the recommendation for addressing transit provision, does not specifically require any site provision for Travelling Showpeople in Fareham. It does, however, recommend that local planning authorities in the 'Eastern' grouping work collaboratively to deliver a total of seven plots across the five local planning authorities. The Council will continue to work with these other local planning authorities to identify an appropriate site(s) within the Eastern grouping, to address the identified provision for travelling showpeople.

Sustainability Appraisal

28. Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) is being undertaken in parallel with the preparation of the Development Sites and Policies Plan. The draft version of the Plan was accompanied by a Sustainability Appraisal Site Options Assessment, which presented *"an appraisal of the latest shortlist of borough-wide sites proposed for allocation and development management policies"*.
29. The new policy and the two additional site allocations proposed for gypsy and traveller accommodation have undergone an SA/SEA High Level Assessment, the findings of which are contained within a Technical Note.
30. The Technical Note confirms that *"The overall policy provision of pitches and plots for gypsies, travellers and travelling showpeople is generally positive in relation to the appraisal objectives, particularly with regard to housing (Objective 1), accessibility (Objective 4) and community (Objective 11)..."*. It states that *"Impacts are possible, including for example effects on landscape, heritage and biodiversity assets, but the policy seeks to proactively manage such risks, hence the neutral assessment against these objectives"*.

Habitats Regulations Assessment

31. The Development Sites and Policies Plan (and consequently the policy upon which this consultation is based) is also required to undertake a Habitats Regulations Assessment (HRA), which focuses on the likely significant effects of the Plan on the nature conservation interests of European-protected areas in and around the Borough, and seeks to establish whether or not there will be any adverse effects on the ecological integrity of these European sites¹² and Ramsar sites as a result of proposals in the Plan.
32. The proposed new policy and the two additional site allocations proposed for gypsy and traveller accommodation have undergone a screening for Likely Significant Effects under the Habitats Regulations, the findings of which are contained within a Technical Note.
33. The Technical Note states that the *"overall policy for the provision of pitches and plots for gypsies, travellers and travelling showpeople...is not spatially specific"* and that *"both of the proposed site allocations are a good distance from the nearest European site, and so no direct effects are considered likely"*. However, it does note that The Retreat, Newgate Lane *"is no further than 200m in any direction from a potentially important wader site"* and that *"The risk of likely significant effects on the European sites cannot therefore be ruled out at the present stage"*.

REPLACING CORE STRATEGY POLICY

34. Core Strategy Policy CS19: Gypsies, Travellers and Travelling Showpeople set out the Council's approach to the identification of sites, together with a set of criteria against which proposals for new gypsy and traveller sites would be identified. The policy was adopted prior to the publication of new national Planning Policy for Traveller Sites which sets the context for the Travellers Accommodation Assessment.
35. A recent appeal decision revealed a degree of ambiguity Policy CS19 and some confusion regarding the application of need in relation to applications for planning permission. To overcome any shortcomings a new policy is therefore proposed for inclusion in the Development Sites and Policies Plan to replace Policy CS19.
36. The new policy on gypsies, travellers and travelling showpeople, together with supporting text setting out the justification for the proposed policy's inclusion and to help aid the policy's interpretation, is attached at Appendix A. It is considered to more effectively deliver the needs of gypsies and travellers while respecting the interests of the settled community. Policy CS19 is therefore recommended for deletion upon adoption of the Development Sites and Policies Plan.

¹² The 'European sites' include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)

CONSULTATION

37. Public participation is a requirement of plan preparation. This involves inviting bodies and organisations, residents and businesses in the area to make representations. The methods of consultation and engagement are set out in the Council's Statement of Community Involvement (January 2011).
38. As the draft Development Sites and Policies Plan which was published for consultation in October 2012 did not address the accommodation needs of gypsies, travellers and travelling showpeople, it is proposed to undertake a four-week consultation in order to ensure that organisations, individuals and the local community have an opportunity to consider the Council's approach to meeting gypsy and traveller requirements. The consultation will commence following the close of the post meeting call-in period.
39. The consultation will be promoted using the normal channels including a press release, and the Council's website and social media accounts. Everybody on the local plan consultee and community groups' databases and the e-panel will be contacted. The consultation will be highlighted at the forthcoming Community Action Team meetings and letters will be posted to residents, commercial interests, and residents associations (including the Titchfield Residents Association and the Catisfield Village Association) in the vicinity of the proposed site allocations.
40. The consultation will include liaison with Hampshire County Council's Gypsy Liaison Officer, and with the charities Forest Bus¹³ and Friends, Families and Travellers¹⁴. The Travellers' Times, (which is a publication, and a website: www.travellerstimes.org.uk), will be notified of the consultation
41. The Council's website will host a 'comments section' and paper copies will also be available at the Civic Offices and libraries within the borough.
42. As set out above, this briefing paper duly seeks authorisation to undertake a formal four-week consultation on:
 - A new policy on gypsies, travellers and travelling showpeople;
 - Supporting text setting out the justification for the proposed policy's inclusion and to help aid its interpretation;
 - Development site briefs on two proposed gypsy and traveller site allocations at The Retreat, Newgate Lane and 302A Southampton Road;
 - Sustainability Appraisal of new policy and proposed site allocations; and
 - Habitats Regulation Assessment Screening Statement on new policy and proposed site allocations.

¹³ Forest Bus is a local charity that was commissioned to prepare the Travellers Accommodation Assessment for Hampshire 2013 and has a track record of engagement with traveller communities.

¹⁴ Friends, Families and Travellers is a national organisation and charity that seeks to "end racism and discrimination against Gypsies and Travellers, whatever their ethnicity, culture or background, whether settled or mobile, and to protect the right to pursue a nomadic way of life".

RISK ASSESSMENT

43. The principal risk arises from the unknown volume and nature of the consultation comments received, how long these will take to process and whether or not the issues raised will generate the need for further research and evidence or discussions and negotiations to resolve them.

FINANCIAL IMPLICATIONS

44. The costs in undertaking this consultation are included in existing budgets.

CONCLUSION

45. Planning Policy for Traveller Sites (2012) requires local planning authorities to *"set pitch targets for gypsies and travellers and plots for travelling showpeople which address the likely permanent and transit accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities"*.
46. In order to address this requirement, the Council was part of a consortium of local authorities that commissioned a Traveller Accommodation Assessment for Hampshire 2013. This Assessment identified specific permanent pitch requirements for Fareham up to 2027.
47. Two sites have been identified to help meet the identified need for permanent gypsy and traveller pitches. These sites are recommended for inclusion within the Development Sites and Policies Plan as formal site allocations.
48. Authorisation is therefore duly sought from the Executive to agree a four-week consultation period on:
- a proposed replacement policy for gypsies, travellers and travelling showpeople;
 - supporting text;
 - development site briefs on two proposed allocations for permanent gypsy and traveller sites to provide permanent pitches at The Retreat, Newgate Lane and 302A Southampton Road;
 - Sustainability Appraisal (SA) of proposed site allocations; and
 - Habitats Regulation Assessment (HRA) Screening Statement on proposed site allocations.
49. Following the consultation, the Planning Strategy team will consider the representations made and where necessary amend the policy, supporting text or development site briefs accordingly. Any comments made on the SA/SEA High Level Assessment or the HRA Screening set out in the Technical Note will be considered during the next assessment stages scheduled to be undertaken prior to the publication of the pre-submission version of the Development Sites & Policies Plan.

Reference Papers:

Travellers Accommodation Assessment for Hampshire 2013 - Forest Bus Limited
(April 2013)

Planning Policy for Traveller Sites - Department for Communities and Local
Government (March 2012)

Designing Gypsy and Traveller Sites: Good Practice Guide (2008) – Department for
Communities and Local Government

SA/SEA Scoping Report (May 2012)

SA/SEA Options Assessment Report (October 2012)

HRA Screening Report (October 2012)