

EXTRAORDINARY MEETING OF FULL COUNCIL

4th JULY 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

DRAFT MELTON LOCAL PLAN – CHAPTER 5, POLICY C6 : PROVISION FOR GYPSIES AND TRAVELLERS

1.0 PURPOSE OF REPORT

1.1 This report outlines the findings and implications of new evidence contained in the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA 2017). It also summarises the key matters raised in representations received to draft Policy C6: Gypsies and Travellers of the Pre Submission Draft Melton Local Plan, and to suggest responses to the representations in the light of the new evidence. The final section of the report sets out the resulting proposed focussed change to draft Policy C6 and its supporting reasoned justification.

2.0 RECOMMENDATIONS

2.1 **It is recommended that Council :**

- (i) Accept the Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA 2017) as evidence to inform the production of the Local Plan, and that it published alongside a proposed ‘Addendum of Focussed Changes’;**
- (ii) Agree that the detailed responses to representations, taking account of this new evidence, be agreed (Appendix 1);**
- (iii) Agree that the proposed change to Section 5.10 of the draft local plan, including Policy C6, as set out in the Focused Changes Appendices (item 3l of this agenda), be agreed as part of a consultation on an Addendum of Focussed Changes to the Draft Melton Local Plan (see para 3.6.9. below).**

3.0 KEY ISSUES

3.1 The findings of the GTAA 2017 on permanent pitch requirements are unchanged from those in the draft version of the GTAA 2016 (as cited in the Pre-Submission Draft Local Plan): Melton’s permanent pitch requirement from April 2016 to March 2021 is 2 permanent residential pitches, and between April 2021 and March 2026 it is 1 permanent residential pitch. There is no further requirement for any permanent pitches from April 2026 to 2036.

3.2 Due to the granting of planning permission for a total of 5 permanent pitches and 2 transit pitches in 2015 and 2016, the need identified in the GTAA 2017 is already met, so no further permanent pitch allocations are included in this plan. If

subsequent GTAA reviews establish an unmet need (or the planning permissions are not implemented), a review of this policy will be carried out.

3.3 For public transit pitch provision, the GTAA 2017 has identified a current need for a minimum of 12 caravan spaces (or managed equivalent) in Leicester City, and a minimum of 36 caravan spaces (or managed equivalent) spread over 2-3 sites elsewhere in Leicestershire.

3.4 The GTAA 2017 report states:

“as far as suggested locations for the transit provision (or managed equivalent) across Leicestershire are concerned, an initial review should be completed of potential sites that are deliverable in the short-term. The data suggests that the need is greatest in the North West of the county and the City and that transit provision should be prioritised in these locations. Further provision will be required elsewhere in Leicestershire taking account of where higher numbers of encampments have been recorded; the strategic transport network; and the overall geography of the county. However the deliverability of new sites in the short-term should be seen as the most important consideration”.

3.5 The report continues:

“The recommendation for the provision of public transit sites needs to be balanced off against the use of managed approaches to dealing with unauthorised encampments as opposed to infrastructure provision. This could include continued use of tolerated stopping or consideration of the introduction of Negotiated Stopping Agreements for short-term encampments along with formal public transit sites. Each local authority should also consider a review of the evidence base relating to unauthorised encampments in the future, once there is a robust post-PPTS (2015) evidence base. This will establish whether there is a need for and further investment in formal transit sites or emergency stopping places”.

3.6 Nature of Representations received and analysis

3.6.1 A total of 9 representations were made on Policy C6 and its associated reasoned justification, of which 3 were expressions of support. A summary of all of the representations received and the suggested responses to them are available to view in the Members' Room. Responses to representations may include proposing no change, proposing a change be included in the Addendum of Focused Changes, or proposing suggested modification(s) be made for submission to an Inspector alongside the draft local plan.

3.6.2 Suggested modifications can only be put forward if they do not fundamentally affect the plan.

3.6.3 Representations from other Leicestershire LPAs pointed out that the draft 2016 Gypsy and Travellers Accommodation Assessment (GTAA) quoted as evidence is not yet finalised and agreed, and there has been no agreement to undertake an evidence base review in 2018.

3.6.4 A further representation from the National Federation of Gypsy Liaison Groups stated the following points:

- Element of policy on Gypsies and Travellers (C6) which requires evidence of need is non-compliant and unacceptable.
- Policy C6 should acknowledge that regular reviews of need will be undertaken, steps will be taken to deliver sites in accordance with changing circumstances and that the need identified in the GTAA represents a minimum level of provision.

3.6.5 In responding to the representations, it is considered necessary to take into account of the new evidence provided in the GTAA 2017 and the changes to Policy C6 and its reasoned justification are proposed to address the objections.

3.6.6 The current policy on accommodation for Gypsies and Travellers states the criteria of the policy will be applied irrespective of need. In determining planning applications, the PPTS (2015) states that Local planning authorities should consider various matters including "the existing level of local provision and need for sites." (Policy H, 24 a).

3.6.7 Policy C6 states that the most recent GTAA will be used as a basis for determining planning applications, and it is not proposed to change this wording.

3.6.8 Nor is it proposed to change the policy 'to acknowledge that the need identified in the GTAA represents the minimum level of provision'. The GTAA is considered robust evidence and any planning applications will be determined according to the requirements stipulated by it.

3.6.9 As a result, a 'focused change' is proposed to amend Section 5.10 of the Plan and draft Policy C6 to:

- Replace references and associated commentary on the GTAA 2016 with those for GTAA 2017
- wording in the reasoned justification to be changed to state that a regular review of Gypsy; Traveller and Travelling Show people permanent pitch and plot requirements (including transit pitch requirements) will be undertaken.
- wording to be inserted into policy C6 first para. to read: "*The most recent GTAA will be used to identify pitch and plot requirements and where a need is found, steps will be taken to deliver sites. The GTAA will also be used as a basis for determining planning applications, together with the criteria within the most up to date PPTS*".
- the first para. of policy C6. Take out the last sentence: "All applications would need the support of an evidenced need" as this is covered with the PPTS (2015) under policy H, 24 as being one of the issues, amongst other relevant matters, when considering planning applications for traveller sites.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Provision of Gypsies and Travellers is a land use that requires addressing in the Local Plan alongside all others. Provision of a positive policy based on up to date evidence is considered necessary to enhance the probability that the Plan will be found sound upon Examination.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

There are no financial or other resource implications at this stage.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Preparing a Local Plan in accordance with a Local Development Scheme is a requirement of the Planning and Compulsory Purchase Act (as amended) 2004 and the Town and Country Planning Regulations 2012.

6.2 The National Planning Policy Framework sets out the Government’s planning policies and how these are expected to be applied. This includes policies on provision for Gypsies and Travellers.

7.0 COMMUNITY SAFETY

7.1 There are no direct community safety implications as a direct result of this report.

8.0 EQUALITIES

8.1 An Equality Impact Assessment has been undertaken for the whole of the Local Plan, which includes the policy and reasoned justification for affordable housing.

9.0 RISKS

9.1

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low	2			
	E	Very Low		1		
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Inadequate evidence and policy affecting the 'tests of soundness' of the Plan.
2	The revised policies and reasoned justification attracts widespread representation.

10.0 CLIMATE CHANGE

10.1 There are no direct climate change issues arising from this report.

11.0 CONSULTATION

11.1 If approved, the affordable housing policy and associated reasoned justification will be subject to the consultation the 'Addendum of Focussed Changes to the Draft Melton Local Plan' (see item 3A of this Agenda).

12.0 WARDS AFFECTED

12.1 All Wards are affected

Contact Officer J Worley, Head of Regulatory Services

Date: 26th June 2017

Appendices : Appendix 1 – responses to representation (deposited in Members Room)
Appendix 2 - Leicester City and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA 2017).

Background Papers: None