



AGENDA ITEM: 9

CABINET:
18 March 2014

PLANNING COMMITTEE:
10 April 2014

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

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**SUBJECT: PROVISION FOR TRAVELLER SITES DEVELOPMENT PLAN
DOCUMENT: OPTIONS AND PREFERRED OPTIONS**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend the Provision for Traveller Sites Development Plan Document ('Traveller Sites DPD'): Options and Preferred Options, and its supporting documentation, for public consultation in April - May 2014.

2.0 RECOMMENDATIONS TO CABINET

2.1 That Cabinet have regard to the three documents provided in Appendices B-D in their decision on the recommendation at 2.2, which will be publicly available for comment as part of the consultation on the Traveller Sites DPD: Options and Preferred Options.

2.2 That the Provision for Traveller Sites DPD: Options and Preferred Options (Appendix A to this report) be approved for public consultation from 17 April to 30 May 2014, subject to any authorised minor amendments made by the Assistant Director Planning, following agreed comments from Planning Committee, as per recommendation 2.3 below.

2.3 That the Assistant Director Planning, be authorised, in consultation with the Portfolio Holder, to make any necessary minor amendments to the Provision for Traveller Sites DPD: Options and Preferred Options, in the light of agreed

comments from Planning Committee, before the document is published for consultation.

3.0 RECOMMENDATION TO PLANNING COMMITTEE

- 3.1 That the content of this report be considered and that agreed comments be referred to the Assistant Director Planning, in order that any necessary minor amendments can be made to the DPD and its accompanying documents, in consultation with the Portfolio Holder, before the start of the public consultation period.

4.0 BACKGROUND

The need for a Traveller site DPD

- 4.1 The West Lancashire Local Plan 2012-2027 was adopted by Council on 16 October 2013. Earlier versions of this Local Plan (i.e. Preferred Options, January 2012, and Publication, August 2012) contained a policy on Gypsies and Travellers and Travelling Showpeople (referred to hereafter as 'Travellers'). This policy, Policy RS4, was a criteria-based policy whose purpose was to direct Traveller development to the most appropriate places in the Borough, and to provide a means by which planning applications or enforcement cases relating to Traveller development could be judged.
- 4.2 During the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs as required by national policy (as set out in the Department for Communities and Local Government's Planning Policy for Traveller Sites document, published March 2012). In order for the West Lancashire Local Plan as a whole to be found sound, the Inspector recommended that Policy RS4 be deleted in its entirety from the Local Plan, and that the Council commit to preparing a separate Development Plan Document (DPD) to allocate sufficient deliverable sites to meet Traveller accommodation needs over the Local Plan period.
- 4.3 The Council is acting upon the Local Plan Inspector's recommendation, and has set out a timetable in its Local Development Scheme for preparing a Provision for Traveller Sites DPD. The target milestones for the document's preparation are as follows:

Regulation 18 Scoping Consultation	September – October 2013
Preferred Options Consultation	March – April 2014
Publication	August - September 2014
Submission to Secretary of State	September 2014
Examination	September 2014 – February 2015
Adoption by WLBC	March 2015

- 4.4 The Provision for Traveller Sites DPD is to comprise the following elements:
- A statement of Traveller accommodation needs;
 - A criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be relied upon in enforcement and appeal cases);
 - Site-specific allocations for Gypsies and Travellers, and for Travelling Showpeople, both permanent and transit sites.
- 4.5 Until the Provision for Traveller Sites DPD is adopted, the saved Policy DE4 of the West Lancashire Replacement Local Plan 2006 remains extant. However, the weight to be attributed to WLRLP Policy DE4 in development management is likely to be low, as this policy is no longer consistent with national policy.

Traveller accommodation needs

- 4.6 The now-abandoned Policy RS4 of the West Lancashire Local Plan 2012-2027 relied upon a Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in conjunction with the North West Regional Strategy. Based on this GTAA and locally-agreed targets that were considered to represent the Borough's Traveller accommodation needs, Policy RS4 sought to provide 21 permanent pitches for Gypsies and Travellers, 14 transit pitches and 7 permanent plots for Travelling Showpeople by 2027.
- 4.7 The Borough Council has recently participated in a more up-to-date GTAA with the five Merseyside local authorities. This GTAA has been carried out on the authorities' behalf by consultants, who were appointed in March 2013. The report is in draft form at present, with completion expected in spring 2014.
- 4.8 The draft Merseyside and West Lancashire GTAA concludes that the need for new Traveller accommodation in West Lancashire, additional to that which already has permission, is as follows:
- 14 pitches on permanent Gypsy and Traveller sites by 2018, rising to 20 pitches by 2028;
 - 4 transit pitches; and
 - One yard for Travelling Showpeople with at least one residential plot.
- 4.9 The general term "pitch" refers to an area of land which would accommodate a Traveller household. Government guidance advises that, in general, a pitch should have space for a touring and static caravan, as well as for parking and an ablutions block. Typically, therefore, one would expect two caravans per pitch.
- 4.10 Given the GTAA is currently in draft form, the above figures may be subject to minor variation when the final report is published. Any changes can be taken into account in the preparation of the Publication version of the DPD, which is expected to be produced later in 2014.

Work to date on Provision for Traveller Sites DPD

- 4.11 Work on the Provision for Traveller Sites DPD started in spring 2013, following the Local Plan Examination Hearings. One of the initial tasks has been to compile a list of sites for consideration as potential Traveller sites, using the following sources:
- Sites known to the Council on account of previous or current planning applications, appeals, and / or enforcement action;
 - Sites submitted to the Council during a 'Call for Sites' exercise undertaken during September 2013;
 - Sites submitted to the Council in conjunction with its ongoing Strategic Housing Land Availability Assessment, where the owner (or agent acting for the owner), in response to a letter sent from the Council in September 2013, has expressed a willingness for the site to be considered as a possible Traveller site;
 - Sites identified by, or brought to the attention of, Council officers on account of their potentially suitable location and / or size.
- 4.12 In order to assess the suitability, availability and achievability of the potential candidate sites, a list of site assessment criteria has been drawn up. These criteria have been prepared using the Department for Communities and Local Government's National Planning Policy Framework (March 2012), Planning Policy for Traveller Sites (PPTS, March 2012), and the Designing Gypsy and Traveller Sites Good Practice Guide (May 2008), as well as the criteria set out in the now-deleted Local Plan Policy RS4. The resulting site assessment criteria, whilst based upon national policy, have been tailored to local circumstances where appropriate, and have been categorised into sustainability, suitability, availability and achievability criteria.
- 4.13 The criteria for site assessment have two purposes. Firstly, they have been used to 'sift' the original list of potential candidate Traveller sites resulting from the Council's site assembly work as described in paragraph 4.11 above. Secondly, the criteria have formed the basis of a policy within the Provision for Traveller Sites DPD, against which planning applications for Traveller sites can be assessed, and which can be taken into consideration in appeals and enforcement cases.
- 4.14 The Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') set out the process by which a DPD must be prepared. The first step in a DPD's preparation is covered by Regulation 18, under which the local planning authority must notify certain specified bodies (for example, the Highways Agency) that the DPD is being prepared, and invite representations from them about what the document should contain.
- 4.15 Accordingly, in September 2013, the Council wrote to the specified bodies, as per Regulation 18, as well as a number of other organisations who were considered to have a particular interest in the DPD. Twelve responses were received. The Consultation Report and Duty to Co-operate Statement appended to this report (Appendix D) summarises the responses made to the Council's letter, and the Council's proposed action in the light of the responses.

- 4.16 In preparing DPDs, the Council is bound by the 'Duty to Co-operate', set out in the Localism Act and the NPPF. It is intended that the Council will co-operate fully with neighbouring local authorities and other relevant organisations throughout the preparation of the Traveller Sites DPD. So far, at this early stage in the document's preparation, the Council has written to the 'prescribed bodies' (as listed in Regulation 4), setting out what it considers to be the cross-boundary issues relating to Travellers, and inviting comments on / additions to this list of issues. Once again, the Consultation Report and Duty to Co-operate Statement appended to this report (Appendix D) summarises the responses that the Council has received to its letter, and any other relevant dialogue that has taken place so far under the Duty to Co-operate.
- 4.17 The Provision for Traveller Sites DPD: Options and Preferred Options has been subject to an initial Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). The SA has covered both the criteria-based policy for assessing sites, plus the sites considered as having potential for Traveller accommodation, as well as a number of reasonable alternatives. The SA and HRA reports are appended to this report (Appendices B and C).

5.0 CURRENT POSITION

- 5.1 A Provision for Traveller Sites DPD: Options and Preferred Options has been prepared, drawing on the work outlined in Section 4 above, and is appended to this report as Appendix A. Consistent with paragraph 4.4 above, the document comprises:
- A statement of Traveller accommodation needs;
 - A criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be relied upon in enforcement and appeal cases);
 - Proposed criteria for site selection;
 - A list of potential candidate Traveller sites resulting from the Council's site assembly process undertaken in autumn 2013;
 - An assessment of the potential candidate Traveller sites against the site selection criteria;
 - In the light of the site assessment, proposed site-specific allocations for Gypsies and Travellers and Travelling Showpeople, both permanent and transit sites; and
 - Alternative options for providing Traveller sites in West Lancashire.
- 5.2 The site assembly process has yielded 20 potential candidate Traveller sites across West Lancashire, the sites being located in Aughton, Banks, Bickerstaffe, Burscough, Mere Brow, Ormskirk, Scarisbrick and Skelmersdale. Of these 20 sites, 3 have been proposed as 'Preferred Options' to meet the identified need of 20 permanent pitches for Gypsies and Travellers, as follows:
1. Sugar Stubbs Lane, Banks; permanent Gypsy site, 3 pitches.
- This is a site currently owned and occupied by Travellers, and has an extant permission for one mobile home, granted in 2003. There is a planning application for a certificate of lawfulness for five caravans on the site

currently pending a decision. If allocated for three pitches, this site would have an expected maximum of six caravans on site (assuming two caravans per pitch), one more caravan than the five currently on site. It is considered possible to accommodate 3 pitches on the site without any expansion of the site beyond its present boundaries. The site is reasonably well screened from its surroundings. Access to the primary road network involves a short journey of 115m along the unclassified Sugar Stubbs Lane. There are few residential properties in close proximity to the site, although the site is within easy reach of Banks village and bus stops on the A565. There are no records of any issues with, or complaints against, the resident travellers since they have occupied the site.

2. Pool Hey Caravan Park, Scarisbrick; permanent Gypsy site, 6 pitches.

This is an existing Traveller site that has been occupied since the mid-1990s. Data from aerial photographs and the twice-yearly count of Gypsy and Traveller caravans indicates that between four and eleven caravans have been situated on the site over the past 10 years. A temporary 'personal' permission for one park home on the site existed from 1999-2005; this has now lapsed. The occupants of the site have indicated that 6 pitches (12 caravans) could be satisfactorily accommodated on the site without any expansion of the site beyond its current boundaries. The site is well screened from the surrounding area, the occupants have forged ties with the nearby settled community, and there are no records of any issues with, or complaints against, the residents during the two decades they have occupied the site, other than the fact that they do not possess planning permission for the use of the site as a Traveller site.

3. White Moss Road South "B", Skelmersdale; permanent Gypsy site, 11 pitches.

Skelmersdale is an established area of Traveller accommodation needs. The site is in the ownership of Travellers. Permission for stables, a sand paddock and hardstanding area was granted in December 2013. The site has access to Junction 4 of the M58 along White Moss Road South, and is within easy reach of Skelmersdale and its facilities. However, it is physically separated from the town by the M58 motorway, meaning that the site should not dominate the nearest settled community in such a way that it would not promote peaceful and integrated co-existence between the site and the local settled community.

5.3 In terms of meeting the needs for transit pitches, the options are very limited, given the identified area of need for transit pitches (i.e. the M58 corridor), and the nature and distribution of the potential candidate sites. The preferred location is the White Moss Road South "B" site (i.e. the same site as 5.2(3) above); this would require transit and permanent pitches being located on the same piece of land.

5.4 Whilst the co-location of both permanent and transit pitches on the same site can lead to potential difficulties (for example the possibility of disputes between the two groups of site occupants), such a combination is not out of the question.

- 5.5 In terms of sites for Travelling Showpeople and their equipment, a need has been identified in the Burscough area, given links between Travelling Showpeople and the local community, such as children attending local schools. There is a longstanding authorised Travelling Showpeople site west of The Quays, possessing an extant permission for 10 Travelling Showpeople plots, 4 of them permanent and 6 seasonal. The inclusion of the site as a preferred site reflects the current status of the site. It does not thus represent a new or additional site allocation, neither does it contribute towards the GTAA-identified need figure for Travelling Showpeople accommodation.
- 5.6 To meet the GTAA-identified need of one site for Travelling Showpeople in the Burscough area, incorporating space for storage of equipment and at least one residential plot, the site assembly process described above yielded just two potential candidate sites, both adjacent to Burscough Industrial Estate:
- a) Land at Ringtail Road / Plantation Road;
 - b) Land west of Tollgate Road.
- 5.7 Following assessment of the above two sites, both sites have attributes that are conducive to the accommodation of Travelling Showpeople and their equipment. The Ringtail Road / Plantation Road site is well screened from its surroundings, and its owner submitted the site during the September 2013 Call for Sites exercise as a Travelling Showpeople site. The Tollgate Road site has direct access onto the “spine road” through the Employment Area and there are no residential properties in close proximity. Both sites are in an established area of Travelling Showpeople accommodation need, are of a suitable size to provide the necessary accommodation to meet Travelling Showpeople needs in West Lancashire, and are adjacent to the Burscough Employment Area, where the storage of lorry trailers would be a compatible use.
- 5.8 Overall, in planning policy terms the Tollgate Road site is considered the more suitable site. However, it has not been possible to make contact with the owner of this site (the land is unregistered), and thus there is, at present, uncertainty over its deliverability. In contrast, the Ringtail Road / Plantation Road site owner has expressed willingness for the site to be considered as a Travelling Showpeople site. As a result, it is proposed that neither site be treated as a ‘preferred’ site at present, but that stakeholder and public comments be invited on both sites.
- 5.9 The locations of the sites referred to above are shown on maps contained within the Provision for Traveller Sites Development Plan Document: Options and Preferred Options (Appendix A to this report).
- 5.10 Regulation 18 of the 2012 Regulations contains a requirement that the local planning authority carry out a formal public consultation exercise on a draft DPD and the Council’s Statement of Community Involvement states that the Council will undertake a six week public consultation exercise at Preferred Options stage when preparing DPDs. Therefore, in order to satisfy these requirements, and to ascertain the public’s views on the important matter of Traveller sites provision, it is proposed that the Provision for Traveller Sites DPD: Options and Preferred Options be consulted upon publicly for six weeks.

6.0 NEXT STEPS

- 6.1 Assuming that Cabinet approve the DPD for consultation, the consultation will take place for six weeks, from Thursday 17 April to Friday 30 May 2014.
- 6.2 Following the consultation period, all comments submitted to the Council will be processed, responses will be made where necessary, and a Publication version of the DPD will be prepared. It is anticipated that the Publication version of the DPD will be brought to Cabinet and Council later in 2014, with authorisation sought to consult upon the Provision for Traveller Sites DPD: Publication Version, and thereafter to submit the DPD to the Secretary of State for examination.

7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 7.1 Sustainability criteria have formed a significant part of the process whereby potential Traveller sites have been assessed. Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) have been undertaken on the proposed site assessment policy and set of potential Traveller sites to assess their possible impacts. The SA and HRA did not identify any significantly increased impacts on sustainability or international sites of habitat importance. The SA and HRA reports are appended to this document (Appendices B and C).
- 7.2 Providing suitable sites for the travelling community will, directly or indirectly, help to meet two of the key objectives of the Sustainable Community Strategy, namely "Improved health for all" (to improve health outcomes, promote social wellbeing for communities and improve health for everyone) and "Affordable housing" (to provide more appropriate ... housing to meet the needs of local people). It is important that the provision of Traveller sites be undertaken in such a way as to minimise the fear of crime amongst local people.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The preparation of the Provision for Traveller Sites DPD (and consultation on it) can be resourced through the Strategic Planning & Implementation Team's revenue budgets. However, in the longer term, the examination of the DPD will incur more significant costs which it is proposed will be resourced through a Budget Growth Bid for 2014/15.

9.0 RISK ASSESSMENT

- 9.1 The authority is required by national planning policy to ensure that enough sites in West Lancashire are made available to meet the objectively assessed needs of the travelling community. If the Council does not comply with this obligation, it will be more vulnerable to the establishment of illegal encampments and sites in the Borough. The lack of allocated sites weakens the ability of the Council to

take quick and effective action to secure the removal of such encampments and sites. It also weakens the ability of the Council to defend refusals of planning permission for Traveller sites at appeal if the Council cannot demonstrate a five-year supply of Traveller sites.

- 9.2 Failure to address this matter could create adverse comments in relation to the Council's Equality and Diversity work and could lead to future adverse external assessments for the Council.
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Background Documents

- Planning Policy for Traveller Sites (CLG, March 2012)
- Designing Gypsy and Traveller Sites – Good Practice Guide (May 2008)

Equality Impact Assessment

There is a direct impact on members of the public, and on the Travelling community. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report. An Equality Impact Assessment of the Provision for Traveller Sites DPD itself is required under legislation and such an assessment will be carried out as the preparation of the DPD progresses.

Appendices

- A. Provision for Travellers Sites Development Plan Document: Options and Preferred Options
- B. Sustainability Appraisal Report
- C. Habitats Regulations Assessment
- D. Consultation Report and Duty to Co-operate Statement
- E. Equality Impact Assessment
- F. Minute of Cabinet 18 March 2014 (Planning Committee only)
- G. Call-in Report for Executive Overview and Scrutiny Committee 3 April 2014
- H. Minute of Executive Overview and Scrutiny Committee 3 April 2014 (Planning Committee only)