

**Provision for Traveller Sites Development Plan Document
Options and Preferred Options**

**Consultation and
Duty to Co-Operate Report**

February 2014

**John Harrison, DipEnvP, MRTPI
Assistant Director Planning
West Lancashire Borough Council**



Provision for Traveller Sites Development Plan Document: Options and Preferred Options

Consultation Report and Duty to Co-Operate Statement (Regulation 18)

Introduction

This report sets out the consultation that West Lancashire Borough Council has undertaken between September 2013 and January 2014 in relation to the emerging Provision for Traveller Sites Development Plan Document: Options and Preferred Options. Further consultation will take place as the DPD progresses through its preparation stages; this will be summarised in future consultation reports.

The two main tenets of the consultation to date are:

1. 'Scoping' Consultation
2. Duty to Co-operate letters

1. 'Scoping' Consultation

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the West Lancashire Borough Council notified a number of specific and general consultation bodies (as defined in Paragraph 2 of the Regulations), plus a number of other interested parties, of the subject matter of the Traveller Sites DPD, and invited them to make representations of what the DPD ought to contain.

Table 1 below lists the bodies contacted by the Council under this 'Scoping' consultation, and Table 2 below lists and summarises the responses made to the Borough Council's initial "Scoping" consultation letter, listed in alphabetical order of respondent. All comments have been noted.

Table 1 Consultation Bodies contacted by the Council

	Organisation	Type of Consultee
1	The Coal Authority	Specific consultation body
2	Environment Agency	Specific consultation body
3	English Heritage	Specific consultation body
4	Marine Management Organisation	Specific consultation body
5	Natural England	Specific consultation body
6	Network Rail	Specific consultation body
7	Merseyrail	Other
8	Merseytravel	Other
9	Transport for Greater Manchester (GMPTE)	Other
10	Northern Rail	Other
11	Arriva NW Ltd	Other
12	Peel Airports	Other
13	Highways Agency	Specific consultation body
14	Sefton Council	Specific consultation body
15	Wigan Council	Specific consultation body
16	St Helens Council	Specific consultation body
17	Chorley Council	Specific consultation body
18	South Ribble Council	Specific consultation body
19	Fylde Council	Specific consultation body
20	Knowsley Council	Specific consultation body
21	Liverpool Council	Specific consultation body
22	Lancashire County Council	Specific consultation body
23	United Utilities	Specific consultation body
24	National Grid	Specific consultation body
25	Electricity North West	Specific consultation body
26	Scottish Power Manweb	Specific consultation body
27	N Power renewables	Specific consultation body

	Organisation	Type of Consultee
28	Shell UK Ltd	Specific consultation body
29	Sabic Pipeline	Specific consultation body
30	Mono Consultants	Specific consultation body
31	Central Lancashire NHS	Specific consultation body
32	Ormskirk and Southport Hospital Trust	Specific consultation body
33	West Lancashire GP Consortia	Specific consultation body
34	NHS England	Specific consultation body
35	Homes and Communities Agency	Specific consultation body
36	Lancashire Constabulary	Specific consultation body
37	Lancashire Fire and Rescue	Other
38	North West Ambulance Service NHS Trust	Other
39	Canals and Rivers Trust	Other
40	Sport England	Other
41	West Lancashire Local Strategic Partnership	Other
42	West Lancashire Council for Voluntary Service	Other
43	Civil Aviation Authority	Other
44	Office of Rail Regulation	Other
45	Lancashire Local Enterprise Partnership	General consultation body
46	Mersey Fire & Rescue Authority	Other
47	Merseyside Police	Specific consultation body
48	Helena Partnership (Registered Social Provider)	Other
49	Mersey Fire & Rescue Authority	Other
50	NHS Sefton	Other
51	Merseyside Police	Other
52	Irish Community Care Merseyside	General consultation body
53	Liverpool City Region Local Enterprise Partnership	Other
54	Irish Community Care Merseyside	General consultation body
55	National Federation of Gypsy Liaison Groups	General consultation body
56	Friends, Families and Travellers	General consultation body
57	Alison Heine (Agent representing Travellers)	Other
58+	Parish Councils in and adjacent to West Lancashire	Specific consultation body

Table 2 Responses made to Regulation 18 ‘Scoping’ Consultation

	Organisation / Body	Summary of response
1	Alison Heine (Agent)	<p>DPD should consider following points:</p> <ul style="list-style-type: none"> - Full summary of GTAA and comparison with previous assessment / what changed / explain any differences; - Evidence that criteria policy has also informed any site selection; - Evidence of duty to co-operate; - Does the need for Travellers have to respect housing market areas (NPPF para. 47)? - Importance of offering choice of sites to include range of location, size, tenure, also flexibility and some contingency; - Importance of front loading provision to be sure immediate need is met at outset. Most of need in West Lancs is immediate; - Need to include explanation for choice of sites in sustainability appraisal summary; - Note that Showpeople store equipment year round on sites, not just in the winter.; - For transit sites, could consider potential to provide as part of small private family Gypsy sites as well as separate provision.
2	Bickerstaffe Parish Council	Jubilee Colliery (Bickerstaffe) is not an appropriate site for Traveller accommodation on account of highways access, neighbouring uses and ownership.
3	English Heritage	No comments to make at this stage.
4	Highways Agency	At this initial stage, the Agency is content with the matters that the DPD intends to cover. As the DPD progresses, the Agency would welcome the opportunity to comment on proposed sites in order to consider any potential impact of these on the strategic road network.
5	Liverpool City Council	Clarification sought as to whether the DPD will cover the Local Plan period of 2012-2027 or fifteen years from the anticipated DPD adoption date, 2015-2030.
6	Marine Management Organisation	No comments to make at this stage.
7	Natural England	<p>No specific comment to make on the document itself at this stage but, in order to allocate the most appropriate sites to deliver high quality, sustainable development, environmental issues and opportunities should be considered as an integral part of the assessment process.</p> <p>Detailed comments made about biodiversity (designated sites, habitats), geological conservation, landscape, best and most versatile agricultural land, public rights of way / access, and Green Infrastructure.</p>
8	Network Rail	<ol style="list-style-type: none"> 1. The Council should ensure that no Network Rail land is included within the policy consultation; 2. The policy should consider security of the railway boundary from trespass. Any site adjacent to the railway needs suitable trespass proof fencing (minimum 1.8m in height). 3. Request that sites are situated away from level crossings (and not on any highways leading to level crossings), as any

	Organisation / Body	Summary of response
		proposal may result in a material increase in type and volume over the crossing and the developer could be liable for all mitigation costs required to ensure the on-going safety of the crossing.
9	Newburgh Parish Council	Newburgh Parish Council support the drawing up of a plan; however, it is difficult to comment further until the detail has been put together.
10	The Coal Authority	The LPA should give due consideration to coal mining legacy issues when considering site allocations.
11	United Utilities	No specific comments to make at this stage, but wish to be included in further consultations, to ensure that all new growth can be delivered. Previous UU responses to the West Lancashire Local Plan remain valid.
12	Wrightington Parish Council	The Parish Council cannot see the need for a permanent site for "Travellers" as the term itself implies that the people in question are always on the move and do not require a permanent place of residence. Also, the Parish Council believe that "Showpeople" should be subject to business rates in the same way any other business operating within the Borough.

2. Duty to Co-operate – initial liaison

The Localism Act and the NPPF require LPAs to fulfil the Duty to Co-operate on planning issues, including provision for Travellers, in order to ensure that their approaches are consistent, and that they address cross-border issues with neighbouring authorities. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations prescribe which bodies, as a minimum, should be contacted under the Duty to Co-operate.

West Lancashire Borough Council intends to consult relevant organisations on an ongoing basis under the Duty to Co-operate as the Traveller Sites DPD is prepared. In October 2013, the Council wrote to a number of different organisations, setting out what it considers are the primary cross-boundary issues with regard to provision of accommodation for Travellers, asking for views on whether the Council's understanding of cross-boundary issues was correct, and for any other comments. The Council's letter is appended to this report as Appendix 1.

Table 3 below lists the bodies that the Council has contacted so far under the Duty to Co-operate, and Table 4 sets out the responses received to the Council's initial Duty to Co-operate letter, listed in alphabetical order of respondent. All comments have been noted.

Table 3 Bodies contacted by WLBC in October 2013 under the Duty to Co-operate

Organisation Contacted	"Prescribed body" (as required by Regulation 4)?
Environment Agency	Yes
English Heritage	Yes
Marine Management Organisation	Yes
Natural England	Yes
Network Rail	
Merseytravel	Yes
Transport for Greater Manchester (GMPTE)	Yes
Highways Agency	Yes
Sefton Council	Neighbouring authority
Wigan Council	Neighbouring authority
St Helens Council	Neighbouring authority
Chorley Council	Neighbouring authority
South Ribble Council	Neighbouring authority
Fylde Council	Neighbouring authority
Knowsley Council	Neighbouring authority
Lancashire County Council	Neighbouring / common authority
United Utilities	
NHS Property Services Ltd	
Ormskirk and Southport Hospital Trust	Yes
West Lancashire GP Consortia	
NHS England	Yes
Homes and Communities Agency	Yes
Lancashire Constabulary	
West Lancashire Local Strategic	

Organisation Contacted	“Prescribed body” (as required by Regulation 4)?
Partnership	
West Lancashire Council for Voluntary Service	
Civil Aviation Authority	Yes
Office of Rail Regulation	Yes
Lancashire Local Enterprise Partnership	Yes
Merseyside Police	
Lancashire County Council (Highways)	Yes
Parish Councils in and directly adjacent to West Lancashire Borough	Common / neighbouring administrative areas.

Table 4 Responses to WLBC’s initial Duty to Co-operate letter

	Body	Summary of response
1	Chorley BC	Can confirm that the Central Lancashire authorities will provide for the Traveller needs identified in the Central Lancashire GTAA within the Central Lancashire administrative boundaries.
2	English Heritage	In terms of English Heritage’s interest, in the absence of any identified sites, it is difficult to know whether or not there are likely to be any strategic cross-boundary issues affecting the historic environment. In the development of the <i>Provision for Traveller Sites DPD</i> it is important that consideration is given to the potential impact which allocations might have upon heritage assets within neighbouring local planning authority areas. If there is potential for a proposed site to have a significant impact upon such assets, then English Heritage would be expected to be involved in any discussions regarding that site.
3	Environment Agency	No further comments to make at this stage. The EA will be happy to provide further comments when specific sites have been formally proposed for allocation.
4	Fylde BC	Fylde BC have just commissioned a GTAA for Fylde, Wyre and Blackpool. Until that study is complete (end of March 2014), it is not possible to state the issues in the Fylde area.
5	Homes and Communities Agency	No reason to dispute WLBC’s understanding of cross-boundary issues.
6	Knowsley MBC	Broadly agree with the assessment of cross-boundary issues. It may be helpful to refer more specifically to the status of the emerging Knowsley, Liverpool, Sefton, St Helens, West Lancashire and Wirral Gypsy and Traveller Accommodation Assessment, the recommendations of which have yet to be finalised. This Assessment will recommend pitch provision for both transit and permanent sites across the study area for a fifteen year period and may thereby impact upon the first and third cross-boundary issues identified in the letter. In advance of the publication of this Assessment, and given the different preparation stages and status of Local Plans within the sub-region, it may be premature at the present time to assume that all authorities will be able to meet their own needs for permanent sites within their own boundaries.
7	Lancashire County Council	In regard to the West Lancashire’s co-operation with Merseyside authorities about the provision of transit sites, it is felt that this provision needs to be combined with the provision of permanent

	Body	Summary of response
		<p>sites. The provision of transit sites on their own are not sufficient and should instead be coupled with a permanent site. The Council should also co-operate with Merseyside authorities on the issue of permanent provision.</p> <p>In regard to the Council's assumption in bullet point 3 that each neighbouring LPA will meet its own need for permanent sites, it is agreed that this should be the case. In order to assist in cross-boundary working between neighbouring authorities, a working group has been set up between all the districts of Lancashire.</p> <p>From the County Council's point of view, once the Council gets to the stage of their DPD production where they are ready to discuss specific sites, the County Council is willing to provide advice and guidance on access improvements required to make allocated sites safe and sustainable in terms of transport requirements.</p>
8	Lancashire LEP	No comments to make.
9	Merseyside Police	<p>We have a static site in Broad Lane (Sefton) already. There is a planning application for 4 extra pitches on this site which technically would be in Green Belt land.</p> <p>From time to time through the spring/summer period we have illegal encampments in the Sefton area. The largest ones in recent years being in the Crosby area. It is fair to say there is nowhere available for them to be told of in the local area. The provision of any places locally would obviously be of benefit.</p>
10	Natural England	No comments to make at this stage
11	Network Rail	No comments to make regarding cross-boundary issues.
12	NHS England	The Council's understanding of cross-boundary issues is correct.
13	Sefton MBC	<p>Consider WLBC has correctly identified the cross-boundary issues in Sefton. Also agree that being at different stages of the Local Plan process makes it difficult to embark on a joint Traveller Sites DPD at this time. Nevertheless, given that our respective Councils are part of the study group currently undertaking the Merseyside and West Lancashire Traveller Accommodation Assessment, I feel that we have a good overview on the sub-regional Traveller pitch requirements in the sub-region. It may be useful to build upon this and co-operate in identifying some common criteria in a Traveller site selection methodology. Welcome further discussion on this issue.</p> <p>Sefton is anticipating meeting its own requirement for permanent Traveller sites in the borough, particularly as its site requirement is largely driven by demand from existing residents on Sefton's one permanent Traveller site.</p>
14	South Ribble BC	<p>Central Lancashire authorities are currently updating their Gypsy and Traveller Accommodation Assessment and cross-boundary issues form an important consideration.</p> <p>We accept that there is a need for a full discussion on this issue and welcome the opportunity to meet to discuss the outcome of our respective Gypsy and Traveller Accommodation Assessments and any cross boundary issues that may arise as a result of this evidence.</p> <p>The Central Lancashire Gypsy and Traveller Accommodation Assessment is due to be completed by the end of 2013, therefore we will be in a better position to discuss with you in early 2014.</p>
15	St Helens MBC	Will have to await the outcome of the final Merseyside and West Lancashire GTAA to be sure [of cross-boundary issues], but we feel that the need identified for each LPA by the study should be addressed by each individual authority on the basis of meeting needs where they arise. This logic is also likely to extend to transit

	Body	Summary of response
		<p>site provision, especially as we are unclear of the linkages between unauthorised encampments in different authority areas.</p> <p>Do not feel that joint plan preparation is feasible at this time as St Helens are committed to a full allocations local plan which will take longer than a single topic Gypsy and Travellers local plan.</p>
16	United Utilities	No comments to make at this stage.
17	West Lancashire CCG (NHS)	<p>The clinical commissioning group already deals with cross boundary issues in relation to the commissioning of health services and so this issue would not cause any major concerns for the organisation. Once the locations of the traveller sites are know, the CCG will be able to comment in more detail on any specific impacts on health commissioning.</p>
18	Wigan MBC	<p>Agree that the list of potential cross-boundary issues included in WLBC's letter give an accurate overview of the situation and that there are unlikely to be any cross-boundary issues with regard to the provision of permanent Traveller sites if each authority meets its own need for such sites.</p>

Appendix 1

West Lancashire Borough Council's initial Duty to Co-Operate Letter



Directorate of Transformation

John R Harrison DipEnvP, MRTPI
Assistant Director Planning

PO Box 16, 52 Derby Street
Ormskirk, West Lancashire L39 2DF
Telephone: 01695 577177

Website: www.westlancs.gov.uk

Email: Stephen.benge@westlancs.gov.uk

To: Prescribed Bodies

Date: 14 November 2013
Our ref: GTDPD / DtC / 01

Dear Sir / Madam

West Lancashire Provision for Traveller Sites DPD: Duty to Co-operate

West Lancashire Borough Council are preparing a Development Plan Document (DPD) to set out the accommodation requirements in West Lancashire for the Travelling Community, to set criteria against which planning applications for Traveller sites can be assessed, and to allocate specific sites to meet the accommodation needs of the Travelling Community.

The Localism Act and the National Planning Policy Framework (NPPF) create a duty on local planning authorities (LPAs), county councils and other "Prescribed Bodies" to cooperate with each other to address strategic matters relevant to their areas in the preparation of a DPD. I am writing to you, as the representative of one of the "Prescribed Bodies" (as set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012), or as a representative of another body that may have a direct interest in the DPD.

It is likely that we have previously liaised with you over the West Lancashire Local Plan 2012-2027, which was adopted by the Council on 16 October. The Submission version of this Plan contained a criteria-based policy on Traveller site location (Policy RS4), setting out criteria against which planning applications for Traveller sites could be judged. There was a recognition that some Green Belt land may be required to meet Traveller accommodation needs. Under the Duty to Co-operate, no objections were raised by neighbouring authorities or other Prescribed Bodies over the soundness of Policy RS4, nor over the potential use of Green Belt land in West Lancashire to meet Traveller accommodation needs. However, the Local Plan Inspector advised that he could not find Policy RS4 sound as it did not identify a five year supply of specific deliverable sites. It was recommended that the policy be deleted from the Local Plan and that a separate DPD be prepared as quickly as possible to identify and allocate appropriate Traveller sites.

An important part of the evidence base behind the new Provision for Traveller Sites DPD is a joint Gypsy and Traveller Accommodation Assessment, currently being undertaken by consultants on behalf of this Council and the five Merseyside authorities. We are expecting the results of this study soon.

At present, our understanding of cross-boundary issues relating to provision for the Travelling Community is as follows:

- There is a need for this Council to co-operate with Merseyside authorities on the issue of transit site provision (transit sites are intended to meet the short term needs of Travellers who are passing through local authority areas on their way to other destinations or choose to occasionally visit the area for short periods), as Travellers who require such sites are almost certain to be moving between different boroughs.
- We are unaware of any significant cross-boundary issues between West Lancashire and Wigan / Central Lancashire in terms of transit site provision.
- If each LPA were to meet its own need for permanent Traveller sites (which may be used for Travellers to base themselves throughout the majority of the year, or for Travelling Showpeople to live and store their equipment outside their touring season), there should be no cross-boundary issues in terms of a need for sites. As far as we are aware, our neighbouring authorities are intending to fully meet their needs for permanent Traveller sites within their own boundaries.
- However, dependent upon the location of any proposed site allocations, it may be the case that occupants of sites may seek to make use of facilities and services (education, health, etc.) in a neighbouring Borough. As we understand it, we and our neighbouring authorities, are not yet at the stage where specific sites have been formally proposed for allocation, and thus cannot comment at present as to whether cross-boundary issues are likely to arise as a result of specific site locations.
- The government's Planning Policy for Traveller Sites document (Section 9(c)) requires that local planning authorities consider production of joint development plans that set targets on a cross-authority basis. Given the differing timescales for the different authorities surrounding West Lancashire, and the West Lancashire Local Plan Inspector's recommendation that the Council have this Traveller Sites DPD adopted as soon as possible, it is our view that production of a joint development plan would not be realistic.

As part of this Council's actions under the Duty to Co-operate for the Traveller Sites DPD, we are intending to hold a workshop with Prescribed Bodies to discuss cross-boundary issues and how West Lancashire Borough Council intends to deal with them. This workshop would be likely to take place at the Council offices in Ormskirk in late 2013 or early 2014.

I would be grateful if you would reply to this letter, and let us know your views on:

- a) Do you agree with our understanding of the cross-boundary issues, as above? What amendments need to be made to the list (additions / deletions / alterations) to give a more accurate overview of the issues?
- b) Would you wish to attend the proposed workshop in the New Year, to discuss cross-boundary issues, and how they might be addressed?

I look forward to receiving your views on (a) and (b) above. I would be grateful if you could reply by **29 November 2013**. Contact details for a response (including email address) are provided overleaf.

Yours faithfully

Peter Richards
Planning Policy and Implementation Team Leader