



AGENDA ITEM: **10**

CABINET:
10 November 2015

PLANNING COMMITTEE:
12 November 2015

EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE: 26 November 2015

Report of: **Assistant Director Planning**

Relevant Managing Director: **Managing Director (Transformation)**

Relevant Portfolio Holder: **Councillor J Hodson**

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

Wards affected: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's approval for consulting on the preferred options for the Provision for Traveller Sites Development Plan Document as attached at Appendix A to this report.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That Cabinet the preferred options for the Provision for Traveller Sites Development Plan Document ('Traveller Sites DPD') at Appendix A be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Traveller Sites DPD by Planning Committee and Executive Overview and Scrutiny Committee, as per recommendation 2.2 below.
- 2.2 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Traveller Sites DPD in the light of agreed comments from Planning Committee and Executive

Overview & Scrutiny Committee, before the document is published for consultation.

- 2.3 That Call In is not appropriate for this item as this report is being submitted to Executive Overview & Scrutiny Committee on 26 November 2015.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report and the Traveller Sites DPD attached at Appendix A to this report be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.

4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 4.1 That the content of this report and the Traveller Sites DPD attached at Appendix A to this report be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.
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5.0 BACKGROUND

The need for a Traveller Sites DPD

- 5.1 The West Lancashire Local Plan 2012-2027 was adopted by Council in October 2013. Earlier drafts of this Local Plan ('Preferred Options' and 'Publication') 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.
- 5.2 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, first published March 2012, subsequently revised August 2015). 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.

- 5.3 The Council is acting upon the Local Plan Inspector's recommendation and is preparing the Traveller Sites DPD to comprise the following elements:
- A statement of objectively assessed 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); and
 - Site-specific allocations for Gypsies and Travellers, and for Travelling Showpeople, including both permanent and transit sites.
- 5.4 Until the Traveller Sites DPD is adopted, the saved Policy DE4 of the West Lancashire Replacement Local Plan 2006 (WLRLP) 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

- 5.5 The Borough Council participated in a joint Gypsy and Traveller Accommodation Assessment (GTAA) with the five Merseyside local authorities. This Merseyside and West Lancashire GTAA (August 2014) 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 17 pitches by 2023, 20 pitches by 2028, and 22 pitches by 2033;
 - 4 transit pitches; and
 - 1 yard for Travelling Showpeople with at least 1 residential plot.
- 5.6 The general term "pitch" refers to an area of land which would accommodate a Traveller household. It is generally accepted that a pitch should have space for a touring and static caravan, as well as for parking and an amenity block. Typically, therefore, one would expect two caravans per pitch.

Early Work on Preferred Options

- 5.7 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, Highways England) that the DPD is being prepared, and invite representations from them about what the document should contain.
- 5.8 In September 2013, in accordance with Regulation 18, the Council wrote to the specified bodies, as well as to 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.

- 5.9 In preparing DPDs, the Council is bound by the 'Duty to Co-operate', set out in the Localism Act and the National Planning Policy Framework. The Council has co-operated, and will continue to co-operate, 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' (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.
- 5.10 In addition, Council officers have had ongoing dialogue and correspondence with neighbouring authorities under the Duty to Co-operate, regarding their ability or otherwise to help meet any of West Lancashire's need for Traveller sites. This is discussed further in the Preferred Options document (Appendix A).
- 5.11 The Provision for Traveller Sites DPD, so far as it has progressed, 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).

Cabinet Decision March 2014

- 5.12 An initial version of the options and preferred options for the Travellers DPD was considered by Cabinet in March 2014. This document included proposals to allocate sites to meet in full the Traveller accommodation needs within this Borough. Based on the current location of the travelling community in West Lancashire, this need would preferentially be met in the North Meols and Scarisbrick areas (permanent Gypsy and Traveller sites), the Skelmersdale / M58 corridor area (transit pitches) and the Burscough area (Travelling Showpeople provision).
- 5.13 Cabinet did not reject the options put forward in the report that sought to address Traveller need in line with the above, but rather delayed consideration until such time as officers had investigated a further option, that is, the identification of a single site along the M58 Corridor to accommodate all identified Traveller need in the Borough.
- 5.14 Since that time, officers have considered this alternative option of a single site on the M58 corridor, and report on this below. In addition, several other changes in circumstances have occurred, affecting which sites can be considered for allocation and the ability of West Lancashire to meet the full identified need for Traveller accommodation.

A single site on the M58 Corridor

- 5.15 Further to Cabinet's request in March 2014, officers have investigated this option and have found that there are both technical and legal reasons why the

identification of a single site to meet all identified Travellers' needs on one site along the M58 corridor should not be pursued, namely:

- An option seeking to locate all Traveller needs on one, single site would not be a "sound" approach to take forward in the Travellers DPD as it does not meet the need where it arises and best practice advises against mixing different groups of Travellers on one large site;
- Following further communications with landowners in the M58 Corridor, it now appears that there is only one site where the landowner is willing to make their land available for a Traveller site, and this site is too small to meet the Borough's full need;
- Further investigation into constraints in the vicinity of the M58 Corridor has identified that the gas and oil pipelines that cross the M58 broadly between Junctions 3 and 4 are considered Major Hazardous Installations by the Health & Safety Executive and therefore have significant buffer zones around them that restrict the development of land for residential caravans. This significantly reduces the potential for any Traveller site along the M58 Corridor from the western edge of Skelmersdale to where Church Road, Bickerstaffe, crosses the M58;
- Land further west along the M58 (between Junctions 1 and 3) into Bickerstaffe and Aughton would not be appropriate due to the large field sizes and openness of the land and the fact that, whilst the land may lie adjacent to the M58, it does not have easy access to the motorway via A- or B-roads.

5.16 As such, a single site on the M58 Corridor does not currently appear deliverable, and officers recommend that this option be pursued no further.

Other sites previously proposed to Cabinet

5.17 The original recommendation to Cabinet in March 2014 was to progress with a public consultation on a Preferred Options document that proposed to allocate several sites for Travellers across the Borough, the objective of this recommendation being to meet Traveller need, as far as possible, where it arises. Since that time, matters have moved on and further investigation has been undertaken by officers, indicating:

- The landowners of the two sites proposed for potential allocation for Travelling Showpeople have advised that their land is not available to be considered as an allocation for that purpose;
- The site proposed for allocation for both permanent and transit pitches at White Moss Road South in the M58 Corridor is affected by the constraint related to the gas and oil pipelines that cross the M58 and the pipelines actually run directly along the western boundary of this site. As such, it is no longer appropriate to propose this site for allocation;
- The two remaining sites are Sugar Stubbs Lane, North Meols (1 existing legal pitch and potentially 2 further pitches) and Pool Hey Lane, Scarisbrick

(potentially 5 pitches), which is currently occupied by Travellers without permission;

- As such, there would still be a requirement to identify sites to meet the following need:
 - 14 permanent pitches by 2033, with at least 9 pitches deliverable by 2023, all of which arise from a current need in the North Meols area and the anticipated natural growth of those families;
 - 1 transit site with 4 pitches, most suitably in the Skelmersdale / M58 corridor area; and
 - A Travelling Showpeople yard with at least 1 residential plot in the Burscough area.

5.18 There is, however, no policy requirement to meet need at any cost. If the Council is unable to identify sufficient deliverable sites (defined as sites that are available, suitable, achievable, and viable for the intended use) or if environmental constraints (i.e. harm to the Green Belt and other possible elements of harm) are such that need cannot be met in West Lancashire, then that position could be justified. In seeking to show that the balance fell against meeting the need, the Council would have to demonstrate that its search for sites had been rigorous (and that in respect of candidate sites, harm was such that an allocation was not acceptable). If the Council were to proceed on the basis that it is not able to meet its need, it would be expected to have co-operated with neighbouring authorities in an effort to accommodate the need in nearby locations (outside of West Lancashire). This requirement is given legal force in the Duty to Co-operate.

5.19 Given the above, officers have recently undertaken a fresh Call for Sites and have explored every possible reasonable avenue to identify additional sites to meet the outstanding need that cannot be accommodated on the sites at Pool Hey Lane, Scarisbrick and Sugar Stubbs Lane, North Meols. This has included approaching neighbouring authorities to ask whether they can accommodate any of West Lancashire's needs. The process officers have gone through to seek to identify further sites, and the methodology for assessment of sites, is summarised in the next section and set out in full in the preferred options document at Appendix A.

6.0 PROPOSED PREFERRED OPTIONS

Criteria-based policy

6.1 The government's Planning Policy for Traveller Sites (PPTS) requires that local planning authorities set criteria to guide land allocations, and to provide a basis for decisions in the case of planning applications for Traveller site development. The Traveller Sites DPD thus contains a criteria-based policy (policy GT1) and a set of criteria, similar to those in policy GT1, that have been used to assess the availability, suitability and achievability of potential candidate Traveller sites.

6.2 The criteria in the Traveller Sites DPD are based upon national policy set out in PPTS, but tailored to local circumstances. In developing the criteria, regard has also been had to the advice set out in the government document, 'Designing Gypsy and Traveller Sites - Good Practice Guide'. However, as the Good Practice Guide has recently been cancelled, lesser weight has been attached to criteria based solely on this document.

Search for sites

6.3 In seeking to identify land for consideration as potential Traveller sites, the following sources of site were explored:

- (i) Sites known to the Council on account of their Traveller-related planning history, including sites subject to enforcement action;
- (ii) Sites put forward by landowners (private or public), Travellers, and / or other stakeholders in two 'Call for Sites' exercises held in 2013 and 2015;
- (iii) Direct approaches to owners of sites in the Council's Strategic Housing Land Availability Assessment (SHLAA) in 2013 and 2015, asking whether the owners would be willing for their land to be considered as Traveller sites;
- (iv) Engagement with a number of other landowners in areas of Traveller need (including the M58 corridor, as per paragraph 5.15 above), to ascertain whether they were willing for any of their land to be considered as a Traveller site;
- (v) Approaches to owners / agents / developers of sites allocated for residential development or safeguarded as 'Plan B' sites in the West Lancashire Local Plan 2012-2027, enquiring as to the possibility of part of any site being set aside for Traveller accommodation;
- (vi) Liaison with the WLBC Regeneration Team to investigate the possibility of any land on industrial estates being considered for Travellers (in particular, transit sites);
- (vii) Discussions with the Lancashire County Council Estates and WLBC Estates Teams to enquire as to the availability and suitability of any Council-owned land being released for Traveller accommodation.
- (viii) Approaches to neighbouring local authorities under the Duty to Co-operate, to enquire whether they have any land or sites that could contribute towards meeting West Lancashire's Traveller accommodation needs.

6.4 Considering the potential sources of candidate sites in the same order as listed in paragraph 6.3 above, the search for sites proved relatively unfruitful:

- (i) In 2013, there were nine sites known to the Council that had been the subject of gypsy-related planning activity over the past 5-10 years. (This did not include roadside encampments typically lasting a few days.) Between 2013 and 2015, no new sites came to the Council's attention via planning activity. In addition, an appeal on one 'known' site in North Meols was dismissed by the Secretary of State. This appeal decision was initially challenged, but the challenge was subsequently withdrawn. A key reason for the dismissal of the appeal was the fact that the site was situated in

Flood Zone 3; this effectively rules out from consideration both the appeal site and the neighbouring site, which has essentially the same planning issues;

- (ii) The 2013 Call for Sites exercise yielded four potential sites over and above those in category (i) above. Between 2013 and 2015, three of these four sites ended up being ruled out on account of owners advising that the sites were no longer available. The 2015 Call for Sites exercise yielded just one site; this site was already included in category (i) above;
- (iii) In 2013, owners of four SHLAA sites indicated they were willing for their sites to be put forward as Traveller sites; in 2015, this number reduced to just two (i.e. two owners changed their minds between 2013 and 2015);
- (iv) Engagement with landowners in areas of Traveller need yielded no potential sites;
- (v) Approaches to owners of Local Plan sites yielded no potential sites;
- (vi) The WLBC Regeneration Team advised that there was no suitable and / or available land within employment areas that could be considered as potential Traveller sites;
- (vii) Lancashire County Council advised that they had no available land in West Lancashire for Travellers. Following negotiations and a careful consideration of the land in WLBC ownership, looking at the various current uses of Council-owned sites, the WLBC Estates and Valuation Manager advised that there were no suitable sites in WLBC ownership that could be considered as potential Traveller sites.
- (viii) Neighbouring local authorities advised that they had no sites that they considered could contribute towards meeting needs for permanent Traveller accommodation identified in West Lancashire.

- 6.5 Thus, despite a rigorous search for sites, and approaches made to many different landowners, the number of potentially available sites for consideration as candidate Traveller sites has actually decreased over the 30 month site search period, resulting in just seven sites being considered available at the time of writing this report.

Site assessment

- 6.6 National policy requires that local planning authorities identify specific deliverable / developable sites to meet objectively assessed accommodation needs. To be considered “deliverable”, a site must be available now, should offer a suitable location for development, and should be achievable. A “developable” site should be in a suitable location for Traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- 6.7 A set of criteria was drawn up by officers, based on national policy but tailored to local circumstances. These criteria were used to assess the candidate sites for deliverability / developability. The site assessments are set out in full in Appendix 1 to the Traveller Sites DPD: Options and Preferred Options (Appendix A to this report). The detailed site assessment work demonstrates that of the

seven available sites, four are not considered deliverable / developable, for reasons linked to suitability and achievability.

Proposed Preferred Options

- 6.8 In the light of the site search and site assessments outlined in paragraphs 6.3-6.7 above, the three remaining sites that are concluded to be deliverable and / or developable are:
- Land at Sugar Stubbs Lane, North Meols, currently occupied by Travellers, and with permission for one caravan. This site is considered a suitable site for permanent Traveller accommodation;
 - Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick, currently occupied by Travellers. This site is also considered suitable for permanent Traveller accommodation; and
 - Land west of The Quays, Burscough, currently with permission for 10 Travelling Showpeople plots, considered suitable as a Travelling Showpeople site. (This site, however, does not meet the identified Travelling Showpeople need, which is over and above any existing consented provision.)
- 6.9 Therefore, the proposed preferred options for Traveller sites are the three sites above. It is evident that the proposed ‘preferred sites’ for allocation in Policy GT2 are not sufficient to meet the Borough’s Traveller accommodation needs in their entirety, either for the short term or for the long term. This is not ideal, yet the constraints of the Borough are such that, despite a very rigorous search for sites, having investigated all reasonable avenues, it has simply not been possible to identify sufficient deliverable or developable sites in West Lancashire to meet identified needs.
- 6.10 A number of alternative approaches were considered, namely the provision of more sites to offer choice and / or help meet neighbouring authorities’ needs; provision of fewer or no sites; and provision of sites to accommodate the same number of pitches, but in different locations. These alternative options were considered to be less appropriate in planning terms than the proposed preferred options.

7.0 NEXT STEPS

- 7.1 If Cabinet Members approve the Traveller Sites DPD for public consultation (subject to any amendments made by the Assistant Director Planning, in consultation with the Portfolio Holder, as per recommendation 2.2 above), public consultation will take place for 8 weeks between 3 December 2015 and 29 January 2016.
- 7.2 Following the public consultation, all comments submitted will be duly considered and the preferred options refined as necessary to prepare a Publication version of the Traveller Sites DPD. This Publication version, if approved by Cabinet, would then be made available for a formal six-week consultation period, allowing

interested parties and the general public to make formal representations on the Publication version.

- 7.3 Following this, the Publication version of the Traveller Sites DPD, together with the formal representations received, would be considered by Council and Council would be asked to approve the DPD for submission to the Secretary of State for an Examination in Public. Once submitted, the Traveller Sites DPD would then be examined by a Planning Inspector. If the Inspector finds the DPD "sound" and that it has been prepared in a manner compliant with the relevant legislation and regulations, the Traveller Sites DPD can be brought back to Council for adoption.

8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 8.1 The purpose of the Traveller Sites DPD is to facilitate the allocation of land for Traveller sites and to provide local planning policy to guide local decision-making on applications related to Gypsies, Travellers and Travelling Showpeople. By allocating land for these groups, the DPD will help meet two objectives of the Sustainable Community Strategy:
- To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone (improved health for all)
 - To provide more appropriate and affordable housing to meet the needs of local people (affordable housing)

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 The preparation of the Preferred Options for the Traveller Sites DPD has been resourced through the Planning Service's revenue budgets. The subsequent public consultation and Publication stages will also be resourced through the Planning Service's revenue budgets. However, the Examination in Public will be resourced separately using a specific revenue budget previously established for this purpose.

10.0 RISK ASSESSMENT

- 10.1 The West Lancs Local Plan 2012-2027 was found sound in relation to the provision of Traveller sites only because the Council committed to preparing a separate DPD on the matter. Were the Council not to prepare the said DPD, the matter could have very significant implications for the next review of the Local Plan, which will have to ensure provision for Travellers is addressed. If the Council delay addressing this matter in a separate DPD now, the controversial and complicated nature of allocating sites for Travellers has the potential to delay any adoption of the next Local Plan, thereby affecting the planned delivery of housing, employment land and other development in the Borough.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix E to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix A – Preferred Options for the Provision for Traveller Sites DPD

Appendix B – Sustainability Appraisal Report

Appendix C – Habitats Regulations Assessment

Appendix D – Consultation Report and Duty to Co-operate Statement

Appendix E – Equality Impact Assessment

Appendix F – Minute of Cabinet, 10 November 2015 (for Planning and Executive Overview & Scrutiny Committee only)

Appendix G – Minute of Planning Committee, 12 November 2015 (for Executive Overview & Scrutiny Committee only)