

Provision for Traveller Sites Development Plan Document Options and Preferred Options

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Preface

This Provision for Traveller Sites (Options and Preferred Options) Development Plan Document is the first draft of what is intended to become a site allocations document for Gypsy and Traveller and / or Travelling Showpeople sites in West Lancashire. It explains why and how the Council is identifying possible sites to accommodate the travelling community, the criteria used to assess potential sites, and sets out the Council's initial views on which are the preferred sites to allocate to help accommodate the needs of Travellers.

The Council is seeking people's views on the following matters:

- The proposed policy to assess planning applications for Traveller accommodation;
- The proposed criteria to assess potential sites for allocation as Traveller sites;
- The list of potential Traveller sites in West Lancashire;
- The Council's assessment of potential sites;
- The Council's preferred sites for allocation;
- Alternative options to meet Traveller accommodation needs.

Consultation on this document will run for eight weeks, from Thursday 3 December 2015 – Friday 29 January 2016. Chapter 7 of this document sets out how comments can be made.

1 Introduction

The Need for a Traveller Sites DPD

1.1 The West Lancashire Local Plan 2012-2027 was adopted by West Lancashire Borough 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 in the general sense 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.

1.2 At the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not meet the national policy requirement, as set out in the government's Planning Policy for Traveller Sites (PPTS, published March 2012), to allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs. In order that the West Lancashire Local Plan as a whole could 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.

West Lancashire Borough Council ('the Council') is acting upon the Local Plan Inspector's recommendation by preparing this Provision for Traveller Sites DPD.

1.3 In March 2014, a report was submitted to the Council's Cabinet, setting out options and preferred options for meeting Traveller accommodation needs in the Borough, as well as a proposed policy against which planning applications and enforcement cases relating to Traveller site development could be assessed. Cabinet did not reject the options put forward in the report, but delayed consideration until such time as officers had investigated a further option, as set out in the Cabinet Minute (18 March 2014):

RESOLVED That the Assistant Director Planning explore the possibility of identifying a single deliverable site in a suitable and sustainable location along the M58 corridor to meet the Borough's identified needs for travelling communities (excluding Travelling Showpeople) to 2028 in a way which minimises the impact on the Borough's Green Belt and the non-travelling community."

1.5 Following the decision of Cabinet, officers investigated the possibility of finding a site in the M58 corridor, as well as undertaking further site identification and assessment work.

1.6 This document comprises the 'Options and Preferred Options' version of the West Lancashire Provision for Traveller Sites DPD. It contains the following elements:

- A statement of Traveller accommodation needs;

- A proposed criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be applicable in enforcement and appeal cases);
 - Proposed criteria for assessment of potential Traveller site allocations;
 - Options and preferred options for site-specific allocations for Gypsies and Travellers, and for Travelling Showpeople, including both permanent and transit sites.
- 1.7 Until the Provision for 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 the development management process is unlikely to be significant, as WLRLP Policy DE4 is generally inconsistent with current national policy on Traveller site provision.

Terminology

- 1.8 This Provision for Traveller Sites (Options and Preferred Options) DPD uses various terms to describe the travelling community, as set out below. The term “Gypsies and Travellers” is defined in the government’s Planning Policy for Traveller Sites (PPTS) document (first published March 2012, revised August 2015) as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.

- 1.9 Similarly, PPTS defines Travelling Showpeople as:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

- 1.10 The above definition of Gypsies and Travellers and Travelling Showpeople in PPTS has been changed from the 2012 PPTS definition to exclude people who have ceased to travel permanently. PPTS Annex 1, paragraph 2, advises that in determining whether persons are “Gypsies and Travellers” for the purposes of planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether the persons previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 1.11 For the purposes of this DPD, the general term “Travellers” refers to all groups of Gypsies and Travellers, and Travelling Showpeople.

- 1.12 The term “pitch” is used to denote a pitch on a Gypsy and Traveller site, whilst “plot” means a pitch on a Travelling Showpeople site (also often called a

“yard”). This terminology differentiates between residential pitches for Gypsies and Travellers and mixed-use plots for Travelling Showpeople. Gypsy and Traveller pitches should be of a suitable size to accommodate both a static and a touring caravan, plus any associated vehicle(s), and a small amenity building. Travelling Showpeople plots tend to be larger, requiring extra space or to be split to allow for the storage of fairground equipment.

Site Assembly Process

- 1.13 In preparing this Traveller sites DPD, the Borough Council has endeavoured to compile as comprehensive a list of potential ‘candidate’ Traveller sites as possible, from which to select preferred sites, investigating all reasonable sources of potential Traveller sites. The site assembly process is summarised below, and is set out in more detail in Chapter 5 of this draft DPD.
- 1.14 The following sources were investigated in order to compile a list of potential candidate sites for consideration as Traveller accommodation:
- Sites known to the Council by virtue of their Traveller-related planning history, e.g. planning applications, planning appeals, and / or enforcement action;
 - Two “Call for Traveller Sites” exercises, in autumn 2013 and summer 2015;
 - Two rounds of letters to owners of sites in the Council’s Strategic Housing Land Availability Assessment, asking whether the owners would be willing to consider Traveller accommodation on all or part of their land;
 - Correspondence with owners / developers of, or agents for, sites allocated for housing, or safeguarded land in the West Lancashire Local Plan 2012-2027, asking whether they would consider part of the land being set aside for Traveller accommodation;
 - Discussions with other major private landowners in the Borough
 - Enquiries to Lancashire County Council Estates Department as to the availability of any LCC land in West Lancashire which could be released or sold as a potential Traveller site;
 - Discussions with the West Lancashire Borough Council Regeneration and Estates Team as to the existence or availability of any employment land (redundant or otherwise), or any land in the Borough Council’s ownership that could be released or set aside as a potential Traveller site;
 - Requests to neighbouring local authorities to help meet West Lancashire’s accommodation needs in their Boroughs (see also the ‘Duty to Co-Operate’ section below).

Legal Compliance in the Preparation of Traveller Sites DPD

- 1.15 In order that the preparation of this Traveller sites DPD be legally compliant, regard must be had to national planning policy, the Town and Country Planning (Local Planning) (England) Regulations 2012, the West Lancashire Sustainable

Community Strategy, and the Council's Local Development Scheme and Statement of Community Involvement. These are addressed in turn below.

National Planning Policy

- 1.16 National planning policy is set out in the government's National Planning Policy Framework (NPPF), published March 2012. Sustainable development is to be seen as a 'golden thread' running through the NPPF, with paragraph 14 setting out a presumption in favour of sustainable development.
- 1.17 National policy with specific regard to provision for Traveller accommodation is set out in the document Planning Policy for Traveller Sites, first published in March 2012 alongside the NPPF. Three Ministerial Statements were issued subsequently (July 2013, January 2014, March 2015), covering the issue of proposed Traveller sites in the Green Belt, matters of enforcement, and revoking a number of older guidance documents. In September 2014, the government consulted on proposed changes to national planning policy for Travellers, including a proposal to amend the definition of the term "Traveller".
- 1.18 Following the Ministerial Statements and the 2014 consultation on proposed changes to national planning policy, the government published a revised Planning Policy for Traveller Sites in August 2015 (referred to hereafter as 'PPTS 2015'). A summary of the key requirements of PPTS 2015 with regard to plan preparation (set out in Policies B-G, paragraphs 8-13), in relation to the circumstances of West Lancashire Borough, is set out below:
 - (i) Local planning authorities (LPAs) should set pitch and plot targets for Travellers which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring LPAs.
 - (ii) LPAs should identify and update annually, a supply of deliverable sites sufficient to provide five years' worth of sites against their locally set targets. PPTS 2015 paragraph 10 footnote 4 defines "deliverable" as available now, offering a suitable location for development, and achievable with a realistic prospect that development will be delivered on the site within five years.
 - (iii) LPAs should identify a supply of specific, developable sites, or broad locations for growth, for six to ten years time, and, where possible, for eleven to fifteen years' time. "Developable" is defined (PPTS 2015 paragraph 10, footnote 5) as being in a suitable location for traveller site development and having a reasonable prospect that the site is available and could viably be developed at the point envisaged.
 - (iv) LPAs should relate the number of pitches or plots to the circumstances of the specific size and location of the Traveller site in question and to the size and density of the surrounding population, and should protect local amenity and environment.
 - (v) Criteria should be used to guide land allocations, and criteria-based policies prepared to provide a basis for decisions on Traveller site planning applications. These policies should be fair and should facilitate the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.

- (vi) Exceptionally, where there is a large-scale unauthorised site that has significantly increased the LPA's Traveller accommodation need, and where the area is subject to strict and special planning constraints, then there is no assumption that the LPA is required to meet Traveller needs in full.
- (vii) PPTS 2015 paragraph 13 requires that LPAs ensure their policies:
 - (a) promote peaceful and integrated co-existence between the site and the local community;
 - (b) promote, in collaboration with commissioners of health services, access to appropriate health services;
 - (c) ensure that children can attend school on a regular basis;
 - (d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;
 - (e) provide for proper consideration of the effect of local environmental quality on site occupants or others as a result of new development;
 - (f) avoid placing undue pressure on local infrastructure and services;
 - (g) do not locate sites in areas at high risk of flooding;
 - (h) reflect the extent to which traditional lifestyles (whereby some Travellers live and work in the same area) can contribute to sustainability.

1.19 The Council considers this document complies with national policy in the following respects:

- (i) The Borough Council has worked collaboratively with neighbouring Merseyside Councils in a joint Gypsy and Traveller Accommodation Assessment (see Chapter 2 below). The Council has also met with neighbours in Wigan, Sefton and Chorley with regard to cross-boundary issues, and is participating in a general Lancashire Gypsy Group. In addition, the Council has been in correspondence with neighbouring local authorities under the 'Duty to Co-Operate' (see section below). Early Duty to Co-Operate work has indicated a general consensus that Traveller accommodation needs should be met in the area in which the needs arise, and that West Lancashire's targets can therefore be based upon need figures for this Borough;
- (ii) It is considered that the proposed 'Preferred' sites set out in Chapter 6 of this document are deliverable;
- (iii) The proposed 'Preferred' sites' capacities have been estimated, taking into account site size, the local population, amenity and environment;
- (iv) Criteria for site allocations and planning applications are set out in Chapters 4 and 3 (respectively) of this document and are fair and provide an appropriate balance between the needs of Travellers and the interests of the settled community.

1.20 In September 2015, a further planning policy statement was issued by the government introducing a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. Furthermore, the statement reiterated that most development in the Green Belt is inappropriate and should be approved only in very special circumstances, and that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

- 1.21 One further national document that has been of relevance in early work on this document is the *Designing Traveller Sites: Good Practice Guide*, published by the government in May 2008. This document set out how best to design Traveller sites, providing advice on site size, layout, and location. The Good Practice Guide was cancelled by the government on 31 August 2015. Whilst this document has been revoked, it is considered that the advice contained within it (for example on pitch and plot sizes and layout) remains relevant, and the Guide has been taken into account in preparing the site assessment criteria in both the proposed Traveller sites policy (Chapter 3) and in the site selection process (Chapters 4 and 5).
- 1.22 Through recent case law¹, the 'rights of the child' have become a key consideration of relevance to planning decisions, including those related to Traveller accommodation. Where Article 8 of the 1998 Human Rights Act is engaged (as is often the case in planning decisions), the best interests of children will be a material consideration which the decision maker must take into account. Article 8 rights of children are to be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child, which requires those best interests to be a primary consideration. In terms of planning decisions:
- The decision maker must first identify what the child's best interest are;
 - The best interests are not necessarily determinative;
 - No other consideration must be regarded as more important or given greater weight than the best interest of a child and these best interests must be kept at the forefront of the decision maker's mind as (s)he performs the balancing exercise.

Sustainable Community Strategy 2007-2017

- 1.23 The West Lancashire Local Strategic Partnership prepared the West Lancashire Sustainable Community Strategy (SCS) in 2007. Whilst Travellers are not referred to in the SCS, elements of the document's vision, objectives, and cross-cutting themes are considered to have relevance to the subject matter of this DPD.
- 1.24 The vision of the SCS is to 'improve the quality of life for all' and is to be achieved by the Local Strategic Partnership working with other bodies to be, amongst other things, 'a place where everyone is valued and has the opportunity to contribute'.
- 1.25 Of the nine key objectives of the SCS, the following three are relevant:
- To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone;
 - To provide more appropriate and affordable housing to meet the needs of local people;
 - To provide opportunities for young and older people to thrive.
- 1.26 Of the eight cross-cutting themes, the most relevant are:

¹ *ZH(TANZANIA) v Secretary of State for the Home Department* [2011]UKSC and *Collins v SSCLG & Fylde Borough Council* [2013] EWCA Civ 1193

- Reducing deprivation, with the aim to narrow the gap between the most and least disadvantaged people and communities;
 - Social inclusion, equality and diversity, with the aim to improve community cohesion, including for people of all nationalities and ethnicities.
- 1.27 The Council considers that the Provision for Traveller Sites DPD is consistent with, and may, to an extent, help to achieve the above vision and objectives of the SCS. Taking into account the fact that the Council is required by law to provide sites to meet Traveller needs, the DPD does not contravene the SCS.

Planning Regulations

- 1.28 The Town and Country Planning (Local Planning) (England) Regulations 2012 (referred to hereafter as ‘the 2012 Planning Regulations’) set out the process that must be followed when preparing a local plan². The first statutory stage for preparing a document is covered by Regulation 18, which requires that the LPA notify certain specified bodies of the subject of the local plan and invite them to make representations about what a local plan with that subject ought to contain.
- 1.29 The Council considers that it is in compliance with Regulation 18 in that it duly wrote to the bodies specified by the Regulation, as well as a number of other bodies, inviting representations on the Provision for Traveller Sites DPD’s content, and has taken into account the representations received in this Provision for Traveller Sites (Options and Preferred Options) DPD.
- 1.30 The number and nature of responses received to the above consultation are set out in the separate “Consultation Statement” that accompanies this draft DPD.

Statement of Community Involvement

- 1.31 The Statement of Community Involvement (SCI) is a document that sets out how the LPA intends to engage the public and other stakeholders when preparing its Local Plan and other local development documents. This includes details of the types of consultation methods the Council intends to use at the different preparation stages of different types of planning documents.
- 1.32 The SCI was first required as part of the ‘Local Development Framework’ system introduced under the 2004 Planning and Compulsory Purchase Act. West Lancashire Borough Council started preparing its SCI in 2006, the document eventually being adopted in July 2007, and updated with an Addendum in January 2009, reflecting amendments made to the government’s Planning Regulations in 2008. Work is well underway on producing an updated SCI which reflects the 2012 Planning Regulations, as well as other changes to legislation affecting the preparation of planning documents, and the

² The definition of ‘local plan’, as set out in the 2012 Regulations (nos. 5 and 6), includes any document prepared by the local planning authority which allocates sites for a particular type of use and / or contains development management and site allocation policies intended to guide the determination of planning applications. The Provision for Traveller Sites DPD therefore is a ‘local plan’.

processing and determination of planning applications. It is anticipated that the new SCI will progress towards adoption whilst the Traveller Site DPD is being prepared. In the meantime, regard has been had to the 2007 SCI and its 2009 Addendum, taking account also of the newer Planning Regulations.

- 1.33 In terms of preparing a development plan document such as this Traveller sites DPD, the Council's 2007 SCI refers to an "Options" stage and a "Preferred Options" stage, reflecting the former (2004) Planning Regulations. However, given the WLLP Inspector's requirement that the Traveller Sites DPD be prepared as a matter of urgency, it is considered expedient to combine the Options and Preferred Options stages of this DPD's preparation into a single stage, whereby options for providing Traveller sites are set out, an indication of the Council's preferred options is given, and people are invited to comment on both the options and preferred options, and to submit their own options and / or preferred options. This matter is set out more fully in Chapter 7 of this document.

Duty to Co-Operate

- 1.34 Despite the abolition of the regional tier of planning, the need for strategic planning remains, in particular the need to ensure coherent planning beyond local authority boundaries. To this end, the Localism Act 2011 has introduced the Duty to Co-Operate which:
- requires local authorities and public bodies to engage constructively, actively and on an ongoing basis in relation to planning for sustainable development;
 - requires local authorities to consider whether to enter into agreements on joint approaches or to prepare joint Local Plans; and
 - applies to planning for strategic matters in relation to the preparation of local plans, and other activities that prepare the way for these activities.
- 1.35 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. The 2012 Planning Regulations set out the organisations which, as a minimum, should be contacted under the Duty to Co-Operate ('Prescribed Bodies').
- 1.36 West Lancashire Borough Council has fulfilled, and will continue to fulfil, the Duty to Co-Operate by working with neighbouring local authorities and other relevant bodies throughout the preparation of this Traveller Sites DPD.
- 1.37 The government's Planning Policy for Traveller Sites 2015 document (Section 10(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, the fact that this is a topic-specific DPD, and the West Lancashire Local Plan Inspector's recommendation that the Council have this Traveller Sites DPD adopted as soon as possible, it is the Council's view that production of a joint development plan would not be a realistic prospect.

Determination of Traveller Accommodation Needs

- 1.38 As set out in Chapter 2 below, West Lancashire Borough Council has worked collaboratively with the five Merseyside authorities (including Sefton, Knowsley and St Helens, all of whom directly border West Lancashire) in a joint Gypsy and Traveller Accommodation Assessment (GTAA), which was published in August 2014.
- 1.39 Chorley and South Ribble Borough Councils participated in a joint interim GTAA (with Preston City Council), as required by the Planning Inspectors during their respective site allocations local plan examinations. This GTAA concluded in January 2014 that there was no need for a Traveller site in South Ribble, but a need for five permanent Traveller pitches in Chorley Borough. Chorley BC have since identified and allocated a site in Chorley to meet its identified Traveller accommodation needs to 2026. A further joint GTAA was undertaken by Chorley, South Ribble and Preston Councils and completed in May 2015. This has identified a need for 5 additional permanent pitches for Travellers in Chorley Borough, 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026. However, Chorley Council has not accepted the findings of this study and are currently undertaking further work in respect of 'local circumstances' that may impact on the need figures, as well as reviewing the GTAA in light of the recently issued revised government guidance on Planning for Traveller Sites.
- 1.40 Wigan MBC are participating in a Greater Manchester GTAA, which is nearing completion. Based on recent discussions with Wigan Council, it is expected that any Traveller accommodation needs in the Wigan area will be met within Wigan MBC boundaries.

Identification of Cross-Boundary Issues

- 1.41 In terms of cross-boundary issues, West Lancashire Borough Council wrote to all the Prescribed Bodies, as well as to a range of other organisations, in November 2013, setting out what it considered were the main cross-boundary issues with regard to the provision of Traveller sites in West Lancashire, and inviting comments on these issues.
- 1.42 West Lancashire Borough Council's understanding of cross-boundary issues at present is as follows:
- It would be desirable for Merseyside authorities to co-operate where possible 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.
 - The Council is 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 this Council is aware, the neighbouring

authorities of Sefton, Knowsley, St Helens, Wigan, Chorley, and South Ribble are intending to fully meet their needs for permanent Traveller sites within their own boundaries.

- Depending upon the location of any proposed Traveller site allocations, it may be the case that occupants of sites may seek to make use of facilities and services (education, health, etc.) in an adjacent Borough(s). With the exception of Sefton and Chorley, neighbouring authorities are not yet at the stage where sites have been formally proposed for allocation. The allocated site at Chorley is within the settlement of Chorley, reasonably close to facilities in that town and several kilometres from the West Lancashire boundary. Therefore it is not expected that the occupants of the Chorley site would rely upon facilities or services in West Lancashire Borough. Whilst the proposed sites in Sefton are close to the West Lancashire border, the nearest services in West Lancashire (typically in Ormskirk) are considerably further from these sites than comparable services in Sefton (Ainsdale or Formby). Once again, it is not expected, therefore, that the occupants of the proposed Sefton sites would rely upon services or facilities in West Lancashire.
- The preferred options for the proposed Traveller sites in West Lancashire are within 4km by road from Sefton, and there is thus a possibility that the occupants of the sites may use facilities in Sefton (Southport). However, these sites are already occupied and are not proposed to be expanded by any significant amount, and their proposed allocation is not expected to lead to any material increase in cross boundary issues.

1.43 The Council received 18 written responses to its initial 'Duty to Co-Operate letter', all of them either concurring with the Council's understanding of cross-boundary issues as set out in November 2013, or else having no specific comments to make at that stage of preparation of the Traveller Sites DPD.

1.44 A second round of letters was sent to the 'Prescribed Bodies' in September 2015, providing an update with regard to the preparation of the West Lancashire Provision for Traveller Sites DPD, advising of the completion of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment, and asking neighbouring local authorities whether they have any sites within their districts that could potentially contribute towards West Lancashire's Traveller accommodation requirements. No neighbouring Council indicated that they had any potential sites to help meet West Lancashire's needs.

Sustainability Appraisal

1.45 A Sustainability Appraisal (SA) of the content of this draft DPD has been undertaken by Council officers, and scrutinised by consultants URS. URS have also carried out a Habitats Regulations Assessment of the content of this document. The SA / HRA process will continue throughout the preparation of this DPD as it progresses through its various stages.

1.46 The SA concludes that the proposed Policy GT1: Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites (see Chapter 3 of this DPD) is likely to make a greater positive contribution towards the goal of

achieving sustainable development, compared with the alternative approaches of having a less stringent policy in place, or no policy at all.

- 1.47 The SA further concludes that the allocation and occupation of the preferred sites would make a greater positive contribution towards the goal of achieving sustainable development, compared with the alternative approaches of allocating no sites, allocating additional sites, or allocating a different set of sites.

2. Traveller Accommodation Needs

Assessing Traveller Accommodation Needs

- 2.1 This chapter sets out the Council's current understanding of the need for Traveller accommodation, and how this has influenced the process whereby potential Traveller sites have been sought.
- 2.2 Since 2006, West Lancashire Borough has participated in three processes that have resulted in the derivation of Traveller accommodation needs figures for the Borough. These are a 2006-based North West Gypsy and Traveller Accommodation Assessment (GTAA), abortive work on the North West Regional Spatial Strategy Partial Review 2008-2010, and the Merseyside and West Lancashire GTAA 2013-14.

North West Regional GTAA 2006

- 2.3 In 2006, an assessment of Gypsy and Traveller accommodation needs was commissioned – *The North West Regional Gypsy and Traveller Accommodation and Related Services Assessment*. This report was undertaken by a team of academic researchers and consultants based in Salford, with research support from members of the travelling community.
- 2.4 The assessment identified that for the County of Lancashire there was a requirement for an additional 205-231 permanent Gypsy and Traveller pitches over the period 2006-2016 plus 7 plots for Travelling Showpeople. At the district level, the assessment calculated that there was a need for 17 permanent Gypsy and Traveller pitches and 3 plots for Travelling Showpeople across West Lancashire Borough over 2006-2016. There was also a need identified for transit pitches within the sub region, but this need figure was not disaggregated to local authority level.

North West RSS Partial Review

- 2.5 In January 2009, 4 North West (4NW), the former regional planning body, started a period of stakeholder engagement on an interim draft policy on the scale and distribution of Gypsy and Traveller pitches and Travelling Showpeople plots.
- 2.6 The proposed requirements for West Lancashire over 2007-2016 were 20 permanent pitches for Gypsies and Travellers and 5 transit pitches. These

figures differ to those set out in the 2006 GTAA owing to an attempt to address the issue of 'hidden' overcrowding, which had been raised by the Gypsy and Traveller community during consultation, and a broadening of the geographical distribution of the pitch numbers, in order that greater choice may be available for Gypsies and Travellers in the future. (This contrasted with the GTAA approach, which tends to look at need as it arises, based upon "snapshot" counts of Gypsy caravans.)

- 2.7 The required number of Travelling Showpeople pitches to 2016 was raised from 3 to 5, based on more up-to-date information provided by the Lancashire and North Wales section of the Showman's Guild based upon survey work conducted in June 2007.
- 2.8 As part of the consultation process, 4NW sought support from the individual local authorities regarding pitch numbers. West Lancashire Borough Council suggested as an alternative a revised figure of 14 permanent pitches (based upon the number of unauthorised pitches based within the Borough at that time) and 10 transit pitches (in order to make it easier to direct Gypsies and Travellers to a transit site), whilst supporting the figure of 5 pitches for Travelling Showpeople.
- 2.9 Following the Council's comments a submitted draft was published, setting out the following requirements for West Lancashire:
- 15 pitches on permanent Gypsy and Traveller Sites
 - 10 transit pitches
 - 5 Travelling Showpeople plots.
 - An annual increase of 3% in the level of overall residential pitch provision.
- West Lancashire Borough Council supported these figures, and they formed the basis of the now-abandoned West Lancashire Replacement Local Plan Policy RS4.
- 2.10 Work on the RSS Partial Review was halted in 2010 following the Secretary of State's announcement of his intention to abolish the regional tier of planning. The RSS was finally revoked early in 2013, and the RSS and the RSS Partial Review no longer have any legal status.

Merseyside and West Lancashire GTAA 2013-2014

- 2.11 West Lancashire Borough Council has recently participated in a more up-to-date GTAA with the five Merseyside local authorities. This GTAA was carried out on the authorities' behalf by the consultants Arc⁴, who were appointed in March 2013. The final study was published in August 2014.
- 2.12 The 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 & Traveller sites by 2018, rising to 20 by 2028, and 22 by 2033;
 - 4 transit pitches;
 - One site for Travelling Showpeople with a minimum of one residential plot.

- 2.13 As such, and consistent with PPTS paragraph 7, the Council has worked collaboratively with neighbouring local authorities and engaged with Travellers and / or their agents / representative bodies to discuss their accommodation needs in order to gain an up-to-date understanding of the permanent and transit accommodation needs of Travellers in the Borough over the lifetime of this development plan.
- 2.14 With regard to the government's redefinition of the word "Traveller" in PPTS 2015, it is anticipated that the government will issue new guidance on GTAA methodology in the near future. The Borough Council is aware of a number of other Councils seeking legal advice on the redefinition of Travellers. At present, and in the absence of any evidence to suggest the identified Travellers in West Lancashire do not satisfy the new government definition, the findings of the 2014 Merseyside and West Lancashire GTAA will continue to be relied upon.

3. Traveller Sites Policy

- 3.1 This draft Provision for Traveller Sites DPD sets out options and preferred options for the allocation of a number of specific sites (see Chapter 6 below). Policy GT1 provides a set of criteria against which planning applications for Traveller accommodation should be assessed, either on allocated sites, or elsewhere. The policy will also be applicable in enforcement and planning appeal cases.

Policy GT1

Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites

Broad Locations

Proposals for permanent or transit Traveller sites or pitches should be located in areas where need exists, as demonstrated by robust evidence.

Site-Specific Criteria

Permanent Sites

Proposed permanent sites for Travellers must not lie within Flood Zone 3.

In order to ensure that sites are fit for purpose and will provide adequate residential amenity, both to members of the travelling community and to members of the settled community, proposed permanent sites for Travellers will be required to meet the following criteria:

- (i) The site does not lie within the Green Belt;
- (ii) The site, on account of its scale and / or location, would not dominate the nearest settled community in such a way that the prospect of peaceful and integrated co-existence between the site and the local settled community would be undermined;
- (iii) The site is sufficiently far from any refuse site, industrial process, high voltage electricity infrastructure, other hazardous place, or any other process, land use

- or environmental issue (e.g. flyover, motorway), for there to be no unacceptable impact on the health, safety or general well-being of the residents of the site;
- (iv) The site is not subject to any physical constraints or other environmental issues that cannot be mitigated to an acceptable level, and that would impact on the health, safety or general well-being of the residents of the site, or on non-residents;
 - (v) The site is accessible by a public highway that can accommodate typical Traveller-related vehicles without compromising highway safety;
 - (vi) The site is not in Flood Zone 2;
 - (vii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to a nature conservation designation;
 - (viii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to an historic environment or historic landscape designation;
 - (ix) The site has mains water, drainage and electricity, or else these services could readily be provided and satisfactory drainage achieved;
 - (x) The use of this site as a Traveller site would not place undue pressure on local infrastructure and services;
 - (xi) The site is within 1.5 kilometres (15 minutes walk) of a bus route or other public transport facility, and / or it is possible to access from the site by means other than private motor vehicle the following facilities / services:
 - an appropriate health facility;
 - education facilities, in particular a primary school;
 - employment opportunities;
 - shops;
 - other necessary services;
 - (xii) It is possible to achieve visual and acoustic privacy on the site without any unacceptable visual impact on the site's surroundings;
 - (xiii) The site can accommodate between 3 and 15 pitches.

Transit Sites

In the case of transit sites, these should meet the above criteria, and, in addition should be accessible to the M58, or to the strategic highway network.

Justification

Broad Locations

- 3.2 Policy GT1 is intended to direct Traveller development to areas where there is a need for such accommodation, as demonstrated by robust evidence. As a first recourse, the Council will rely on the findings of the most up-to-date Gypsy and Traveller Accommodation Assessment (GTAA) covering West Lancashire³.

³ At the time of writing this document, the most up-to-date GTAA covering West Lancashire is the Merseyside and West Lancashire GTAA 2014. It is expected that GTAAs will be updated approximately every five years.

Any planning application that departs from the findings of the most up-to-date GTAA will require to be backed up by robust evidence justifying this departure, either an unequivocal demonstration of need in a different area, or a clear demonstration that no sites are realistically available within the GTAA-identified areas of Traveller need.

- 3.3 In the light of the findings of the 2014 Merseyside and West Lancashire GTAA:
- Permanent sites should be located in, or as close as reasonably possible to, the settlements of Skelmersdale, Scarisbrick or Banks;
 - Transit sites should be located along the M58 corridor; and
 - Land for Travelling Showpeople should be located within the Burscough area.
- 3.4 For the purposes of this policy, the M58 corridor is defined as land within 2.4km (equivalent to three minutes' drive time at 30mph) of any M58 junction via a classified road.
- Criteria
- 3.5 The criteria in Policy GT1 above are based on national policy, as set out in the government's National Planning Policy Framework (NPPF; March 2012), and Planning Policy for Traveller Sites (PPTS; August 2015)⁴ documents. Regard has been had to the advice contained in the document Designing Gypsy and Traveller Sites Good Practice Guide (DCLG, May 2008), although, as this document has been revoked, less weight is attributed to criteria based solely on the Good Practice Guide.
- 3.6 Policy GT1 is intended to facilitate the traditional and nomadic life of Travellers whilst respecting the interests of the settled community. The policy aims to ensure that if a site is granted permission for Traveller development, its development maintains a suitable quality of life, both for residents of the site in question, and, equally, for those living or working in the vicinity of the site. Sites should have reasonable access to facilities and services, and should not cause an adverse impact on neighbouring residents or land uses.
- 3.7 The criteria set out in Policy GT1 are similar to the criteria used in the assessment of potential Traveller sites as set out in Chapter 4 of this DPD. Chapter 4 provides more specific detail as to the source of each site assessment criterion, and much of the material in that chapter is applicable to Policy GT1.
- 3.8 With regard to the Policy GT1 requirement in Policy GT1 that sites lie outside Flood Zone 3, caravans are defined in the NPPF Technical Guidance, published alongside the NPPF in March 2012 (Table 2, page 6), as highly vulnerable development. Table 3 (page 8) states that highly vulnerable development should not be permitted on sites within Flood Zone 3⁵. With regard to criterion (vi), if a site lies within Flood Zone 2, the site must be demonstrated to meet the "Exceptions Test". Furthermore, Policy GN5 of the West Lancashire Local Plan 2012-2027 requires that a sequential test be satisfied where development is proposed in flood risk areas.

⁴ PPTS requires *inter alia* that a criteria based policy should be set out within Local Plans.

⁵ Flood Zone 3 is defined as land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding.

- 3.9 In relation to criterion (i), Traveller site development is by definition inappropriate in the Green Belt, and PPTS 2015 (paragraph 16) requires that very special circumstances be demonstrated in order for Traveller sites in the Green Belt to be judged acceptable. It also advises that, subject to the best interests of the child, personal circumstances and unmet need for Traveller accommodation are unlikely to establish very special circumstances.
- 3.10 Criteria (ii), (vii), (viii), (x) and (xii) seek to ensure that Traveller sites integrate as far as is reasonably possible with the local settled community, and with the surrounding natural and built environment.
- 3.11 Criteria (ii), (iii), (iv) and (x) are intended to protect the occupants of sites from unacceptable adverse living conditions, and to protect those living near to sites from possible adverse impacts of Traveller site development. These criteria do not necessarily rule out development if a site is subject to the particular issues specified in the criteria. For example, if existing residential development or existing authorised Traveller development is located equally close to the uses listed in criterion (iii), this will be taken into account when assessing proposals for new Traveller sites in the locality. It is necessary also to take into account the scope for mitigation measures, and whether the adverse impact from any uses set out in the criteria can be minimised to an acceptable level.
- 3.12 Ensuring adequate highways access to Traveller sites is important (criterion (v)). Whilst on a day-to-day basis, the sites are likely to be used by cars, vans and small lorries, there are also likely to be regular movements of touring caravans, and occasional movements of larger static caravans. Travelling Showpeople sites are likely to be regularly accessed by articulated lorries and / or heavy goods vehicles carrying fairground rides. The 2008 Good Practice Guide advised that access onto Traveller sites should be readily achievable by regular or potential visitors to the site, including the emergency services. Similarly, easy movement through, or manoeuvres within, the site should be possible for typical Traveller vehicles, and the safety of [pedestrian] site occupants, including children, is an important consideration. Whilst the Guide has been cancelled, its advice with regard to highways access is considered to remain relevant. Access to Traveller sites should be achievable in such a way that highway safety and the free flow of traffic are not compromised. In the event of any planning application, the highway authority would be consulted as a matter of course.
- 3.13 In terms of criterion (xi), whilst it is recognised that Travellers, by definition, are most likely to have ready access to motor vehicles, it is preferable, in terms of sustainable development, that Travellers also have the opportunity to access local services by sustainable modes of transport, such as walking, cycling, and public transport. It is generally recognised, however, that most established (and legal) Traveller sites tend to be situated a short distance outside the nearest settlement, allowing for appropriate separation between the settled and Travelling community. As such, the accessibility distances set out in policy GT1 (1.5km) are greater than those usually applied for 'bricks and mortar' residential development.
- 3.14 With regard to the screening of sites (criterion (xii)), careful attention should be paid to the nature of screening and how it relates to the character of the surrounding area. Close board and other fencing, or evergreen landscape

planting may be appropriate in some areas, but not in others. Sites on elevated or sloping ground (criterion (xiii)) are likely to be more difficult to screen appropriately. For sites adjacent to developed areas, an acceptable balance needs to be struck taking into account the privacy of occupants and neighbours, the visual impact of screening (if it needs to be greater in height than on a more isolated site), and the general urban design principle of natural surveillance.

- 3.15 The Good Practice Guide stated that sites should consist of a maximum of 15 pitches unless there is clear evidence that a larger site is preferred by the Gypsy and Traveller Community. At the lower end of the scale, having a minimum site threshold of 3 pitches (criterion (xiii)) should result in fewer sites around the Borough, lessening the overall impact of providing for Traveller accommodation needs. Having a maximum site size of 15 pitches should reduce the possibility of individual sites dominating the nearest settled community.

Options and Preferred Options Consultation Question 1

Policy GT1

Is Policy GT1 sufficiently consistent with national policy, whilst reflecting local circumstances?

What amendments, if any, should be made to the criteria in Policy GT1?

(Please provide a reasoned justification for any proposed amendments to the policy.)

Do you have any other comments on Policy GT1?

4. Criteria for Site Assessment

- 4.1 The following 18 criteria have been used in assessing the candidate Traveller sites. These criteria are based primarily on national policy, as set out in the National Planning Policy Framework (2012), and Planning Policy for Traveller Sites (2015) documents. The criteria have also been influenced to a lesser extent by the advice contained in the government's now-cancelled Designing Gypsy and Traveller Sites Good Practice Guide (May 2008). Whilst this document no longer has any statutory weight, its general principles and advice are considered to remain of relevance in developing site selection criteria.
- 4.2 Where appropriate, the criteria have been tailored to the particular circumstances of West Lancashire. Minor additions have been made to the criteria following feedback from Natural England in the initial Regulation 18 "Scoping" consultation carried out in September / October 2013 (see paragraphs 1.33-1.35 above).
- 4.3 The criteria are broadly similar to those used in Policy GT1 (see Chapter 3 above), but have been reordered and grouped into three 'tiers'. 'Tier 1' criteria are essential criteria in that, if they are not met, the site is undeliverable and / or undevelopable. For example, if a site is in Flood Zone 3, national policy

proscribes its use for caravan-based accommodation. 'Tier 2' criteria are weighty, and tend to be based on PPTS or Local Plan policies. However, failure to satisfy one or more of these criteria does not necessarily rule out consideration of the site as a potential Traveller site. For example, if a site is in the Green Belt, for the purposes of allocating land in this DPD, it could be removed from the Green Belt if it is deemed an appropriate allocation, and if exceptional circumstances are demonstrated to justify an amendment to the Green Belt boundary. 'Tier 3' criteria are based on PPTS policy and / or advice in the Good Practice Guide, and can be used to compare the merits of different sites that satisfy Tier 1 and Tier 2 criteria.

4.4 The proposed site assessment criteria are as follows:

Tier 1

1. Is the site available for Traveller development?
(Is the site in the hands of Travellers, or in the hands of an owner who has confirmed a willingness to sell the site for Traveller accommodation at a price which enables the viable development of the site?)
2. Is the site in Flood Zone 3?
3. Is the site subject to any physical or other constraints to delivery that could not reasonably be overcome and that would rule out its use as a Traveller site?
(These may include ransom strips, leases, restrictive covenants, multiple ownerships.)

Tier 2

4. Is the site in the Green Belt? Would the use of the site as a Traveller site lead to material harm to the perceived openness of the Green Belt, or to the purposes of including land within the Green Belt?
5. Would this site, on account of its scale and / or location, dominate the nearest settled community in such a way that it would not promote peaceful and integrated co-existence between the site's occupants and the local settled community?
6. Is the site near to a refuse site (within 200m), un-neighbourly industrial process (200m), electricity pylons (100m), other hazardous place (200m), or any other process or environmental issue? Is the site adjacent to any road flyover or motorway, or any operational railway line? Could satisfactory mitigation realistically be achieved?
7. Is the site subject to any significant physical constraints that would need to be overcome before the site could be used as a Traveller site?
8. Is the site accessible by a public highway of an appropriate standard? Can satisfactory road access be achieved for typical Traveller vehicles?
9. Is the site in Flood Zone 2?
10. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any nature conservation designation?
11. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any historic environment or historic landscape designation?

12. Does the site have services (e.g. mains water, sewerage, electricity) or could these be provided reasonably easily and viably? Can satisfactory drainage be achieved?

Tier 3

13. Is the site in an identified area of Traveller need?
14. Can satisfactory access be achieved onto and within the site for emergency vehicles?
15. Would the use of the site for Traveller accommodation place undue pressure on local infrastructure or services?
16. Is the site in a sustainable location? Is the site within 1.5km (15 minutes walk) of, or is it possible to access by transport modes other than private motor vehicle, the following services:
 - an appropriate health facility;
 - education (in particular a primary school);
 - employment;
 - shops;
 - other necessary services?
17. Would it be possible, within reason, to achieve visual and acoustic privacy for the site occupants (and neighbours)?
18. Can the site accommodate between 3 and 15 pitches?

Derivation of Site Assessment Criteria

4.5 The process by which the 18 criteria were derived is outlined below. Firstly, the specific policy requirements of PPTS and the site design / layout recommendations in the Good Practice Guide were listed individually, then grouped into similar categories. Where necessary, minor adjustments were made to the national criteria (e.g. to specify the Council’s understanding of the word “near”). A small number of additional criteria were added, based primarily on the site assessments used in the Council’s Strategic Housing Land Availability Assessment (SHLAA), as well as relevant policies in the West Lancashire Local Plan 2012-2027. One amendment was made to criterion 10 following comments on the “scope” of the Traveller sites DPD received from Natural England as part of the Regulation 18 consultation.

4.6 For the reasons set out in the table below, a small number of the requirements / recommendations from the national documents were not used directly as site assessment criteria, primarily because they were too ‘generic’.

Table 4.1 Analysis of site assessment criteria from national policy

Criterion	Source	Comments	Final criterion number
Is the site sustainable economically / socially / environmentally?	PPTS* para. 13	On its own, this criterion is not specific enough to use as a site selection criterion – instead it should be used as a general principle behind more specific	(Not used in this format)

Criterion	Source	Comments	Final criterion number
		criteria.	
Can this site provide a settled base that reduces the need for: (i) long-distance travelling, and (ii) possible environmental damage caused by unauthorised encampment?	PPTS 13(d)	PPTS 13(d) is generic. The whole point of delivering any permanent or transit site is “to provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment”. Rather than using this criterion, more specific sub-criteria should be used to make an informed judgement on this question.	(Not used in this format)
Is this site situated such that it can promote peaceful and integrated co-existence between the site and the local community?	PPTS 13(a)	Subjective question; this criterion (as with others) requires a comments box for elaboration.	5
Is it possible to achieve visual and acoustic privacy on the site without unacceptable visual impact on the site’s surroundings?	GPG** para. 3.5	This needs careful judgment – most sites can be adequately screened by landscaping given enough time; one needs to consider how to screen sites appropriately in the short term. ‘Tier 3’ criterion as the GPG has been cancelled.	17
Would the use of this site as a Traveller site place undue pressure on local infrastructure and services?	PPTS 13(f)	It will be necessary to provide a comments box to explain how “undue pressure” is understood. Note that separate criteria below relate to road access, water supply and drainage, so the “local infrastructure” referred to by this criterion will relate primarily to social infrastructure and other services.	15
Would this site, on account of its scale, dominate the nearest settled community?	PPTS 14	This is a subjective question and will need to be applied consistently between sites.	5
Can adequate access onto and from the site be achieved?	GPG Section 4 General development management consideration.	Travelling Showpeople yards are likely to need a higher standard of access than Gypsy and Traveller sites owing to the nature of typical vehicles used.	8
Is it possible for emergency vehicles to access the site?	GPG 4.24-29	Tier 3 criterion as GPG cancelled, but worth retaining.	14
Is the site near to a bus route, shops and school?	GPG 3.4 Linked to PPTS 13	These services are mentioned in Circular 01/2006, quoted in the GPG, both of which have been revoked. However, they also link to PPTS paragraph 13(b)-(d), and tend to be used as standard tests of sustainability of location in site assessments for other uses, e.g. housing. “Near” needs to be quantified using a specific distance / walking time. Railway stations and other public transport facilities should also be taken into account.	16
Is it possible to easily access appropriate health services from the site?	PPTS 13(b) / GPG 3.1	“Easily access” is vague; either it needs some measure of distance, or else should be linked to the above “proximity	16

Criterion	Source	Comments	Final criterion number
		to public transport facilities” criterion.	
Is it possible to easily access education facilities / employment / other services and facilities?	PPTS 13(c) / GPG 3.1	As above, either this needs a measure, or should be linked to the proximity to public transport criterion. In terms of education, priority should be given to primary schools (journeys to secondary schools generally tend to be longer for the settled community).	16
Does the site have mains water and electricity, or could these services be provided?	GPG 3.13 (PPTS 13(f)) WLBC***	This criterion is ‘hinted at’ in PPTS 13(f) – avoiding placing undue pressure on local infrastructure. It is also a standard site assessment criterion for the Strategic Housing Land Availability Assessment (SHLAA).	12
Does the site have mains drainage and sanitation, or could satisfactory drainage be readily achieved?	PPTS 13(f) GPG 3.13	As above	12
Is the site adjacent or near to a refuse site, industrial process, electricity pylons or other hazardous place?	PPTS 13(e) GPG 3.3 / 3.17	PPTS 13(e) provides the general context for this criterion. It is necessary to define “near”. The negative impacts from refuse sites arise primarily from noise (vehicle movements), odours and potential leaching; a distance of 200m has been chosen as a ‘threshold’ (there is no specific national policy on such distances). From ‘bad neighbour’ industrial processes, the primary impacts are likely to be noise (machinery / vehicles), emissions, and visual intrusion. A similar threshold of 200m has been chosen for Traveller site assessment. The primary impacts of electricity pylons comprise magnetic fields; a lesser, secondary, impact is visual intrusion. A lower threshold of 100m is considered appropriate for pylons. For “other hazardous place”, as the particular hazards are not specified, a similar threshold to refuse sites and industrial processes is proposed. The possibility of mitigation needs to be taken into account, and also whether other residential uses (recent, or long-established) in the vicinity are subject to the same issues.	6
Is the site on contaminated land?	GPG 3.16	This specific issue can be incorporated into a more general criterion. The possibility of mitigation needs to be taken into account.	3/6
Is the site adjacent to a main road, flyover, or railway line?	GPG 3.18	The possibility of mitigation needs to be taken into account, also whether other residential uses in the vicinity are subject to the same issues, but also the lessened	6

Criterion	Source	Comments	Final criterion number
		capacity of caravans to be insulated against noise.	
Is the site subject to any other environmental issues that would impact on residents of the site?	PPTS 13(e)	This is a wider criterion that encompasses the specific considerations from GPG 3.13 / 3.16-18 above. The possibility of mitigation needs to be taken into account.	6
Is the site subject to any environmental issues that would impact unacceptably on neighbours as a result of the site's development?	PPTS 13(e)	PPTS does not define what these might be.	5
Is the site in the Green Belt?	PPTS 16	PPTS paragraph 17 allows for Green Belt boundaries to be altered in exceptional circumstances, through the development plan process.	4
Is the site in Flood Zone 2 or 3?	PPTS 13(g)	Further guidance on the implications of being in these Flood Zones is provided in the NPPF Technical Guidance.	9
If the site is in Flood Zone 2, can the site be demonstrated to meet the "Exceptions Test", and can satisfactory mitigation be achieved?	GPG 3.21-3.23	This criterion "qualifies" the above – being in Flood Zone 2 does not necessarily rule out development. Whilst the GPG is cancelled, the Exceptions Test remains an extant policy.	9
Is the site in an area of land subject to any historic environment or landscape designation?	WLBC	e.g. Area of Landscape History Importance, Conservation Area, potential to affect the setting of a Listed Building. Policies EN2 and EN4 of the Local Plan cover these matters.	11
Is the site subject to, or near to land subject to, a nature conservation designation?	Natural England	This criterion was added following comments from Natural England in the Regulation 18 "Scoping" consultation.	10
Can the site accommodate between 3 and 15 pitches / yards?	GPG 4.7-8	This criterion is considered necessary to avoid the scenario of many single pitch sites, each impacting upon the Green Belt, and, conversely, over-large sites that could dominate the local settled community.	18
Is the site in the hands of Travellers, or an owner willing to sell to Travellers?	WLBC (based on SHLAA site assessment)	This is an obvious "availability" criterion.	1
Is the site available now (or within a timescale that allows for the site's allocation to meet a need within the DPD period)?	PPTS 10 (footnote 4/5)		1
Are there any significant physical constraints to the site's development as a Traveller site?	WLBC (based on SHLAA work)	The SHLAA "Call for Sites" form cited a number of constraints; all but one of these (access to telecommunications - which is not considered vital given mobile phone prevalence) are covered by other criteria in this table.	3/7
Are there any land stability issues?	WLBC	Ground conditions are mentioned in GPG paragraph 3.4. This criterion is covered by criteria 3/7 (physical constraints).	3/7

Criterion	Source	Comments	Final criterion number
Is the site sloping to any great extent?	GPG 3.19	This specific issue can be covered by the more general criterion 7.	7
Are there any ransom strips, leases, restrictive covenants, multiple ownerships or other issues that could delay or jeopardise the site's development?	WLBC (based on SHLAA work)	This is covered by criterion 3.	3

* Planning Policy for Traveller Sites (DCLG, August 2015)

** Designing Gypsy and Traveller Sites Good Practice Guide (DCLG, May 2008)

*** West Lancashire Borough Council

Options and Preferred Options Consultation Question 2

Criteria for Site Selection

Are the criteria for site selection sufficiently consistent with national policy, whilst reflecting local circumstances?

What amendments, if any, should be made to the criteria?

(Please provide a reasoned justification for any proposed amendments to the criteria.)

Do you have any other comments on the criteria for site selection?

5. Potential Traveller Sites

Site Assembly Process

- 5.1 In preparing this Traveller Sites DPD, the Borough Council has endeavoured to compile as comprehensive a list of potential 'candidate' Traveller sites as possible, from which to select preferred sites, investigating all reasonable sources of potential Traveller sites.
- 5.2 The starting point for site investigation was those sites already known to the Council's Planning Service by virtue of their Traveller-related planning history, namely sites which have been subject to planning applications, planning appeals, and / or enforcement action over the past ten or so years. This category of site yielded nine sites, located in Banks, Burscough, Scarisbrick and Skelmersdale.
- 5.3 The Council undertook a "Call for Traveller Sites" exercise in September 2013, inviting members of the public, the travelling community, agents with links to the travelling community, and any other interested individuals or organisations to send the Council details of any land they considered might be suitable for putting forward as potential Traveller sites. The Council received seven site suggestions, three of these sites 'duplicating' those in the first category of sites, i.e. already known to the Council.

- 5.4 A second, more general, Call for Sites exercise was undertaken in June / July 2015 as part of ongoing background and monitoring work on the West Lancashire Local Plan. Sites could be submitted for housing, employment, commercial schemes, Traveller sites, and for other uses. This 2015 call for Sites exercise resulted in just one site being put forward as a potential Traveller site (the majority of the sites submitted were for housing). This site was already known to the Council on account of a recent planning application for stables by a Traveller.
- 5.5 In addition, the Council wrote twice (September 2013, and June 2015) to all known owners, and / or agents representing owners, of sites in the Council's Strategic Housing Land Availability Assessment (SHLAA)⁶, asking whether the owner would be willing for the SHLAA sites in question to be considered as possible Traveller sites. In 2013, The Council received responses relating to 52 different sites. Of these 52 replies, the owners of four sites expressed a willingness for the sites to be considered as possible Traveller sites, whilst the owners or agents for the other 48 sites did not want the sites to be considered as potential Traveller sites. No responses were received for the other SHLAA sites.
- 5.6 In 2015, 112 SHLAA site forms were returned. Of these, the owners of just two sites expressed willingness for their land to be considered as possible Traveller sites. These sites were also "ticked" in the 2013 correspondence with SHLAA site owners, and were thus not additional potential sites. Furthermore, two site owners who had said "yes" in 2013 said "no" in 2015, so this second round of correspondence with SHLAA landowners actually resulted in there being two fewer sites to choose from.
- 5.7 Following the instruction by the Council's Cabinet in March 2014 to investigate the possibility of identifying a single deliverable site in a suitable and sustainable location along the M58 corridor to meet the Borough's assessed needs for travelling communities, Council officers have engaged with landowners in the M58 corridor (e.g. Knowsley Estate). These discussions have not resulted in any further potential sites, and have effectively ruled out most land in the M58 corridor from consideration as a suitable Traveller site(s).
- 5.8 During the time between preparation of the 2013 draft Options and Preferred Options document and this 2015 document, other negotiations have taken place, and the situation with regard to some original (2013) candidate sites has changed materially. For example, the recovered appeal for a site at Aveling Drive, Banks, was dismissed by the Secretary of State in August 2014 on account of harm to the Green Belt, and flood risk. This has effectively ruled out the site from further consideration. Ongoing work on the Local Plan evidence base brought to light an issue regarding underground pipelines to the south and west of Skelmersdale which are classed as hazardous installations. This has effectively ruled out land within a sizeable buffer zone either side of these pipelines from consideration as potential Traveller sites. In the Scarisbrick area, one site advertised as being available in 2013 is no longer available.

⁶ The Strategic Housing Land Availability Assessment (SHLAA) is essentially a compilation of sites that the Council and / or the site owners consider might have potential for residential development at some point in the future. The sites are grouped according to their anticipated timescale for delivery. Some SHLAA sites have been identified by the Council; others have been suggested by, or on behalf of, their owners. Not all SHLAA sites will necessarily be judged suitable for housing.

- 5.9 In summer 2015, Council officers contacted the landowners of / agents for sites allocated in the West Lancashire Local Plan 2012-2027 for residential development (but not yet with planning permission), as well as safeguarded sites, to ask whether they would consider part of their land being set aside as a Traveller site. This exercise yielded no potential sites. Responses from landowners cited such reasons as the likely impact of Traveller-related development upon the deliverability of the overall site.
- 5.10 Council officers have engaged with public sector landowners including the Homes and Communities Agency, police, and NHS, through the Duty to Co-Operate and the Call for Sites exercises, to enquire about the availability of any potential land for Travellers. In addition, the Council has liaised with the Lancashire County Council Estates Department. None of these approaches have resulted in any sites being brought to the Council's attention.
- 5.11 Planning officers have liaised with the West Lancashire Borough Council Estates and Regeneration Teams to investigate the possibility of any redundant (or operational) employment land being considered as a possible Traveller site, and to enquire whether any land in WLBC ownership could be made available for Traveller accommodation.
- 5.12 In terms of the use of employment land, the Regeneration Manager advised that there were no sites available, and that the use of such land in West Lancashire was unlikely in principle for the following reasons:
- Research carried out in 2013/14 demonstrates that employment areas in West Lancashire have low vacancy rates, and it is anticipated that demand will increase over the period 2013-2032;
 - There is a need for a limited amount of vacant units / underused land at any one time in order to allow the market to function efficiently;
 - Residential uses are likely to be incompatible with business and industrial uses typically found in West Lancashire's employment areas;
 - Whilst there is undeveloped land at White Moss Business Park, this is specifically allocated for offices, research and development, hotels, or non-residential institutions. Use of this land for Traveller accommodation would be inappropriate, and could impact upon the successful development of this 'flagship' site;
 - There is not considered to be any employment land in West Lancashire Borough Council ownership that would be suitable for Traveller accommodation.
- 5.13 There are over 1,000 pieces of land in WLBC ownership, in a variety of uses, for example highways, built community facilities, formal and informal open space, commercial premises, and housing. To assess the suitability and availability of this land for Traveller accommodation purposes, Council officers categorised the land according to its general use, assessed each of these uses for their suitability as Traveller sites using general and Traveller-specific planning policy, and discounted those land uses which were considered incompatible with Traveller-related development.
- 5.14 Following the above analysis, it was concluded that the only category of land use within WLBC ownership that may yield a potential candidate Traveller

site(s) was informal open space, for example open green areas within settlements such as Skelmersdale. However, following dialogue between WLBC Planning and Estates & Valuation teams, it was concluded that no specific individual sites in this category were actually suitable for consideration as Traveller sites.

- 5.15 It became evident, as the above exercises were undertaken, that there were relatively few candidate sites for potential allocation as Traveller sites, and that it was unlikely that sufficient deliverable sites could be found in West Lancashire to meet the Borough's Traveller accommodation needs, as set out in the 2014 Merseyside and West Lancashire GTAA. In the light of this, the Council wrote to neighbouring local authorities under the Duty to Co-Operate, asking whether any neighbouring local authorities could help meet any of West Lancashire's needs. The responses received demonstrated that no neighbouring local authority had any land that could realistically be expected to contribute towards West Lancashire's Traveller accommodation targets.

Area-Specific Site Searches

Please note that paragraphs 5.16 – 5.34 refer to various sites across West Lancashire. Maps showing the locations of these sites, and a list of the site names, are provided in Figures 5.3 – 5.9 on pages 42-45 below.

- 5.16 Given patterns of Traveller encampments in West Lancashire over recent years (both authorised and unauthorised), the various local connections of Travellers currently residing in West Lancashire, and the findings of the 2014 GTAA, it is evident that the general locations of Traveller accommodation need in West Lancashire are as follows:
- The Banks and Scarisbrick areas and, to a lesser extent, Skelmersdale, for permanent Gypsy and Traveller sites;
 - The M58 corridor and Skelmersdale area for transit sites; and
 - The Burscough area for Travelling Showpeople sites.

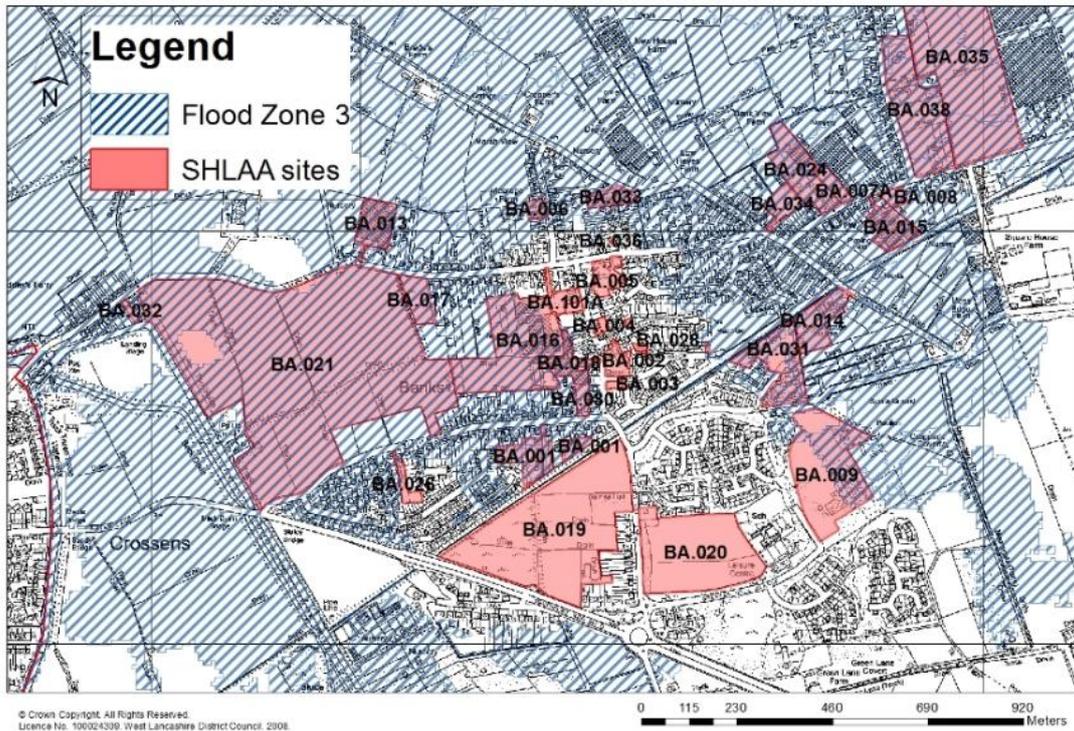
The Banks area

- 5.17 The initial site search process yielded four sites in Banks, three of the sites known to the Council's Planning Division by virtue of recent planning applications and / or enforcement action (two sites at Aveling Drive, one site at Sugar Stubbs Lane – 'Sites 1-3' respectively in the list on p45), and one site contained in the SHLAA ('Site 4'). Between early 2014 and summer 2015, this list of four sites was reduced to one, following the dismissal of the appeal for the more easterly Aveling Drive site ('Site 2') on grounds of harm to the Green Belt and risk of flooding (which also effectively rules out the other Aveling Drive site), and a change in status of the SHLAA site, the owner confirming it is no longer available as a potential Traveller site. This remaining site (Sugar Stubbs Lane), with a maximum estimated capacity of three to four pitches, is insufficient to meet the needs of the Travellers currently based in Banks.
- 5.18 It has thus been necessary to extend the site search further to identify any other potential sites in the area. Much of the land in the Banks area is in Flood

Zone 3. National policy does not allow for residential caravans to be situated in such locations. The starting point for this search was SHLAA sites in non-flood risk areas, initially in or within 1km of Banks village, and subsequently further afield. Figure 5.1 below (p39) shows the location of SHLAA sites in the Banks area, and the extent of the land in Flood Zone 3.

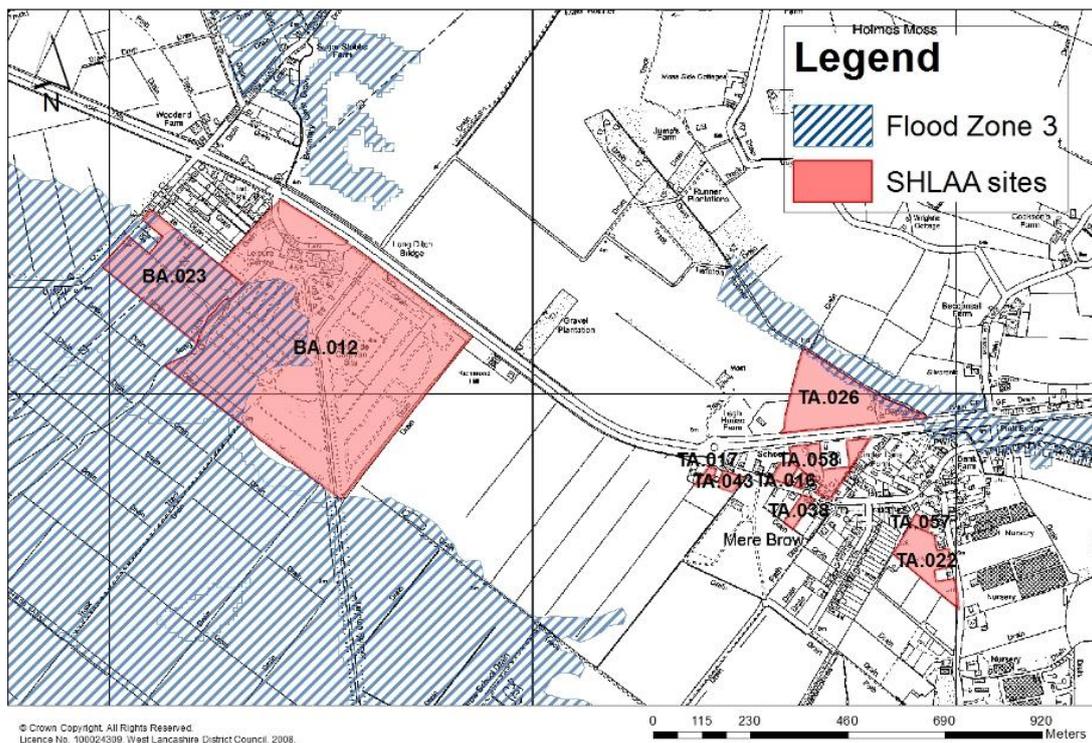
- 5.19 Figure 5.1 shows that the most substantial piece of undeveloped land not in Flood Zone 3 is site BA.019 (the roughly triangular-shaped piece of land in the bottom centre of the map, between the A565 road and the former railway line). However, the owners of site BA.019 have informed the Council that they are not willing for the site to be considered as a Traveller site. The smaller sites within the built-up area of Banks are not considered suitable locations for potential Traveller sites for a number of reasons including existing buildings and uses on site, site size, access, and / or neighbouring land uses.

Figure 5.1 SHLAA sites and Flood Zone 3 in the Banks area



5.20 In the light of a lack of suitable sites within, or within 1km of Banks, the area of search was expanded eastwards and southwards towards Mere Brow and Tarleton (west of Banks is Sefton Borough; north of Banks is the River Ribble Estuary), looking for SHLAA sites with easy access to the A565 road. Figure 5.2 below shows SHLAA sites and areas within Flood Zone 3 to the south east of Banks.

Figure 5.2 SHLAA sites and Flood Zone 3 areas south east of Banks



- 5.21 Of the sites in Figure 2 above, site BA.023 is in Flood Zone 3, site BA.012 is an existing permanent caravan park (Riverside), and the owner of site TA.022 has not expressed support for the site being considered as a Traveller site. However, site TA.026, part of which was a former depot, and which is adjacent to the A565, was considered a possible 'candidate' Traveller site, and was consequently added to the list of potential sites ('Site 12' in the list on p45 below). TA.026 is in two ownerships; the owners of the larger western part of the site have indicated that they are not willing for the land to be a Traveller site, and thus only the eastern portion of the triangle of land was considered to have potential for consideration as a candidate site.
- 5.22 The site search was extended further eastwards along the A565. However, this proved fruitless, as there were no SHLAA sites whose owners had expressed a willingness for Traveller development on their land. Furthermore, discussions with Tarleton Estates, a significant landowner in the area, failed to yield any potentially available sites.

Scarisbrick

- 5.23 Within Scarisbrick, the site search process initially yielded four sites. Three sites were known to the Council by virtue of their planning history. Two of these (High Brow Farm on Pool Hey Lane ('Site 9'), and land at 1-3 Southport Road, Kew ('Site 10')) had been subject to unauthorised Traveller encampments in the past; the other (Pool Hey Caravan Park ('Site 8')) is a longstanding unauthorised site. In addition, one site (land rear of Smithy Lane ('Site 11')) was submitted to the Council in the September 2013 call for sites exercise.
- 5.24 Since the submission of the first Options and Preferred Options Traveller Sites DPD to Cabinet in March 2014, three of the four Scarisbrick sites have ceased to be available for consideration. High Brow Farm, which was being marketed in 2013⁷, is no longer being marketed, and the land at 1-3 Southport Road, Kew has been sold for residential development. The owner of the land at Smithy Lane has advised that the site is no longer available for consideration as a Traveller site.
- 5.25 SHLAA sites elsewhere in the Scarisbrick area are widely dispersed and none are considered suitable for Traveller accommodation on account of their location, either beside residential uses, or in more remote, very unsustainable locations.

Skelmersdale and surrounding area

- 5.26 Within the Skelmersdale area, the initial site search process yielded four sites, three along White Moss Road South to the south of the settlement, and one at the former Bickerstaffe Colliery, adjacent to junction 3 of the M58, west of Skelmersdale. The first site on White Moss Road South (White Moss Road South (A), or 'Site 13') was brought to the attention of the Council during the 2013 Call for Sites exercise by a member of the Travelling community; White

⁷ See <http://www.propertypilot.co.uk/pdf/129+3008.pdf>; and <http://www.pugh-auctions.com/Lot/manchester/20070221/109>

Moss Road South (B) ('Site 14') was known to the Council as it had been subject to a planning application made by Travellers. White Moss Road South (C) ('Site 15') was added by Council officers in 2013 following site visits in the area. The site at the former Bickerstaffe Colliery ('Site 20') was discussed at the West Lancashire Local Plan examination hearings in March 2013 as a potential site⁸.

- 5.27 Since the initial site search process, three of the above four sites have ceased to be available. Highways England, owners of White Moss Road South (A), have informed the Council that the site is required for future operations, and is not available for purchase. The owners of White Moss Road South (C), Knowsley Estate, have also confirmed that this site is not available, nor is any other land in their ownership. The owners of Bickerstaffe Colliery informed the Council early in 2014 that they were no longer willing for the site to be considered for Traveller accommodation. In addition, the site has since been designated an Asset of Community Value, following an application made by Bickerstaffe Parish Council.
- 5.28 White Moss Road South (B) was originally included in the list of potential candidate sites on account of its Traveller-related planning history. The site then changed hands, and was resubmitted in the 2015 Call for Sites as a potential Traveller site, and thus it remains available.
- 5.29 Following the Cabinet resolution in March 2014, a search was made for a single site in the M58 corridor to meet all Gypsy accommodation needs, as well as a more general search for sites around the Skelmersdale area. As has already been stated, contact with landowners in the M58 corridor indicated that they were unwilling to make any of their land available for Traveller accommodation. Despite the size of the settlement of Skelmersdale and the extent of the land surrounding it, there are a number of topographical and other constraints in and around the settlement that limit the area of search for further potential Traveller sites, for example the presence of nature conservation sites, Beacon Country Park, areas of landscape history of regional importance, three oil and high pressure gas pipelines that are considered Major Hazardous Installations by the Health and Safety Executive and that have significant buffer zones, a railway cutting, a hazardous waste landfill site that has recently been granted permission to expand and to operate a further 20 years, and areas of Green Belt that form a narrow "strategic gap" between Skelmersdale / Up Holland and Orrell / Tontine.
- 5.30 In terms of transit sites, whilst there have been a number of unauthorised roadside encampments over recent years in Skelmersdale, primarily on the Pimbo and Gillibrands Industrial Estates in Skelmersdale, it was not considered appropriate to mark the locations of these unauthorised encampments as potential sites, given their inherent unsuitability for Traveller accommodation.

⁸ See document Ref EX.238 on the Council's website at http://www.westlancs.gov.uk/planning/planning_policy/the_local_plan/the_local_plan_2012-2027/local_plan_preparation_stages/stage_4_-_submission_and_exam/documents_submitted_during_t-1.aspx

Burscough

- 5.31 As the 2014 GTAA concludes, there is a need for a site for Travelling Showpeople in Burscough, given the connections of local Showpeople to this area. Consequently, the area of search for a Travelling Showpeople site was limited to land within or adjoining the settlement of Burscough. The Call for Sites exercise yielded one site (Land West of Ringtail Road ('Site 5')), and a second site was brought to the attention of the Council during the 2013 Call for Sites period (Land West of Tollgate Road ('Site 7')), neither of these sites being subject to flood risk issues.
- 5.32 Between March 2014 and summer 2015, both the initial sites suggested as potential candidate sites for Travelling Showpeople have had to be ruled out from consideration on account of their owners expressing an unwillingness for the land to be used for such accommodation. The subsequent Call for Sites, liaison with landowners, including the WLBC Estates team and the owners of allocated sites in the area, and contact with SHLAA site owners, has failed to identify any further candidate sites in this area.

Potential Candidate Traveller Sites

- 5.33 A total of 20 sites were identified as potential candidate Traveller sites, following the site assembly process set out above. Figures 5.3 – 5.9 below show the locations of these 20 sites.
- 5.34 The 20 sites, the sources of their identification, and their current status in terms of availability / deliverability, are set out in Table 5.1, following Figures 5.3-5.9.

Note: The Key to the sites (site name / number) is provided after Fig. 5.9

Figure 5.3 Sites in Banks village

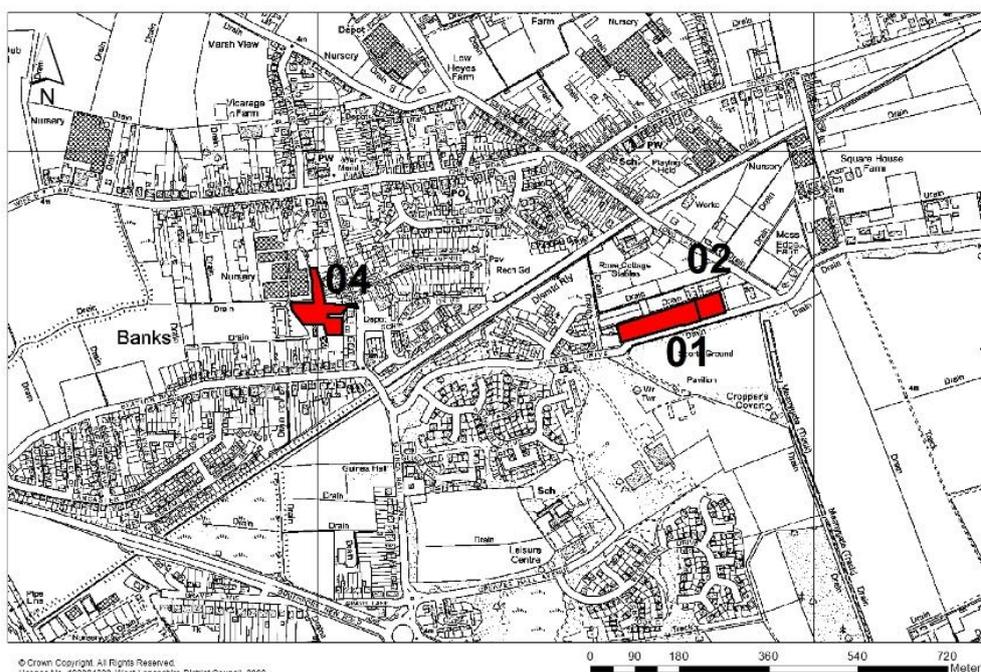


Figure 5.4 Sites East of Banks Village

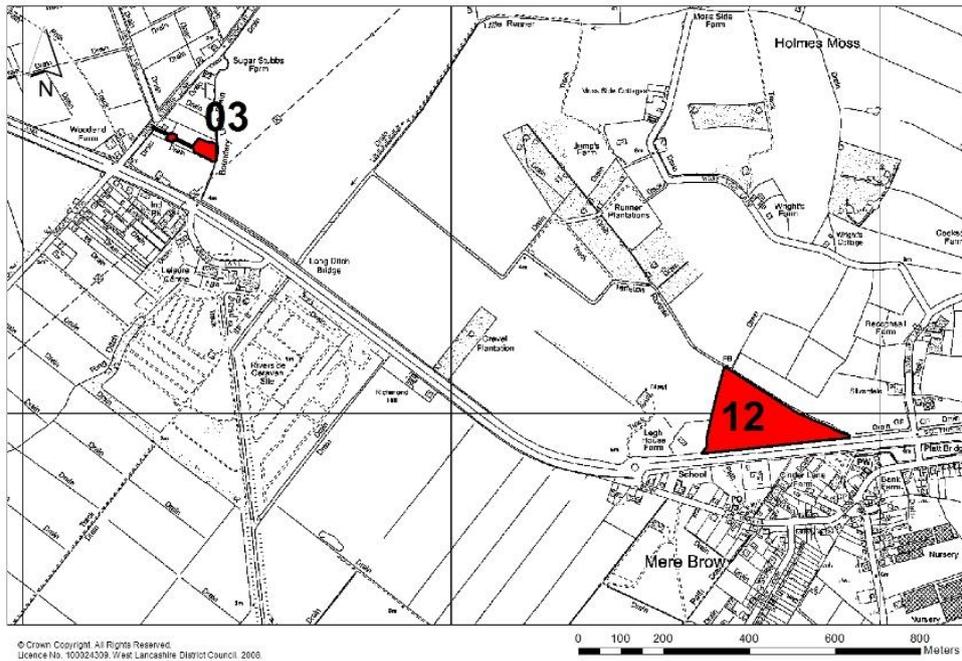


Figure 5.5 Sites in Kew / West Scarisbrick

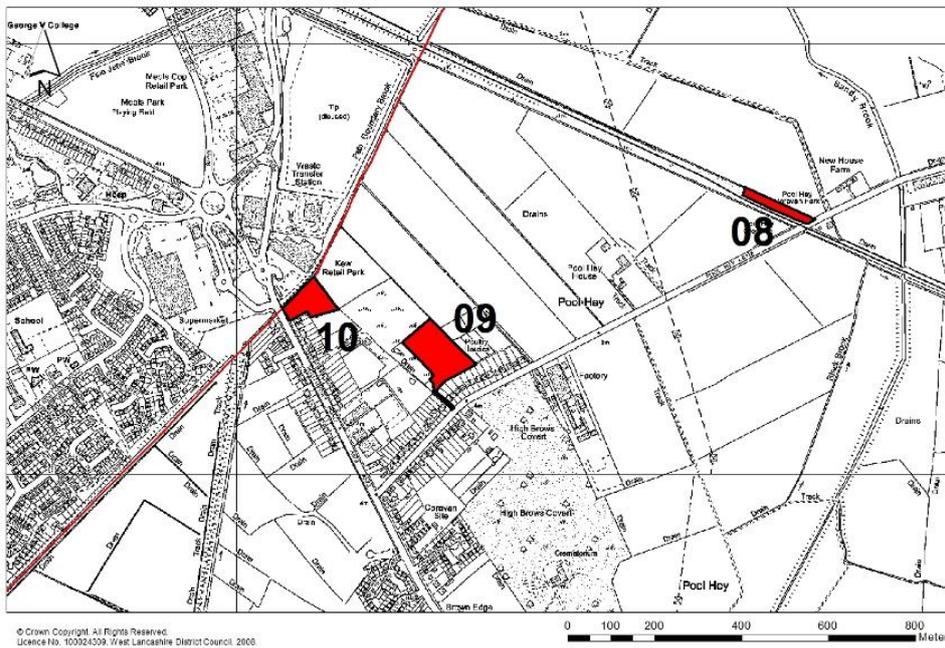


Figure 5.6 Sites in East Scarisbrick / West Burscough

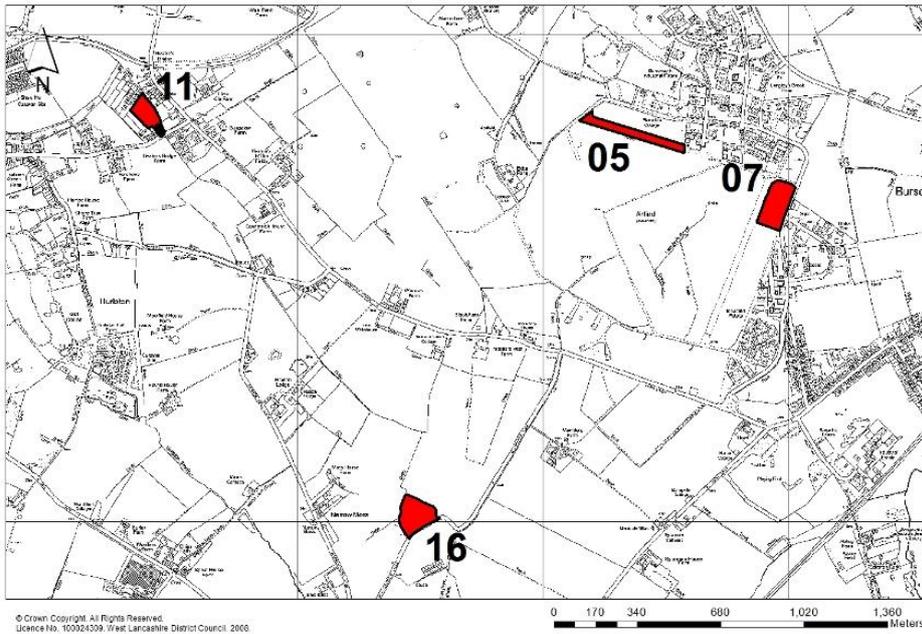


Figure 5.7 Site in Burscough

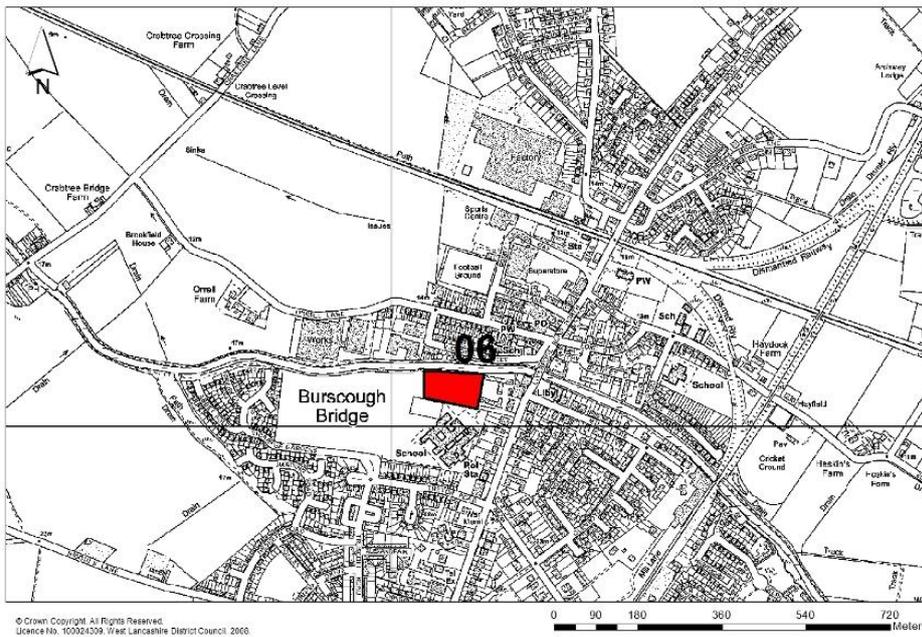


Figure 5.8 Sites in Skelmersdale / Bickerstaffe

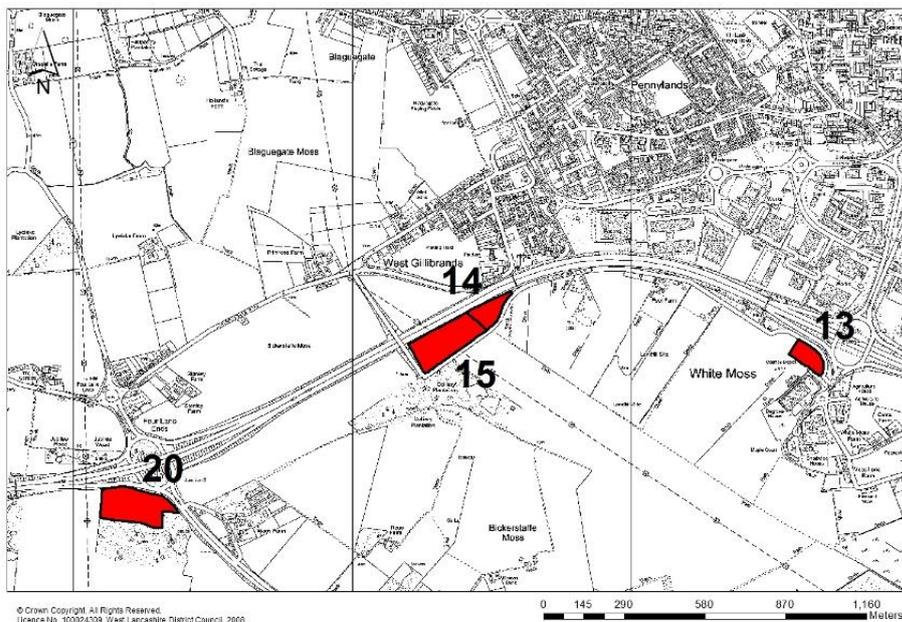
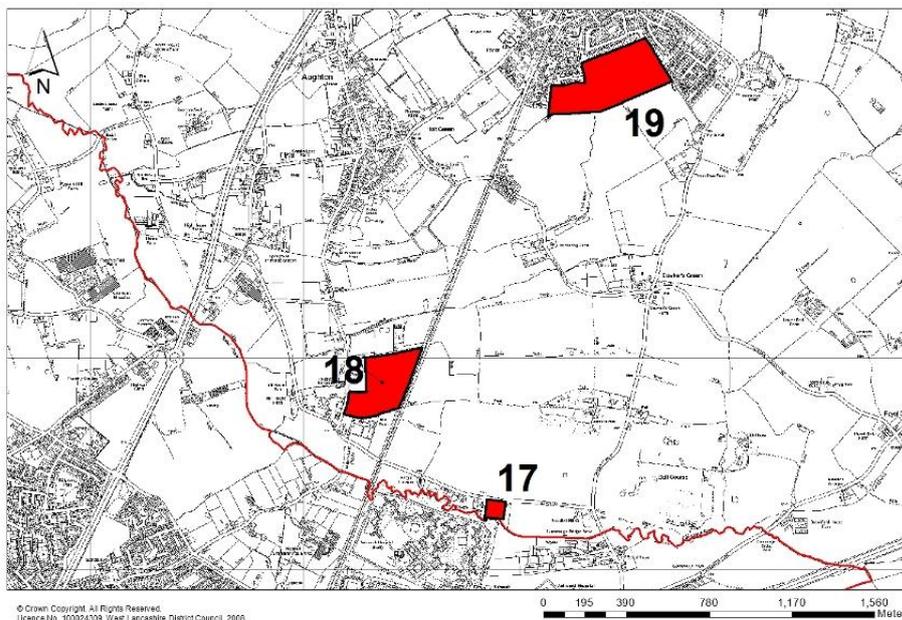


Figure 5.9 Sites in Aughton



Key to Sites

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Mosslands Stables, Aveling Drive, Banks 2. Land west of Mosslands, Aveling Drive, Banks 3. Land rear of 'The Poppys', Sugar Stubbs Lane, Banks 4. Land west of Hoole Lane, Banks 5. Land west of Ringtail Road, Burscough 6. Land west of The Quays, Burscough 7. Land west of Tollgate Road, Burscough 8. Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick 9. High Brow Farm, Pool Hey Lane, Scarisbrick 10. Land at 1-3 Southport Road, Kew, Southport | <ul style="list-style-type: none"> 11. Land to the rear of 281 Smithy Lane, Scarisbrick 12. Former depot, Mere Brow 13. White Moss Road South (A), Skelmersdale 14. White Moss Road South (B), Skelmersdale 15. White Moss Road South (C), Skelmersdale 16. Blackacre Lane, Ormskirk 17. Land south of Butcher's Lane, Aughton 18. Land east of Brookfield Lane, Aughton 19. Land east of Middlewood Drive, Aughton 20. Bickerstaffe Colliery, Bickerstaffe. |
|---|--|

Table 5.1 Potential Candidate Traveller Sites – sources and latest position regarding availability

Site Name / Address	Source (position as at December 2013)	Latest Position (November 2015)
1. Mosslands Stables, Aveling Drive ('Aveling Drive A'), Banks	Site with planning application pending consideration.	Site with planning application pending consideration, but the dismissal of the appeal on the neighbouring site is likely to have implications for this site's deliverability.
2. Land west of Mosslands, Aveling Drive ('Aveling Drive B'), Banks	Site with planning appeal pending decision (in the hands of the Secretary of State).	Appeal dismissed by the Secretary of State on grounds of harm to the Green Belt and flood risk. This effectively rules out this site from consideration.
3. Land rear of 'The Poppys' (<i>sic</i>), Sugar Stubbs Lane, Banks	Site with planning permission for one caravan; more recent planning application pending consideration.	No change since 2013
4. Land west of Hoole Lane, Banks	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
5. Land west of Ringtail Road, Burscough	Site submitted in the September 2013 Call for Sites exercise.	Site owner no longer willing for the land to be used to accommodate Travelling Showpeople.
6. Land west of The Quays, Burscough	Established Travelling Showpeople site with planning permission.	No change since 2013
7. Land west of Tollgate Road, Burscough	Site suggested by a member of the travelling community.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
8. Pool Hey Lane 'Caravan Park', Scarisbrick	Site with longstanding planning history, also submitted in the Call for Sites exercise.	No change since 2013
9. High Brow Farm, Pool Hey Lane, Scarisbrick	Site with previous enforcement action relating to unauthorised occupation by Travellers; marketed as an available site.	Site has been sold and is no longer available.

Site Name / Address	Source (position as at December 2013)	Latest Position (November 2015)
10. Land at 1-3 Southport Road, Kew, Southport	Site with previous issues relating to unauthorised occupation by Travellers.	Site purchased on behalf of a developer with a view to development for housing; site is not available for consideration as Traveller accommodation.
11. Land to the rear of 281 Smithy Lane, Scarisbrick	Site submitted in the Call for Sites exercise.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
12. Former depot, Mere Brow	Eastern part of site identified as a possible candidate site by WLBC officers undertaking an area-based site search (Banks area).	Eastern part of site has recently been purchased and is in use; not considered available as a potential Traveller site.
13. White Moss Road South (A), Skelmersdale	Site brought to the Council's attention by a member of the travelling community.	Owners have informed the Council the site is not available for consideration as a Traveller site.
14. White Moss Road South (B), Skelmersdale	Site with planning permission granted (December 2013) for Traveller-related development (stables).	Site submitted as a Traveller site in the summer 2015 Call for Sites exercise.
15. White Moss Road South (C), Skelmersdale	Site identified by WLBC officers, adjacent to above site.	Owners have informed the Council the site is not available for consideration as a Traveller site.
16. Blackacre Lane, Ormskirk	Site submitted in Call for Sites.	No change since 2013.
17. Land south of Butcher's Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site; owner has once again indicated a willingness for the site to be considered as a Traveller site.
18. Land east of Brookfield Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site; owner has once again indicated a willingness for the site to be considered as a Traveller site.
19. Land east of Middlewood Drive, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site. In 2015, the owner has informed the Council that the land is no longer available for consideration as a Traveller site.
20. Bickerstaffe Colliery, Bickerstaffe	Site previously identified by WLBC officers on account of its proximity to M58 Junction 3.	Owners have informed the Council the site is not available for consideration as a Traveller site.

Potential Site Uses and Capacities

- 5.35 As Table 1 demonstrates, and as explained in the Area-Specific Site Searches section above, just 7 of the 20 sites are now considered available and / or potentially deliverable ('candidate' sites), namely
- Site 3: Land adjacent to 'The Poppys' (*sic*), Sugar Stubbs Lane, Banks
 - Site 6: Land west of The Quays, Burscough
 - Site 8: Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick
 - Site 14: White Moss Road South (B), Skelmersdale
 - Site 16: Land at Blackacre Lane, Ormskirk
 - Site 17: Land south of Butcher's Lane, Aughton
 - Site 18: Land east of Brookfield Lane, Aughton
- 5.36 Table 5.2 below shows what types of Traveller accommodation may be possible or most appropriate on the 7 'candidate' sites, and their indicative capacities. Please note that these are indicative figures, based on an initial assessment of each site (using *inter alia* aerial photographs, information gleaned from site visits, consideration of the potential of site accesses to cope with vehicle numbers, and possible site constraints, e.g. flood risk areas, neighbouring uses), rather than a detailed study of different potential site layouts, plot sizes, and vehicle turning distances, etc.
- 5.37 The potential type of Traveller uses for each site have come from site submission forms (SHLAA / Call for Sites), or from current uses of the sites. For other sites, where this information is not available, potential uses have been determined from Council officers' judgement of sites' suitability for different uses. For example, transit or Travelling Showpeople sites are not being suggested in areas where the 2014 GTAA does not indicate that there is a need for such accommodation.
- 5.38 The maximum indicative number of pitches per site has been limited to 15, based on advice in the government's Designing Gypsy and Traveller Sites: Good Practice Guide (May 2008), which, although now cancelled, is still considered applicable.

Table 5.2 Potential site uses and capacities of candidate sites

Site no. / name	Potential accommodation* (GT / TS / Transit / All)	Indicative capacity
3. Land rear of 'The Poppys' (<i>sic</i>), Sugar Stubbs Lane, Banks	GT only	Existing authorised caravan on site; 3 pitches maximum within current site boundary.
6. Land west of The Quays, Burscough	TS only	10 plots (current permission). Current lawful use of the site is as a Travelling Showpeople yard.
8. Pool Hey Lane 'Caravan Park', Scarisbrick	GT only	Maximum 5 pitches within current site boundary.
14. White Moss Road South (B), Skelmersdale	Transit only	4 pitches. Capacity limited by nearby oil / gas pipelines.
16. Blackacre Lane, Ormskirk	All	15 pitches
17. Land south of Butcher's Lane, Aughton	GT only	3-4 pitches
18. Land east of Brookfield Lane, Aughton	GT only	15 pitches

* GT = Permanent Gypsy / Traveller site
 TS = Travelling Showpeople site

Options and Preferred Options Consultation Question 3

Proposed Candidate Traveller Sites

Do you have any comments about the list of proposed candidate Traveller sites?

Are there any other sites that should be added to this list?

Should any of the excluded sites be reinstated, or should any of the candidate sites be excluded?

(Please provide a reasoned justification for any proposed additions or other alterations, to the list of candidate sites. Where possible, please provide details of ownership, availability, physical constraints, and any other relevant information that would help the site assessment process.)

6. Preferred Options to Meet Traveller Accommodation Needs

Assessment of Candidate Traveller Sites

- 6.1 The 7 sites set out in Tables 5.1 and 5.2 above constitute West Lancashire Borough Council's "Options" for meeting the need for Traveller accommodation in this Borough. Appendix 1 contains the assessment of each site against the criteria set out in Chapter 4 above.

Options and Preferred Options Consultation Question 4

Assessment of Candidate Traveller Sites

Is the assessment of the candidate Traveller sites correct?

Are there any factual errors that need to be corrected, or are there any other amendments that should be made to the site assessments in Appendix 1?

(Where possible, please provide clear evidence to back up any suggested changes to site assessments.)

Preferred Options to Meet Traveller Accommodation Needs

- 6.2 In the light of the site assessments set out in Appendix 1, the locations and scale of Traveller accommodation need across West Lancashire, and the proposed uses and indicative capacities of the different candidate sites (Table 5.2), the Council's Preferred Options to meet Traveller accommodation needs are set out below. In arriving at the Preferred Options, the Council has considered the merits of six alternative approaches, of which five have been discounted for the reasons set out in the Alternative Options section (paragraph 6.12). However, at this Options / Preferred Options stage of the preparation of this DPD, the Council is open to further evidence as to the suitability and / or deliverability of the sites considered, and open to suggestions of alternative sites not included in the list above. If alternative sites are suggested, the Council will expect evidence to be submitted concerning the ownership, capacity and deliverability of the given sites.

Policy GT2

Traveller Accommodation in West Lancashire

The Traveller accommodation needs in West Lancashire are as set out in the 2014 Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) and are as follows:

- 14 pitches on permanent Gypsy and Traveller sites by 2018, rising to 17 pitches by 2023 and 22 pitches by 2033;
- 4 transit pitches; and
- One yard for Travelling Showpeople with at least one residential plot.

The following sites will be inset from the Green Belt and allocated as permanent Gypsy and Traveller accommodation only:

- | | |
|---|-----------|
| (a) Land at Sugar Stubbs Lane, Banks | 3 pitches |
| (b) Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick | 5 pitches |

The following site will be allocated as a Travelling Showpeople site:

- | | |
|--|----------|
| Land to the west of The Quays, Burscough | 10 plots |
|--|----------|

Proposals for Traveller sites in locations other than those specified above will be required to meet the criteria set out in Policy GT1.

Justification

Traveller Accommodation Needs

- 6.3 As explained in Chapter 2 above, the most up-to-date objective assessment of Traveller accommodation needs in West Lancashire is the Merseyside and West Lancashire GTAA, published August 2014. This robust and comprehensive study involved dialogue with Travellers in the area, as well as their representative bodies and other stakeholders.
- 6.4 This DPD is proceeding on the basis that the Travellers whose accommodation needs have been assessed in the 2014 GTAA meet the revised government definition of “Travellers” as set out in PPTS 2015 Annex 1. If subsequent evidence base work indicates that changes need to be made to assessed accommodation needs as a result of any “Travellers” no longer being classified as such, or as a result of revised government guidance on GTAA methodology, this will be reflected in an update to this DPD, or in a review of the West Lancashire Local Plan.

Shortfall in Provision of Sites

- 6.5 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 not been possible to identify sufficient deliverable or developable sites in West Lancashire to meet identified needs. As such, the Council is proposing to meet what need it can, with the deliverable and developable sites available in West Lancashire.
- 6.6 The site assembly process is set out in Chapter 5 above, and has involved two Call for Sites exercises, and approaches to and negotiations with many different landowners. However, this work has yielded just 20 potential candidate sites, and, as summarised in Table 5.1 above, 13 of these 20 sites have been ruled out, mostly on the grounds of availability. The detailed site assessment work (Appendix 1) demonstrates that of the seven available sites, four are not considered deliverable, for the reasons summarised in Table 6.1 below (linked to suitability and achievability):

Table 6.1 Deliverability of Sites 14, 16, 17, 18

Site	Name	Comments on Deliverability
14	White Moss Road South (B), Skelmersdale	<ul style="list-style-type: none"> • Submitted by its owners as a Traveller site; • Site sandwiched between Whitemoss hazardous waste landfill site and the M58 motorway, thus considered to have potential for a transit site only; • Close to three underground oil and high pressure gas pipelines, all of which are Major Hazardous Installations with buffer zones in which the Health and Safety Executive is opposed to the siting of caravans; • Question marks over deliverability – owners are willing to make the site available for Travellers, but do not want to run the site as a transit Traveller site.
16	Blackacre Lane, Ormskirk	<ul style="list-style-type: none"> • Site owned by Travellers; used for grazing horses; • Open, slightly elevated, Green Belt land with little 'screening vegetation'; as a result, use of this site for Travellers would have significant visual impact and harm to the perceived openness of the Green Belt; • Poor road access; • Site is not in an area of Traveller accommodation need; • Site is reasonably sustainable, but its use as a Traveller site could have an impact on the nearby settled community (200-300m away).
17	Butcher's Lane, Aughton	<ul style="list-style-type: none"> • Not in an area of identified Traveller accommodation need; • Site is situated on a rural lane with residential properties directly adjacent on both sides, meaning that its use as a Traveller site would be likely to be a significant impact on the local settled community; • Green Belt site with little screening vegetation to Butcher's Lane and to adjacent properties; • Site lies partly in Flood Zone 3; • Unsustainable location, remote from services and public transport; • Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.
18	Land east of Brookfield Lane, Aughton	<ul style="list-style-type: none"> • Not in an area of identified Traveller accommodation need; • Large site with some road frontage, mostly set back from the road; highly visible from the Ormskirk – Liverpool railway; • Brookfield Lane is a minor, rural road; • Open Green Belt site; it is unlikely to be feasible to achieve adequate screening of the site, especially from the adjacent railway line (on an embankment) and thus the use of the site for Travellers is likely to have significant visual impact; • Site comprises a significant area of Grade 1 agricultural land; • Public footpath runs through site; • Unsustainable location, remote from services and public transport; • Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.

6.7 Approaches to neighbouring local authorities under the Duty to Co-Operate, asking whether they could contribute towards meeting West Lancashire’s Traveller accommodation needs have not resulted in any land or sites being offered that could meet a need identified in this DPD.

Suitability of Preferred Sites

6.8 The three sites proposed for allocation are considered deliverable (available, suitable and achievable) for the reasons set out in Table 6.2 below:

Table 6.2 Deliverability of Sites 3,6,8

Site	Name	Comments on Deliverability
3	Land at Sugar Stubbs Lane, Banks	<ul style="list-style-type: none"> • Site is in the hands of Travellers, and is already in use as a Traveller site; • Site has a long-established permission for one residential caravan; • Site is close enough to A565 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population; • Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment. • Much of the site is reasonably well screened, especially from the A565, by evergreen hedging. Release of this site from the Green Belt would have a more limited impact than sites 16,17,18 because of the reduced visual impact.
6	Land west of The Quays, Burscough	<ul style="list-style-type: none"> • Site has permission as a Travelling Showpeople site, and its use for Travelling Showpeople accommodation is long-established; • It should be noted that this site does not contribute towards meeting the outstanding need for Travelling Showpeople accommodation in the Borough – the need is over and above this site, and this site’s allocation represents the formalisation of an existing permitted use.
8	Pool Hey Caravan Park, Scarisbrick	<ul style="list-style-type: none"> • Site is in the hands of Travellers, and has been in use as a Traveller site for over 20 years; • As such, the occupants of the site have long-established ties to the area; • Site is close enough to A570 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population; • Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment; • Whilst in the Green Belt, the site is well screened by established hedging, lessening its visual impact; • Site is close to a level crossing, but the Council has no record of any incidents at the level crossing resulting from the use of the site for Traveller accommodation.

- 6.9 In the case of sites (3) and (8) above, they would be removed from the Green Belt if allocated, and the DPD would include a strong policy wording to prevent the use of the land for anything other than for Traveller accommodation, or for uses appropriate in an area surrounded by Green Belt, were the site(s) to be vacated by their current occupants.
- 6.10 In the case of the two current (unauthorised) Traveller sites at Aveling Drive, Banks (sites (1) and (2)), there is no option to allocate these for Traveller accommodation in the same way as sites (3) and (8), as the land at Aveling Drive is in Flood Zone 3, and national policy strongly discourages caravans in areas at risk of flooding.
- 6.11 Given the sites proposed for allocation are insufficient to meet the Borough's Traveller accommodation needs, Policy GT1 allows for the possibility of sites coming through via the development management process. If any such sites are granted permission, they may be allocated in future reviews of this DPD or the Local Plan.

Options and Preferred Options Consultation Question 5

Preferred Options for Traveller Sites

What amendments, if any, should be made to the list of 'Preferred' sites for providing Traveller accommodation?

Do you have any other comments on the list of 'Preferred' sites?

(Please provide a reasoned justification for any proposed amendments to the list of 'Preferred' sites. In particular, if a site is to be removed from the list, please show how the corresponding shortfall in provision should be made up. Where alternative sites are suggested, please provide a reasoned justification of why, in terms of planning policy and deliverability, the alternative site should be allocated as a Traveller site.)

Alternative Options

- 6.12 Five alternative options in terms of meeting Traveller accommodation needs are set out below, with comments on each alternative:

Alternative Option 1

Increase planned provision for Traveller accommodation, in order to offer choice to Travellers seeking accommodation.

Comment: Whilst this approach would be laudable in terms of giving Travellers choice regarding where they could seek accommodation, and would comply with national policy by providing *at least* a five year supply of deliverable sites, it is considered an unrealistic objective, due to the difficulty in identifying sufficient sites that are available, suitable (including sustainably located), and achievable to meet local needs, never mind exceed them.

Alternative Option 2

Increase planned provision for Traveller accommodation, in order to offer help meet neighbouring authorities' needs for Traveller accommodation.

Comment: Whilst this approach would be laudable in terms of this Council co-operating with neighbouring authorities to help meet needs on a cross-boundary basis, it has two main drawbacks, Firstly, as with Alternative Option 1, it is considered an unrealistic objective due to the difficulty in identifying sufficient sites that are available, suitable (including sustainably located), and achievable to meet local needs, never mind exceed them. Secondly, initial discussions with neighbouring authorities under the Duty to Co-Operate have not resulted in any neighbouring authorities requesting that all or part of their needs be met in West Lancashire. Rather, the general consensus is that Traveller accommodation needs should be met where they arise, i.e. within the boundaries of the local planning authority where a particular need exists. (Cross-boundary dialogue will, however, continue throughout the preparation of this DPD.)

Alternative Option 3

Reduce planned provision for Traveller accommodation below the levels set out in the draft GTAA, in anticipation of neighbouring local authorities offering to meet needs in West Lancashire.

Comment: As with Alternative Option 2, the general consensus is that Traveller accommodation needs should be met where they arise, i.e. within the boundaries of the local planning authority where a particular need exists. Neighbouring local authorities were asked, under the Duty to Co-Operate, whether they could contribute towards meeting this Borough's Traveller accommodation needs, but the responses were all negative.

Alternative Option 4

Allocate fewer sites, or no sites at all, for Traveller provision in West Lancashire, and rely instead on planning applications for sites in suitable locations that meet the criteria set out in policy GT1.

Comment: Not providing any sites to meet Traveller accommodation needs would be contrary to national policy, as set out in paragraphs 10 and 11 of PPTS, and with the Duty to Co-Operate (Paragraph 10 requires that local planning authorities work collaboratively with their neighbours in setting Traveller accommodation targets). This would lead to the Traveller Sites DPD being found unsound. Failure to provide any Traveller sites would mean the Council would be more vulnerable to the establishment of illegal encampments and sites in the Borough. A total lack of allocated sites would weaken the ability of the Council to take quick and effective action to secure the removal of such encampments and sites. Similarly, allocating fewer deliverable sites than are at the Council's disposal, and thereby falling a long way short of meeting identified needs, would also be likely to lead to the Traveller Sites DPD being found unsound.

Alternative Option 5

Set out a different distribution of proposed Traveller sites, either different sites in the same general locations, or sites in different locations.

Comment: The Council's assessment of potential sites is set out in Appendix 1, and has been used in making the choice of which sites are categorised as Preferred Options. There are no other sites in the Borough that are considered deliverable. In any case, to suggest sites in different geographical areas may not be consistent with the findings of the draft GTAA, which indicates the general areas of Traveller accommodation needs. Also, to suggest other sites in similar geographical areas may result in a less suitable or less deliverable site being proposed.

Sustainability Appraisal work to date indicates that the Preferred sites score relatively well in sustainability terms, relative to the other potential candidate sites.

Options and Preferred Options Consultation Question 6

Alternative Options for Traveller Sites

What amendments, if any, should be made to the alternative options for providing Traveller accommodation, and their being discounted?

Do you have any other comments on the alternative options?

(Please provide a reasoned justification for any proposed amendments to the alternative options and the analysis of them. If it is being proposed that one of the alternative options should become the Preferred Option, please indicate how this alternative option can be delivered and how it will comply with national policy.)

7. How to comment

Comments are invited on this document, on the site assessments set out in Appendix 1, and on the Sustainability Appraisal.

Six questions on different aspects of this document and Appendix 1 are set out in Chapters 3 (Question 1), 4 (Question 2), 5 (Question 3) and 6 (Questions 4-6) above.

The consultation period on this document runs from Thursday 3 December 2015 – Friday 29 January 2016.

Comments must be received by the Council by 5pm on Friday 29 January.

Comments may be made in the following ways:

Online: Please visit the Council's website at: www.westlancs.gov.uk/Travellers and fill in the online form.

Email: Comments forms can be downloaded from the Council's website (as above) and emailed to Localplan@westlancs.gov.uk

By post: Please post comments forms to:

Strategic Planning and Implementation Team
West Lancashire Borough Council
52 Derby Street
Ormskirk
Lancashire
L39 2DF

Any queries on the consultation process should be made to the above email or postal addresses, or can be made by telephone to 01695 585284 / 585274.

Equality Act 2010

Under the Equality Act 2010 the Council is under a duty to:

- Eliminate conduct that is prohibited by the Equality Act;
- Advance equality of opportunity between those who share a protected characteristic and those who do not share it;
- Foster good relations between those who share a protected characteristic and those who do not share it.

Race is one of nine "protected characteristics" covered by the Equality Act 2010; Romany Gypsies and Irish Travellers are recognised as having a protected characteristic. The Council reserves the right not to accept responses received that are considered to contain offensive or derogatory comments about Gypsies and Travellers.