

CABINET – 3RD APRIL 2012**LEICESTER CITY COUNCIL CONSULTATION ON PROPOSED
GYPSY AND TRAVELLER SITES IN LEICESTER****JOINT REPORT OF THE CHIEF EXECUTIVE AND DIRECTOR OF
RESOURCES****PART A****Purpose of the Report**

1. To respond to Leicester City Council's consultation on the establishment of up to 3 potential new authorised Gypsy and Travellers sites which are close to the city/county boundary. The consultation process will inform the City Council's Site Allocations Development Plan Document as part of the Leicester City Local Development Framework.

Recommendation

2. It is recommended that, in respect of the Leicester City Council Gypsy and Traveller Site consultation:
 - a) That the key comments set out in paragraphs 14 to 16 and 23 to 29 below be drawn to the attention of Leicester City Council as the views of the County Council, together with any views from Scrutiny;
 - b) That the Multi Agency Traveller Unit (MATU) liaise with the local authorities of Leicester and Leicestershire to arrange an update of the Gypsy and Traveller Accommodation Assessment (GTAA);
 - c) That MATU in accordance with established procedure, submit further detailed comments on the proposals.

Reasons for Recommendation

3. To ensure that the County Council views are provided to the City Council in relation to its Consultation before this finishes on 13th April 2012. These comments will form a part of the City Council's Site Allocation Development Plan Document, including provision for Gypsies and Travellers.

Timetable for Decisions (including Scrutiny)

4. The closing date for consultation is 13th April 2012. A copy of this report will be issued to the Scrutiny Commission, to be considered at its meeting on 28th March 2012.

Policy Framework and Previous Decisions

Multi Agency Traveller Unit

5. On 7th April 2009 Cabinet approved the establishment of a Multi –Agency Travellers Unit (MATU) to be hosted by the County Council to act on behalf of the County Council, Leicester City Council, Rutland County Council District Council and participating District Councils in Leicestershire, together with the Leicestershire Constabulary and the City and County PCTs (NHS Leicester City and NHS Leicestershire County and Rutland), to manage unauthorised encampments and other Traveller related issues, in line with the Code of Practice for Travellers adopted by the bodies concerned;
6. On 8th July 2009 the County Council accepted, pursuant to the Local Government Acts 1972 and 2000, the delegation of functions from Leicester City Council and from Rutland County Council District Council in relation to unauthorised encampments within their respective areas.

National Policy Framework

7. Section 225 of the Housing Act 2004 also introduced a specific requirement for local authorities to assess the accommodation needs of Gypsies and Travellers within their areas. Further guidance is set out in Circulars 01/06 - Planning for Gypsy and Traveller Caravan Sites (2006), and Circular 04/2007 - Planning for Travelling Showpeople (2007) and Planning Policy Statement 3: Housing (PPS3), June 2010, requires Local authorities to provide for the diverse range of housing requirements, including the need to accommodate Gypsy and Travellers.
8. The Coalition Government has set out its intentions for Gypsy and Traveller planning policy in a consultation document published in April 2011 entitled 'Planning for Travellers Sites'. This preceded the publication of the draft National Planning Policy Framework (NPPF) but the intention is to incorporate the policies into the NPPF.
9. The key principle underlying 'Planning for Travellers Sites' is to "align Traveller site policy more closely with that of planning policy for housing". It requires local need to be based on 'robust evidence', and a 5 year supply of specific deliverable sites to be allocated in order to meet needs, with an overall minimum 15 year land supply. It confirms that "local planning authorities have a statutory duty to assess accommodation needs of Travellers as part of their wider housing needs assessments".

Regional Policy Framework

10. The East Midlands Regional Plan (EMRP), published by the Secretary of State in March 2009, remains part of the development plan at present and as such the Leicester City Council Core Strategy must be in general conformity with the policies within it. However the Localism Act 2011 gives the Secretary of State power to revoke Regional Plans.

11. As it stands the EMRP sets out the quantity of Gypsy and Traveller pitches for each local authority to 2012. These allocations were based on a Gypsy and Traveller Accommodation Assessment (GTAA) which was carried out for Leicester and Leicestershire in 2007.

Local Planning Authority	Pitch Requirement 2007 – 2012
Blaby	13 (plus 5 transit pitches and 1 plot for showpeople)
Charnwood	9 (plus 5 transit pitches and 4 plots for showpeople)
Harborough	19 (plus 5 transit pitches and 24 plots for showpeople)
Hinckley and Bosworth	26 (plus 5 transit pitches and 2 plots for showpeople)
Leicester	24 (plus 10 transit pitches and 3 plots for showpeople)
Melton	6 (plus 5 transit pitches)
N W Leicestershire	32 (plus 10 transit pitches and 8 plots for showpeople)
Oadby and Wigston	1

12. Given its age the GTAA requires updating. Pending this updating the EMRP states that an ongoing increase of 3% compound growth per annum should be assumed to account for household formation post 2012 until this GTAA update is carried out.

Previous Decisions in relations to Leicester City Core Strategy

13. In November 2009, the Cabinet considered comments on the Leicester City Core Strategy Submission Version. This set out different strategies for development in the City. No significant comments were submitted on the City Council's Gypsy and Traveller policies as these were in conformity with the Regional Plan.

Concerns

14. Details of the concerns raised at the Bradgate, Rothley, Mountsorrel and Birstall Area Forum on 14th March 2012 are set in paragraph 29. Particular concerns were raised in relation to the proposed Greengate Lane site and the potential impact this may have a local services, with a consequential need for a S.106 Agreement.

Resource Implications

15. No resource implications arising from this report have been identified. The funding for the proposed scheme will be provided by the Homes and Communities Agency (HCA), Framework Housing Association and the City Council.

Circulation under the Local Issues Alert Procedure

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PART B

Multi Agency Traveller Unit (MATU)

16. Gypsies and Travellers have been present in the UK for over 500 years, but in today's society are the most deprived minority group in England. One of the most severe and detrimental forms of this disadvantage is that over a quarter of the community are homeless due to the intense shortage of legal sites on which to reside
17. The MATU was established in 2009 with officers from Leicester City Council, Leicestershire County Council, together with a dedicated Police Officer to provide a unified approach towards the management of unauthorised encampments across Leicestershire, Leicester and Rutland and to provide consistency of services to the Traveller and settled communities. This sub-regional approach has proved successful and is held up as a model of best practice nationally.
18. The MATU has resulted in major change across the County and City in relation to unauthorised encampments. Whilst the numbers have increased (74 in 2009 to 126 in 2011 to date), the issues associated with these (such as antisocial behaviour and waste) have declined. MATU has also played an important role in communication between planners and Travellers wishing to develop sites, with many Travellers now seeking planning advice prior to submitting an application or purchasing the land. MATU also comment on all planning applications for Gypsy and Traveller sites in the City and Districts.
19. Since the 2006 GTAA survey, roughly 100 plots have been delivered and many further sites are currently in the planning process or awaiting appeals. There have been some site closures and re-openings, and there is a continuing shortfall in socially rented and affordable provision. These changes have resulted in significant variation in the distribution of sites since the original study.

Proposals

20. The City Council considered around 350 sites across the whole of the City and selection was made using the Criteria as set out in policy CS9 of the Leicester City Adopted Core Strategy. More detail of the City Council's proposals is given in Appendix 1 and Appendix 2 shows the overall plan and individual locations of the sites which are at:
 - Red Hill;
 - Green Gate Lane; and
 - Beaumont Way
21. If it is intended to have a mixture of residential and transit pitches – possibly on different sites. The current consultation is exploring possible locations for new Gypsy and Traveller sites to meet existing need within the City. There will be further rounds of consultation both in planning policy and planning application processes. Any proposals that progress to planning

application stage will be considered by the County Council through the normal procedures.

22. As a neighbouring authority the County Council will be consulted on proposals in the City in relation to the potential impact on services and infrastructure. Other site specific issues will be considered by the City Council as Local Planning Authority.
23. Residential provision in the City would reduce unauthorised encampments (for the families that are homeless) and overcrowding at the Meynells Gorse Caravan Site .Transit provision would reduce unauthorised encampments for families passing through.
24. If a planning application is submitted the availability of education provision within a two mile (primary school) and three mile (secondary school) radius of a development will be assessed to establish if there is provision to serve any additional pupil places generated. The need for any education contributions as a result of the development will also be explored and s106 claims submitted if necessary.
25. County Council officers will work with their City Council counterparts to ensure that any highway issues are considered and any mitigation required is included in the event that planning permission is granted. The main highway issues for sites of this scale are likely to relate to site accesses, with the aim being to ensure safe access is provided with adequate geometry and visibility. Once traffic joins the County road network it is unlikely that it will have any material impact as the number of movements will be so low.
26. Funding for any infrastructure requirements should be met from the HCA, City Council and Framework housing association. With HCA grants being made available of £1,305,000 for Framework to deliver 15 pitches and £270,000 to the City Council for 6 pitches, there would be a requirement for further funding for both proposals
27. Authorised Sites would provide income for the Local Authority in respect of the pitch fees and Council Tax (usually band A)
28. MATU has been involved in discussions with the City Council on these proposals and will continue to do so should any of these schemes progress further.

Consultation

29. The Leicester City Council consultation on proposed Gypsy and Traveller sites in Leicester City closes on 13th April 2012. Following this, the City Council will prepare a draft Allocations Development Plan Document that will be subject to following stages:
 - i) June – August 2012: Public consultation on a document setting out the City Council's preferred locations for allocation of land for

housing (including Gypsy and Traveller sites) and employment sites;

- ii) January 2013: Public consultation on the final draft that will be submitted to Government to arrange an examination in public;
- iii) May 2013: The Document will be considered by a planning inspector at an examination in public;
- iv) October 2013: Adoption by the City Council.

Gypsy and Traveller Planning

- 30. The Core Strategy will be a key mechanism for delivering the spatial aspirations involving the development or use of land and buildings of the new Leicester Local Development Framework. The adopted Leicester Core Strategy is an overarching document setting out the spatial plan for the City to 2029.
- 31. Leicester City Council is now looking at addressing the identified need for the delivery of Gypsy and Traveller sites in line with the requirements set out in the adopted Leicester City Core Strategy policy 9. The Government's recent national policy statement 'Planning for Traveller Sites' reaffirms the need to deliver Traveller sites in line with evidence and to maintain a five year supply of deliverable pitches. The adopted Core Strategy identifies a need for 24 residential and 10 transit Gypsy and Traveller pitches up to 2012, rising to a total of 36 residential pitches and 15 transit pitches by 2026.
- 32. There is no reference to updating the Gypsy and Traveller Accommodation Needs Assessment to clarify the post-2012 position.

Gypsy and Traveller Accommodation Assessment Update

- 33. The draft National Planning Policy Framework (NPPF) is clear that local authorities have a duty to cooperate on strategic priorities such as housing and that the logical scale for this collaborative working on housing is the Housing Market Area (HMA). Planning for Traveller Sites reaffirms this approach for Gypsy and Traveller provision stating that "local planning authorities have a statutory duty to assess accommodation needs of Travellers as part of their wider housing needs assessments".
- 34. In anticipation of the abolition of Regional Planning, the Localism Act has introduced a duty to cooperate which applies to all local authorities and a number of other agencies. The duty to cooperate will be the mechanism for agreeing strategic issues that go beyond individual local authority boundaries.
- 35. The GTAA was published in April 2007. The report provided the first robust and comprehensive assessment of Gypsy and Traveller accommodation

needs for the sub-region and informed the Regional Plan requirements for pitch provision.

36. Since the publication of the 2007 GTAA there have been significant policy and operational changes, and these have resulted in changes in the distribution, scale and need for accommodation of Gypsies and Travellers in the sub-region.
37. The Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) was published in December 2008 and a refresh of this evidence carried out in 2010. The original GTAA report was published a year earlier than the SHMA and urgently requires review to ensure it accurately reflects the current picture for Gypsy and Traveller accommodation needs across the county.
38. Leicestershire County Council, through the MATU Co-ordinator, could provide officer time to support the development of the project, facilitate Gypsy and Traveller involvement and provide of up to date intelligence from across the sub-region.

Public Concerns

39. Concerns from residents at the public at the meeting of the Bradgate, Rothley, Mountsorrel and Birstall Area Forum organised by the County Council on 14th March focussed around three areas, especially in relation to the Greengate Lane proposal and the potential impact this may have on local services;
 - The City Council's consultation processes which did not originally include County residents living within close proximity to the proposed sites
 - The perceived impact of the potential development on services and infrastructure, including roads and schools.
 - Fear of increased crime and anti social behaviour

Equal Opportunities Implications

40. Through their policies and land allocations, LDFs have significant implications for disadvantaged people living in Leicester and Leicestershire.
41. The Public Sector Equality Duty (Section 149 of the Equality Act 2010) requires public bodies to consider all individuals when carrying out their day to day work, whether that is shaping policy, delivering services or in relation to their own employees. The general duty states that a public authority must have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation etc.
 - Advance equality of opportunity; and foster good relations.

42. The Equality Act outlines nine 'protected characteristics' (previously known as 'equality strands') to which the general duty applies. One of the nine is 'race'. Romany Gypsies and Irish Travellers are recognised under English law as distinct ethnic minority groups and are therefore legally entitled to protection. There is also protection under the Human Rights Act.

Background Papers

Adopted East Midlands Regional Plan – March 2009;

Leicester City Core Strategy – November 2010;

Reports to Cabinet on:

- Local Development Framework Consultation Leicester City Core Strategy – 10 November 2009
- The establishment of MATU – 7th April 2009;

Gypsy and Traveller Accommodation Assessment (GTAA).

Appendices

Appendix 1 – Extract from City Council Website.

Appendix 2 – Overall Plan of Gypsy and Traveller sites and Plan of Individual Gypsy and Traveller sites.