



North Devon Council & Torrige District Council

Report Date: 8th December 2023

Topic: Planning for Traveller Sites

Report by: Planning Policy Officer (NDC)

1. INTRODUCTION

- 1.1. This report is to provide members with information concerning planning for Traveller sites as requested at the previous meeting of this Committee held on the 13th of October 2023. The report will cover national planning policy, the provisions of the adopted North Devon and Torrige Local Plan (NDTLP), along with the evidence, which was used to inform it, before setting out the current position.

2. RECOMMENDATIONS

- 2.1. To note the contents of the report.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To inform members of the North Devon and Torrige Local Plan policies relating to gypsies and travellers and the future provision of Traveller sites.

4. REPORT

National Planning Policy

- 4.1. The government's document 'Planning Policy for Traveller Sites' (PPTS) sets out what is expected of local planning authorities in respect of the provision of Gypsy and Travellers and should be read in conjunction with the National Planning Policy Framework. The PPTS defines 'gypsies and travellers' as: '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.' For ease of reference the term 'traveller' will be used within this report to identify the range of groupings.
- 4.2. Paragraph 3 of the PPTS states the Government's overarching aim is to "ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community".
- 4.3. National Planning Policy requires Local Planning Authorities (LPAs) to both assess the need for the provision of Traveller sites within their area and to



then ensure this need is provided for. Policy B of the PPTS includes the following:

- ‘(9) Local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople...which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities
- (10) Local planning authorities should, in producing their Local Plan:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets
 - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
 - c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
 - d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density
 - e) protect local amenity and environment
- (11) Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.
- (13) Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that 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 both 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 (such as noise and air quality) on the health and well-being of any travellers that may locate there or on 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, including functional floodplains, given the particular vulnerability of caravans

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability Where a 5 year supply cannot be demonstrated the PPTS states: "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community." (Paragraph 14).

Local Plan Policy

- 4.4. Strategic policies need to be informed by a local housing needs assessment and it is expected that a separate Gypsy and Traveller Accommodation Assessment (GTAA) is undertaken. The last GTAA for northern Devon was undertaken in 2015 by RRR Consultancy for an area covering nine local planning authorities.
- 4.5. It was from this GTAA that the provisions contained within Policies ST20 and DM30 of the North Devon and Torrige Local Plan (NDTLP) were written, having regard to national policy from the PPTS and the National Planning Policy Framework (NPPF).
- 4.6. In terms of provisions specifically for Gypsy and Traveller accommodation, the NDTLP includes strategic Policy ST20: Providing Homes for Traveller Communities and a subordinate development management Policy DM30: Sites for Traveller Accommodation. Policy ST20 sets out the required provision to be made to meet the scale and nature of identified need across the district. Policy DM30 sets out criteria-based policy to guide the determination of future applications.
- 4.7. Policy ST20 sets out that in order to meet identified needs, provision would be made to deliver at least 15 permanent pitches – those for providing residents with a permanent home - which can be private, local authority or Registered Provider owned and at least two transit sites - which only provide temporary accommodation for the transient traveller population that pass

through northern Devon from time to time. Lengths of stay on a transit site can vary but are usually set at between 28 days and three months, with the NDTP identifying that each transit site should be providing accommodation of 4 or 5 pitches. The requirements in Policy ST20 directly reflect the conclusions of the GTAA (2015). There was no identified need for plots for Travelling Showpeople and therefore no accommodation requirement is included in the Local Plan.

- 4.8. Due to the timings of the adoption of the NDTLP and the completion of the GTAA, the work needed to identify and assess potential sites was not available and therefore there were no traveller sites allocated within the plan.
- 4.9. The Local Plan Inspector's Report found the provision for traveller communities to be sound, with the proviso that work would commence on a subsequent Development Plan Document (DPD) for Travellers: -

142. The level of provision in Policy ST20 accords with the need identified in the Devon Partnership Gypsy and Traveller Accommodation Assessment 2015 – Final Report. The strategic policy does not identify the location of suitable sites, but provides at (3) for sites to be allocated through the Plan. The NDTLP does not deal with allocations, but the Councils are preparing a Traveller Site Allocations DPD (HD06) in accordance with the timetable set out in the LDS 2016.

- 4.10. Work on the Travellers DPD formally commenced on the 15th of September 2016, with Consultants (DLP Planning) appointed in 2016 to undertake a Traveller Site Assessment Study to identify sites to meet the requirement set out in Policy ST20. This included a public consultation on the methodology to be applied plus a call for sites exercise, in January to February 2017.

- 4.11. The methodology included:

- Identifying potential sites to take forward through the assessment. This involved the consideration of sites from a wide range of sources including a review of the following:
 - Authorised Sites - All existing Gypsy and Traveller sites with full, temporary or personal consents or certificates of lawful use (to be assessed for potential intensification and/or expansion);
 - Unauthorised Sites and those with a previous planning history - All existing unauthorised and/or tolerated sites and those sites with a previous Gypsy and Traveller related planning history;
- Call for Sites – Between the 24th of January to 24th February 2017 the Councils undertook a Call for Sites exercise in which all parties on the Councils' consultation database (circa 2,000 individuals and organisations including Town and Parish Councils) were invited to

submit sites potentially suitable and available for Gypsy and Traveller uses. This exercise was undertaken alongside a consultation on the proposed methodology.

- Council Owned Land – The consultants reviewed the extent of each Council’s land ownership.
- Sites submitted for the Strategic Housing Land Availability Assessment (SHLAA) – The Councils contacted all promoters of sites submitted to the SHLAA for housing to establish if those sites were also available for Gypsy and Traveller use.

- 4.12. The North Devon and Torrige Traveller Site Assessment Study Final Report was published in December 2018. It identified (Table 10) a supply of 7 potentially suitable sites, providing for 9 additional individual pitches for permanent accommodation; a figure which is 4 pitches short of the identified need figure for 2014-2034 (para 5.20).
- 4.13. The inability to demonstrate delivery of the required pitches introduced a risk that the Travellers Site Allocations DPD could be found unsound at examination.
- 4.14. Subsequent to the completion of the Site Assessment Study, the Councils took the decision in later 2020 to proceed with the comprehensive review and update of the NDTLP. This effectively superseded the earlier decision to prepare a separate Travellers Site Allocations DPD, with provisions to be incorporated into a wider local plan.
- 4.15. No further published work on traveller allocations has been produced since this risk was identified.

The Current Position and Next Steps

- 4.16. As of 1st April 2023, the Councils’ have granted planning permission for a total 4 permanent pitches, against the requirement of 9 pitches for the period 2011 – 2023. A five-year supply of sites cannot be demonstrated at this time. Therefore, when determining individual planning applications, the decision maker will have regard to paragraph 27 of PPTS. It states: “If a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” Since the publication of the PPTS in 2015, several temporary



planning permissions have been granted across the two local planning authorities.

- 4.17. The challenge for North Devon and Torrige Councils is that the need arises from a very small population of travellers, based on individual family sites predominantly dispersed across the rural areas. Accordingly, provision for permanent pitches is likely to need to be responsive to the needs arising from specific individuals and there is an inherent risk of allocating sites that would potentially not be taken up by the traveller community if not in an appropriate location and of an appropriate form to meet their needs. Therefore, one consideration is whether, given our local circumstances, it is potentially more appropriate to be seeking to address need through a positive development management approach, rather than seeking to allocate sites for permanent accommodation. This approach, whilst pragmatic, does not conform with national policy and as such there are risks associated with it.
- 4.18. To date, no sites have been brought forward to meet the requirement for 2 transit sites.
- 4.19. It is noted that the GTAA used to inform the preparation of the NDTLP was published in 2015. As outlined above, the Local Plan Inspector concluded that it was adequate to meet the tests of soundness against which current local plan policies are assessed, however with the preparation of a new local plan, it will be necessary to prepare a new GTAA. To do so, specialist consultants who are experienced with working with the Travelling community will need to be engaged. A brief has already been prepared for the procurement process. and, subject to its conclusions, look to allocate sites in appropriate locations.

Conclusions

- 4.20. The North Devon and Torrige Local Plan requirement for the provision of 15 permanent pitches and two transit sites is based on evidence published in 2015. While the need is relatively small, it has not been possible to find enough suitable sites to allocate in a separate development Plan document. As such, planning applications are considered on a case-by-case basis, with temporary planning permissions granted in accordance with national policy. Sites for the transit provision have not been identified.
- 4.21. When preparing a new local plan, it will be necessary to commission a new gypsy and travellers needs assessment and, subject to its conclusions, look to allocate sites in appropriate locations. It will not be possible to take the current approach of doing so on an ad hoc basis as a new local plan will not be 'found sound' at examination.

5. RESOURCE IMPLICATIONS

- 5.1. There are no direct resource implications from this report. As part of the preparation of a new comprehensive local plan work will need to be undertaken to both identify the Traveller need and, if necessary, the allocation of sites.

5.2. EQUALITIES ASSESSMENT

- 5.3. No impact is identified as a direct consequence of this report. An Equality and Diversity Impact Assessment will be undertaken as part of the preparation process of a new Local Plan. The role of the planning system is to contribute to the achievement of sustainable development, including the social dimension that has a responsibility to consider the need of present and future generations. Accordingly, any update to the local plan will have regard to the diverse needs of northern Devon's communities.

6. ENVIRONMENTAL ASSESSMENT

- 6.1. No environmental implications result from the recommendations of this report. An EIA will be completed for the wider new Local Plan project.

7. CORPORATE PRIORITIES

- 7.1. What impact, positive or negative, does the subject of this report have on:
- a) The commercialisation agenda: limited impact
 - b) Improving customer focus. Part of central government aims are to reduce tension between the travelling and settled community. By enabling allocated sites this should ensure unauthorised encampments are reduced. There should be a positive impact.
 - c) Regeneration or economic development: limited impact.

8. CONSTITUTIONAL CONTEXT

- 8.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torrige District Council, dated 22nd October 2021); Section 10 of Annexe 1 – Powers and Duties of Committees, Constitution (North Devon Council, May 2023); and Terms of Reference and Functions of the Joint Planning Policy Committee, Constitution (Torrige District Council, October 2023).

9. STATEMENT OF CONFIDENTIALITY

- 9.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.



10. BACKGROUND PAPERS

10.1. The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

- National Planning and Policy Framework (NPPF), DLUCH, September 2023
- Planning Policy for Travellers Sites (PPTS), DCLG, August 2015
- Devon Partnership Gypsy and traveller Assessment of Accommodation (GTAA), RRR Consulting, April 2015
- North Devon and Torrige Traveller Site Assessment Final Report, DLP Planning, December 2018

11. STATEMENT OF INTERNAL ADVICE

11.1. The author confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Deputy Chair of Joint Planning Policy Committee (NDC)
- (2) Cllr R Hicks, Lead Member for the Economy; Chair of Joint Planning Policy Committee (TDC)
- (3) Helen Smith, Planning Manager (TDC)
- (4) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)