

Calderdale Local Plan Examination

Stage 1 Hearings

MATTERS, ISSUES AND QUESTIONS (MIQs)

COUNCIL RESPONSE

MATTER 6 Travellers

Issue – Have traveller accommodation needs been satisfactorily assessed and addressed in the Plan, in line with national policy?

Questions:

a) Does the Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2015) provide a robust assessment of needs in Calderdale?

6a1) The above assessment was commissioned from an appropriately experienced consultancy. The assessment considered Calderdale and Kirklees, reflecting the requirement for local authorities to fulfil the Duty to Co-operate on planning issues, including provision for Gypsies and Travellers and Travelling Show people, to ensure that approaches are consistent and address cross border issues with neighbouring authorities.

6a2) The timing of the Council's GTAA (Examination Library EV31) meant that it was based on 2012 definition of gypsies and travellers; however, the assessment noted that the revised Planning Policy for Traveller Sites (2015) retains the original definition of gypsies and travellers from the 2012 document, it however adds the following 'clarification' for determining whether someone is a gypsy or traveller:

Para 2.27 "Whilst our existing GTAA's ask about time spent travelling each year they do not ask about why people ceased to travel and do not assume that a nomadic lifestyle has been led previously. Given the changed definition it is not possible to go back and update existing needs figures. One thing we would say is that with the changes in the definition needs figures are unlikely to rise and are in fact potentially likely to reduce" [my underlining].

In the above context the GTAA is considered to be a cautious assessment.

6a3) The methodology for the assessment is set out at paragraph 3.1 of the GTAA; as noted at paragraph 3.3, the Councils have engaged with LeedsGATE

(Leeds Gypsy and Traveller Exchange) to provide further details on the Gypsy and Traveller population.

- 6a4) The above GTAA is therefore considered to provide a robust assessment of need.

b) What is the identified requirement for the provision of additional pitches (permanent and transit) and plots in the borough over the Plan period? Does the Plan provide sufficient clarity regarding identified needs and a clear strategy for provision, in line with national policy?

- 6b1) According to the 2011 National Census, there were 41 Gypsy and Traveller households in Calderdale and of these 38 households lived in bricks and mortar accommodation.
- 6b2) Seven Gypsy and Traveller pitches (including bricks and mortar allowance) or zero pitches (excluding bricks and mortar allowance) and six transit pitches would be required up to 2033/34. For Travelling Show people the total plot requirement is three additional plots up to 2033/34.
- 6b3) As noted above with the 2015 changes in the definition of gypsies and travellers, needs figures are unlikely to rise and are in fact potentially likely to reduce.

c) What is the justification for preparing a separate development plan document (DPD) on travellers, rather than addressing their needs within the Local Plan? What does the Council intend the document to contain?

- 6c1) It can be seen from the figures identified above that the assessed need for G&T, and show person accommodation is modest. The issue is not therefore considered to be a matter of strategic significance for the Council. In this context the preparation of a separate DPD will not undermine the overall soundness or deliverability of the Local Plan.
- 6c2) As is evident from the Council's G&T technical paper (2018) (Examination Library EV32) considerable background work and thought has already been given to this matter; however, the Council considers that further site specific investigation and community engagement need to be undertaken before an allocation can be finalised. The Council's commitment to delivering this is reflected through our decision to formally update the Local Development Scheme.

d) Was the Council’s initial work to identify traveller site options, undertaken as part of Local Plan production and focusing on urban areas only, robust and fit for purpose? Is the Council intending to adopt a different approach or undertake additional work as part of DPD production, in order to identify sufficient sites to meet targets and demonstrate five year supply?

- 6d1) The Council focused on urban areas in order to avoid encroachment into the Green Belt and maximise the sustainability of potential sites (this is consistent with the approach to housing sites, which prioritised urban areas). The area beyond the Green Belt in the west of borough is too remote from facilities and established travel routes to warrant detailed consideration. Furthermore in the absence of any land being put forward through the Call for Sites, we have narrowed our search to Council owned sites (i.e. where we would have control over release).
- 6d2) The Council does not intend to adopt a different approach; however, evidence will need to be refreshed, and as indicated above further site specific investigation and community engagement need to be undertaken. A particular site investigation issue relates to the need to ensure that any site can be developed safely in the light of historic contaminating land-uses.

e) Does Policy HS8 provide a robust and fair framework for assessing potential windfall sites that come forward over the Plan period?

- 6e1) The criteria in Policy HS8 have been revised following previous consultations on the Core Strategy Preferred Options (2012), Potential Sites and Other Aspects of the Local Plan (2015) and the Local Plan Initial Draft (2017) with relatively few points subsequently raised in respect of the Local Plan Publication version(2018). The main issues are raised by The National Federation of Gypsy Liaison Groups and the Environment Agency.
- 6e2) The National Federation of Gypsy Liaison Groups considers parts of the policy unduly restrictive with particular reference to a number of the criteria contained in the Policy:

Criterion iii - *The use of the phrase "will have minimal impact" is unduly restrictive and will preclude reasonable sites being accepted. It would be more appropriate to use the phrase "will not have a significant adverse impact."* - The Council maintains that the wording represents a reasonable approach in order to protect existing areas including residential areas.

Criterion ix - *Unduly restrictive and the phrase "significantly harm" should be used* - The Policy wording is supported by Historic England and therefore the Council does not propose to amend it.

Criterion viii - *Unduly restrictive* - The word "easily" should be deleted. The Council considers the wording ensures necessary services and facilities are clearly and readily accessible to safeguard the needs of Gypsy and Traveller families.

Criterion xii - *Wholly unreasonable and unnecessary* - All relevant policies must be applied and there is no need to introduce this criterion which could imply the application of policies which are not directly relevant. The Council draws attention to the fact that this criterion includes an element of flexibility as it states "... *Where required* the site offers the opportunity for travellers to live and work on the same site" and is not a requirement for all sites.

Provision of a Transit Site - *The absence of any proposal for the provision of a Transit site renders the plan unsound* - The Council draws attention to the fact that the supporting text to Policy HS8 and in particular paragraph 16.64 explains that although the needs of Gypsies and Travellers and Travelling Showpeople have been assessed, provision to meet this need beyond Policy HS8 will be made in a separate Development Plan Document to be prepared upon adoption of the Local Plan (Local Development Scheme 2018, SD 08).

- 6e3) The Environment Agency considers that the Policy should be amended to reflect the 'highly vulnerable' nature of Gypsies and Travellers and Travelling Showpeople sites. Bullet point xi should include Flood Zone 2, subject to Sequential and Exception Tests. The advice of the Environment Agency is noted and the Council propose to amend criterion xi accordingly. The re-drafted criterion xi would read as follows:

"xi. The site is not located in Flood Zone 3 and if located in Flood Zone 2 the requirements of the Flood Risk Sequential and Exception Tests are met;"

- 6e4) Given the above responses to the issues raised in relation to assessing potential windfall sites under Policy HS8 the Council is of the view that it provide a robust and fair framework in striking a balance between the needs and living conditions of Gypsy and Travellers and Travelling Showpeople and the safeguarding of the environment and existing residential areas.