

Planning and Transportation

LUTON LOCAL PLAN (2011-31) Gypsy and Traveller Background Paper

April 2016

1. PURPOSE OF A BACKGROUND PAPER

- 1.1. Background Papers are an important source of information helping to outline and explain how policies in the Submission version of the Luton Local Plan (2011-2031) have been prepared.
- 1.2. Preparation of the plan has taken place over several years. One of the main roles of a background paper is to set out the approach taken to developing policies and the response to various overlapping factors that have been relevant to the process, such as:
 - Recognising that evidence prepared at different times or focusing on different objectives, issues and specialist areas should be considered ‘in the round’. Studies are often prepared concurrently, but at other times further consideration helps to explain the interaction between different findings.
 - Government policy including that set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) which might have changed whilst the plan was being prepared. Recent changes to rights for Permitted Development (such as ‘office-to-residential’) are one such example.
 - Changes in the local and national economy influencing potential demand for different development types, such as changes in house prices or designation of the Luton Airport Enterprise Zone.
 - Looking across all the evidence and consultation responses to inform overall views on:
 - The most appropriate balance between policy topics and of land uses for the plan;
 - Where relevant, the most appropriate targets for specific development types or outcomes; and
 - The most appropriate sites and strategic locations to meet different requirements.
 - Specific national policy requirements such as the preparation of a Strategic Housing Market Assessment and an objective assessment of housing and employment needs which does not have regard to potential constraints such as a lack of sites or the presence of Green Belt designations;
 - Taking account of how evidence and emerging proposals relate to plan-making activities in nearby authorities as part of the Duty to Co-operate. This helps to understand the relationship between different land uses and the ability to provide for different needs such as employment, retail and housing.
 - Taking account of more recent evidence since relevant studies were first completed or alternate sources of evidence that might suggest different answers or preferable options
 - The relationship with infrastructure provision, including the existing position, programme for future work and sources of available and required funding.
- 1.3. When tackling these factors ‘in the round’ it is not always appropriate or possible to translate recommendations from one particular study or Local Plan stakeholder directly into policy.

- 1.4. The Council has prepared a series of Background Papers. The Overall Approach Background Paper sets out the context to the plan's preparation as a whole. This is then supplemented by a series of topic based Background Papers and a separate Duty to Co-operate Statement. The aim of each Background Paper is to demonstrate the 'direction of travel' for each topic and how this provides the most appropriate strategy for the future development and growth of Luton. The intention is to signpost rather than to duplicate the detailed technical evidence which is already available in the evidence base.
- 1.5. The Background Papers have a common structure identifying (Section 2) the topic(s) covered, (Section 3) the main issues addressed in the main body of the report, (Section 4) a listing of that part of the evidence base especially relevant the topic(s) (Section 5) the main body of the report addressing the issues, and (Section 6) concluding remarks.

2. THE TOPIC FOR THIS BACKGROUND PAPER – GYPSY AND TRAVELLER COMMUNITY

- 2.1. This background paper provides an overview of Luton Borough Council's (LBC) planning policy approach to meeting the future housing needs of the gypsy and traveller (G&T) community over the Local Plan period 2011- 2031. This background paper takes into account changes in the local and national and local guidance and legislation.
- 2.2. The aim of the G&T background paper is to demonstrate how LBC is meeting and will meet the future housing needs of its G&T community. The intention is to flag rather than to duplicate the detailed technical evidence which is already available in the evidence base.
- 2.3. It is important to note that the LBC has resolved (21st September 2015 Executive) to prepare a Local Plan Part 2 (Gypsy and Travellers) due to recent changes to national policy (Planning Policy for Traveller Sites 2015) and the definition of Gypsies and Travellers. The plan will be prepared setting out Gypsy and Traveller need and provision based on the most up to date evidence (which currently requires the identification of transit site provision).

3. THE MAIN ISSUES INFORMING THIS BACKGROUND PAPER

- 3.1 In Luton there is one existing public G&T site currently providing 20 residential pitches. Additionally, Luton has two privately owned sites which are owned and occupied by Travelling Showpeople. National guidance and legislation requires that that local planning authorities both identify and meet the future housing needs of the G&T community. Luton Borough Council is committed to doing so based on its up-to-date evidence. An overview of the G&T evidence base is set out below.
- 3.2 There are a number of key issues affecting G&T need and provision in Luton:
 - Changes to national guidance and legislation
 - Gypsy and traveller housing need in Luton
 - Gypsy and traveller housing supply in Luton
 - Working with neighbouring authorities

4. KEY EVIDENCE STUDIES INFORMING THIS BACKGROUND PAPER

4.1 The key evidence base documents which support LBC's planning policy approach to address the future needs of the G&T community are listed below. A comprehensive evidence base sits behind the Submission Local Plan 1 and emerging G&T Local Plan 2.

National guidance and legislation

- The Race Relations Act, 2000
- Housing Act, 1985
- The National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (PPTS) 2015

Local Plan Evidence

- HOU 003c - Luton & Central Bedfordshire Strategic Housing Market Assessment 2015 - ORS
- HOU 006 - Gypsy and Traveller and Travelling Showman Accommodation Needs Assessments - 2013
- HOU 006a - Gypsy and Traveller and Travelling Showman Accommodation Needs Assessments - 2015 (with 2016 Addendum) ORS
- HOU 007 - Gypsy and Traveller Sites - Site Identification Study - September 2015 - Peter Brett Associates

5. MAIN BODY

Changes to national guidance and legislation

5.1 There have been recent significant changes to national guidance and legislation which, have implications for the planning policy approach to provide for the future needs of G&T community in the Luton Local Plan (2011-2031).

5.2 The provisions set out in the Housing and Planning Bill seek to include a requirement to assess the needs of people living on sites on which caravans can be stationed, or on places on inland waterways where houseboats can be moored, under section 8 of the Housing Act 1985 that covers the requirement for a periodical review of housing needs.

5.3 The National Planning Policy Framework (NPPF) 2012 sets out that local planning authorities (LPAs) must identify a supply of specific, developable sites or broad locations for growth to accommodate the future housing requirements of the gypsy and traveller community for years six to ten and where possible, for years eleven to fifteen. The NPPF also outlines that criteria based policies should be developed irrespective of whether need is identified or not. If need is identified they should be used to guide land allocations, while if there is no identified need they should provide a basis for determining planning applications which may nevertheless come forward.

5.4 Planning Policy for Traveller Sites (PPTS) 2015 outlines that “for the purposes of planning policy "gypsies and travellers" means: 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.” The new definition now excludes those who have ceased to travel permanently meaning that where someone has given up travelling permanently they should be treated no differently from the settled community. The PPTS now requires a G&TAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if households fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act 1985.

5.5 The above changes to national guidance and legislation necessitated an update to LBC's evidence base on gypsy and traveller need and supply (detailed below).

Gypsy and Traveller Housing Need in Luton

5.6 The Gypsy and Traveller Needs Accommodation Assessment (G&TNAA), 2016 supersedes the outcomes of the Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (G&TNAA) 2013. The consultants who undertook the G&TNAA 2016 undertook interviews to determine if the new definition under the PPTS, 2015 applied to them. Information that was sought during the interviews allowed each household to be assessed against the new definition of a traveller. This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether they plan to travel again in the future. A total of 18 interviews were completed with the G&T community living on sites and yards, and five interviews with households living in bricks and mortar in Luton. A total of 12 telephone interviews were also completed with Officers from Luton Borough Council and Officers from neighbouring local authorities. Further interviews were therefore undertaken with 14 Gypsy and Traveller households and one Travelling Showperson household during October 2015. The evidence base was unable to determine the travelling status of one household on the authorised site and the travelling status of two families on unauthorised encampments. ORS concluded based on their evidence base that no households that were interviewed in Luton meet the new definition of a Traveller. Whilst there were a small number of households who stated that they did travel, none of these were able to demonstrate that they travelled for the purpose of work, so therefore did not meet the new definition.

5.7 The outcomes of the study identified that the households living on Travelling Showpeople yards in Luton do meet the new definition of traveller as they travel all year round for work purposes. Residents on one of the yards are aware that the existing yard is becoming overcrowded. The residents stated that they own land in a nearby local authority and are exploring whether they can get planning permission to develop a proportion of this land to provide the family with a new yard to meet their needs. The other yard is used predominantly for storage purposes. It was not recommended by ORS that the council should provide for any additional Travelling Showpeople plots at this time. The situation regarding the potential development of the new yard in an adjacent local authority will be monitored closely by LBC.

5.8 There were sustained levels of unauthorised encampments over the summer and winter months noted in 2016 in Luton. It was recommended that the Council consider the provision of 5 temporary stopping places.

5.9 The Gypsy and Traveller Needs Accommodation Assessment (G&TNAA), 2013: The report set out that there was a need for 14 additional pitches and 10 additional transit site pitches from 2015 - 2030. This study (as noted in paragraph 5.6) was superseded by the G&TNAA 2016.

Gypsy and Traveller Housing Supply in Luton

5.10 Policy options and alternatives are required to be evidenced as part of the policy development process. A comprehensive evidence base has been prepared on potential land supply options. The Gypsy and Traveller Site Identification Study, (G&TSS) September 2015 reviewed and assessed potential sites to meet any need identified (see paragraph 5.6- 5.9). In Luton there is one existing public gypsy and traveller site at St Thomas's Road currently providing 20 residential G&T pitches. In the Luton area there are currently two privately owned and occupied Travelling Showpeople sites which are 14 Wigmore Lane and 77 Wigmore Lane.

5.11 The G&TSS assessed all previously shortlisted sites that through earlier evidence based work had been shortlisted for G&T use and any potential areas in council owned land. The sites were assessed for their suitability, availability and achievability. One potential site was identified outside the Green Belt Plot 1, Chaul End Lane. This has the capacity to provide three pitches. One potential site was identified inside the Green Belt at the former Regional Sports Centre. This has the potential capacity to provide 12 pitches. The study recommended that Luton Borough Council safeguard the existing authorised Gypsy and Traveller site at St Thomas's Road and Travelling Showpeople sites and 14 Wigmore Lane and 77 Wigmore Lane to ensure that existing needs continue to be met in perpetuity. The study recommended the Chaul End Lane was a potential site for allocation. Furthermore, the extension of the existing site at St Thomas's Road by 12 pitches was also put forward as an option; this area is covered by Green Belt designation.

5.12 This G&TSS has not been able to identify any sites to meet G&T transit needs, as identified in the G&TAA 2016. PBA recommend that to address any unmet transit need, the council should consider the following to help identify a site: allocate provision for a Gypsy and Traveller transit site as part of a strategic allocated site; and work closely with neighbouring local authorities to potentially deliver Luton's transit need within other local authority areas.

5.13 The Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) (2015) established the Objectively Assessed Need (OAN) for housing as 17,800 dwellings in Luton borough over the 20-year period 2011-31, and confirmed that this included the needs from all Gypsy and Traveller households. Luton Borough Council will ensure that arrangements are in place to properly address the needs of these households. The

provisions in the Housing and Planning Bill mean that the housing needs of G&T households who do not meet the new definition of a traveller will need to be assessed as part of the wider housing needs of an area. The G&T Local Plan 2 will include evidence on how the needs of the G&T community that fall outside the PTS definition are being accounted for through LBC borough-wide housing need and supply assessments.

5.14 Luton's Travelling Showpeople community own and occupy two sites 14 Wigmore Lane and 77 Wigmore Lane. The G&TNAA, 2016 did not identify that a new Travelling Showpeople site was required. LBC will keep this site under close review, throughout the policy development phases.

5.15 The Council has been recommended by the G&TNAA, 2016 to develop a policy option to deliver a transit site for five temporary stopping places. An independent comprehensive gypsy and traveller site identification study was carried out in 2015. No suitable, available or achievable sites were identified. Further evidence will be gathered to develop appropriate options and alternatives to address the requirement to deliver transit site (please see sections below). Policy options will be subject to the sustainability appraisal process.

Consultation responses on gypsy and traveller housing needs in Luton

5.16 Fifteen representations received during the Pre-Submission Consultation 26 October to 7 December 2015 on the Local Plan Policy LP20 (Gypsies, Travellers and Travelling Showpeople). These responses have been logged by Luton Borough Council and are available on the Council's website. These will form a part of the evidence base for the future policy direction for providing for the future needs of gypsy and travellers.

The Submission Local Plan 1 and G&T Local Plan 2

5.17 Policy LP20 (Gypsies, Travellers & Travelling Showpeople) is set out in full below. The approach of Policy LP20 is to safeguard the allocation of existing G&T sites in the Borough and to make provision for additional pitches, plots and a transit site either through applications as they come forward or through their allocation in the Local Plan 2. The policy is criteria-based for determining applications with the purpose of ensuring sites are sustainably located, have reasonable access to services and facilities, and the site is suitable for needs of the potential resident / user.

Policy LP 20 Gypsies, Travellers & Travelling Showpeople

The existing Gypsy and Traveller site at St Thomas's Road and traveller show person site at numbers 14 and 72 Wigmore Lane are safeguarded for these purposes (as identified on the policies map). Gypsy and Traveller and Travelling Showpeople pitches and plots, including provision for a transit Gypsy and traveller site, will be permitted or allocated in accordance with current government policy to meet the needs identified in the Gypsies and Travellers Accommodation Assessments updated as necessary. Planning permission will be granted for permanent Gypsy and Traveller provision where the following criteria can be met:

- i. the site has reasonable access to shops, schools and other facilities; and*
- ii. the site has adequate road access and is well related to the primary road network; and*
- iii. the site is on previously developed or underused land and is not allocated for another use; and*
- iv. hardstanding and basic facilities, including electricity, water supplies, sewage disposal and waste collection, are provided on site; and*
- v. in the case of Travelling Showpeople sites, the existing safeguarded sites provide for future needs and include sufficient space for storage and maintenance of equipment and the parking and manoeuvring of all vehicles associated with the occupiers.*

5.18 A separate G&T Local Plan Part 2 will also be prepared to take forward the future statutory planning policy direction for the gypsy and traveller community. This is due to be adopted in March 2017. The G&T Local Plan 2 once adopted will form part of the statutory development plan for LBC.

5.19 It is acknowledged that the timetable for the G&T Local Plan has slipped slightly due to resources in the planning policy team, however LBC intends for the G&T Local Plan to progress quickly following submission of the Local Plan Part 1. The LDS indicates an adoption of the Local Plan 2 in March 2017 which is still considered to be a reasonable target date for adoption.

Working with neighbouring authorities

5.20 Luton Borough Council works collaboratively with neighbouring boroughs and other relevant stakeholders to discharge these requirements. A Strategic Oversight Group meeting was held on 13th May 2015 and included representations from Bedfordshire Police and Central Bedfordshire, Bedford and Luton Councils. This group is in the process of updating the joint unlawful encampment policy.

5.21 LBC ensured as part of the development of the G&TAA evidence base in September 2015 planning officers from Hertfordshire County Council, Central Bedfordshire; Dacorum; North Hertfordshire; and St Albans were interviewed to support the Duty to Co-operate requirements.

5.22 A separate Duty to Co-operate statement compliance statement has been prepared which includes the detail and documentation to fully set out the nature of cross boundary working in the sub region. Since LBC is looking to meet the G&T needs arising within its administrative area G&T provision has not been a key topic of discussion / concern in joint working between Luton and neighbouring authorities although as the notes of meetings held indicate they are matters that have been the subject of discussions.

6 CONCLUSIONS

- 6.1 Under National guidance and legislation LBC is required to provide for the future needs of the G&T community. In 2015 (and 2016 addendum) Luton Borough Council undertook an update to the G&T needs assessment which forecasted the future population growth up until 2031. The findings of this study will need to be monitored closely to ensure that LBC is meeting its obligations.

- 6.2 LBC is required to meet the accommodation needs for all G&T who cease to travel permanently under the wider requirements of the Strategic Housing Market Assessment. The Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) 2015 included consideration of the needs of G&T households. Luton Borough Council will continue to include this requirement in any subsequent SHMA updates.

- 6.3 The current and future planning policy approach will be taken forward through the G&T Local Plan 2 due to be adopted in 2017.