

# Herefordshire Local Plan

# Travellers' Sites Document



# Issues and Options Paper Results Report

September 2015

# Travellers' Sites Document Issues and Options Paper

## Results Report

### 1. Introduction

This document sets out the results of the consultation on the Travellers' Sites Document Issues and Options paper, August 2014. It complements the Consultation Statement Part 1, November 2014 which can be found on the council's website on the "Travellers' Sites Document" pages. It summarises the responses received to the Issues and Options Paper and explains how they will be considered as part of the next stage in the production of the Travellers' Sites Document Development Plan Document (DPD). The next stage in the production of the document is the Preferred Option Stage.

Since the production of the Travellers' Sites Document Issues and Options Paper in 2014, the Local Plan Core Strategy has undergone examination and various modifications to Policy H4 (Travellers' Sites) have been made. These can be viewed on the Council's Local Plan- Core Strategy web pages. <https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/examination-of-the-herefordshire-local-plan-core-strategy>

In addition, the council commissioned arc<sup>4</sup> to undertake a Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) up to 2031. A draft report was produced in February 2015 and this was the subject of consultation with stakeholders until March 2015. In May 2015 arc<sup>4</sup> published responses to some of the issues raised by consultees in respect of the report and its findings. Both documents are also available on the Herefordshire Council website. The GTAA has now been finalised and it will be used to identify the accommodation needs for permanent residential pitches and transit pitches for Gypsies and Travellers and plots for Travelling Showpeople in the county up to 2031 to tie in with the plan period of the Local Plan-Core Strategy. These needs will be addressed in the forthcoming Travellers' Sites Document Preferred Options. This will also be the subject of consultation and will be followed by the production and examination of the Travellers Sites Document.

### 2. Summary and analysis of responses to the Issues and Options Paper

**Q1) Are there any other key issues affecting accommodation for Travellers that should be addressed in the Travellers' Sites Document?**

#### Responses Summary

- The most common answer to this question was "none".
- Other issues raised include:
  - Travellers' accommodation should be limited to brownfield sites in Hereford city.
  - There are limited employment opportunities in/around Hereford and the market towns.
  - All new sites should allow for basic needs.

- Question how sites are to be provided in practice given historical difficulties.
- Willingness or otherwise of local communities to host sites.
- Definition of pitches and mixed use needs clarification.

***Response as to how Q.1 will be addressed In the Travellers' Sites Document***

***No additions to the list of key issues set out in section 2 of the Issues and Options Paper is considered necessary.***

*The issue of the relationship between Travellers and the settled community is considered a relevant issue and this will be addressed in the Travellers' Sites Document (TSD).*

*Whilst the issue of the use of brownfield sites and employment opportunities may be considered in the site selection process as part of ensuring sustainable development, they are not considered key issues affecting site availability. The issue of basic needs is covered by the response to Q11 and 12.*

*Clarification of the definition of pitches, plots and sizes is considered important and will be addressed in the Preferred Options stage of the document.*

**Q2) Of the permanent residential pitch options outlined which one would be the best approach or could a combination of options be used?**

**Responses Summary**

- The most common answer to this question was a combination of Options 1 and 2 i.e. expanding existing authorised sites or identifying new ones around Hereford and the market towns.
- Other points raised:
  - Expansion should relate to existing authorised sites in use and close to facilities/employment.
  - Sites should be smaller than 10 pitches and should not dominate the area or place undue pressure on local infrastructure.
  - Will need to consider sustainability in rural areas, sites should be near to larger villages.
  - The Madley site could fulfil any unmet need.
  - New sites should be located near to Hereford/market towns.
  - The use of smaller sites which allow Travellers “to live within their own particular ethnic group” (Travellers Paper section 8) seems to run counter to the Equalities Act.

***Response as to how Q2 will be addressed in the Travellers' Sites Document***

***No new options identified. A combination of options 1 and 2 were mainly favoured.***

*The possibility of expanding existing authorised sites, finding new sites around Hereford, the market towns and "exception sites" near to larger rural settlements will be considered as part of site selection for the Preferred Options.*

*The Madley site has been sold by the council and is no longer available for use as a transit or permanent residential site.*

**Q3) Are there any other realistic and reasonable ways in which future permanent residential pitch requirements may be met? If so, please expand.**

**Responses summary:**

- The most common answer to this question was "none".
- Other suggestions included:
  - Use of brownfield sites.
  - Publicise successful trend of private sites coming forward through planning permission.

**Response as to how Qu.3 will be addressed in the Travellers' Sites Document**

***No new options identified.***

*As stated above the use of available brownfield sites will be considered in the site selection process in accordance with national and local policy.*

*The development of private sites is reported in the Authority Monitoring Reports which are produced on an annual basis.*

**Q4) How should formal transit provision be provided for in Herefordshire?**

- a) one or two single sites close to a main settlement or
- b) numerous smaller stopping places along well used main routes or
- c) additional space for temporary accommodation for people visiting site residents at new permanent Travellers sites identified through the Travellers' Sites Document.

**Responses summary:**

- No clear option was favoured.

- Points raised include:
  - Transit provision should be included in city brownfield locations.
  - Permanent site occupation should not be in perpetuity.
  - Current provision is adequate.
  - Land awaiting development could be used on an ad hoc basis.
  - Temporary stays could be provided for at normal touring sites.
  - Definition of transit sites needs clarification.

***Response as to how Qu.4 will be addressed in the Travellers' Sites Document***

***No options were favoured. Two alternative options of 1) using sites allocated for development but not yet being used for transit provision and 2) using normal touring caravan sites for transit/ temporary stopovers, were suggested as part of the consultation.***

*The emerging GTAA, 2015 identifies a need for transit provision in the county so the Council must consider the provision of transit sites.*

*Brownfield locations may be considered as part of site selection in accordance with sustainable development principles.*

*In response to the alternative options suggested above:*

*1) The use of existing, unused allocated sites for transit provision is considered to be unviable given the costs of the processes and consultation involved in finding and granting planning permission for suitable sites and therefore it has been discounted at this stage.*

*2) The use of existing touring or static caravan sites for transit use is also considered unreasonable as such sites are subject to their own site licence agreements for their specific use. This option can also therefore be discounted.*

***It is considered that further consideration will to be given to establish which of the original three options above (or a combination) should be pursued in the Preferred Options stage.***

**Q5) Are there any other “approach” options for transit site provision?**

**Responses summary:**

- The most common answer was “no”
- Other options/comments raised:
  - Upgrade existing sites to accommodate one or more transit families for limited period of 4 weeks.
  - Definition of a transit site is unclear.

- Review decision to close Madley transit site which is close to main routes of A49 and A438.
- Why is dedicated transit site required?
- Any sites should be run by Travellers.
- Should be sited close to Hereford/market towns.

**Response as to how Q.5 will be addressed in the Travellers' Sites Document**

**One new option suggesting:**

***Introducing transit sites to existing permanent residential sites***

*This is likely only to be a reasonable option where there is additional capacity available. However, this option is not favoured because of tensions that have arisen between different groups of Travellers.*

***The definition of transit sites will be clarified at Preferred Options stage.***

*The need for transit site provision is highlighted in the emerging GTAA and the Madley site has already been discussed above. The existing options already suggest that any new sites should be close to main settlements.*

*Any sites are likely to need to be managed by the local authority to ensure the temporary nature of the transit provision.*

**Q6) Is there a need to provide additional capacity for Travelling Showpeople in the county?**

**Responses summary:**

- The most common answer to this question was "No"
- Other comments made:
  - Depends on need/review of GTAA.
  - Two sites exist at Gloucester.

***Response as to how Qu.6 will be addressed in the Travellers' Sites Document***

The emerging GTAA does suggest a need for new accommodation and this will be addressed in the Preferred Options Document.

**Q7) Can you suggest any sites that you consider suitable for use as Traveller pitches (please refer to the criteria in emerging Core Strategy Policy H4 in Appendix 2 of the Travellers' Sites Document – Issues and Options Paper).**

**Responses summary:**

- The most common answer was “No”
- Other comments made regarding suitable sites:
  - Could be part of urban extensions.
  - Expand at Rotherwas close to amenities.
  - Use brownfield land/ex-military sites.

***Response as to how Qu.7 will be addressed in the Travellers' Sites Document***

*The Urban extension policies of the Core Strategy do not include provision for Gypsy and Traveller sites.*

*Existing sites and other possible land will be considered as part of the site selection process. Brownfield land will be considered in line with national guidance.*

**Q8) Should council-owned land be considered in any site search?**

**Responses Summary:**

- The most common answer was “Yes”
- Other comments made:
  - Use HC land provided it meets policy criteria
  - Use HC land provided it is close to main routes
  - Use HC land provided it is in Hereford City
  - No, the issue is one of siting not ownership



***Council Response as to how Qu.8 will be addressed in the Travellers' Sites Document***

***The general view was that council owned land should be considered. An analysis of any available suitable vacant sites will be considered as part of the site selection process.***

**Q9) Should the council:**

- a) look to allocate larger permanent sites of say not more than 10 pitches?  
or:
- b) do you consider that all permanent residential sites should generally be small?  
e.g. not more than 1 or 2 pitches?

**Responses Summary:**

- There was an equal response favouring options a) and b)
- Other comments:
  - Depends on location and size of nearby settlement.
  - Travellers themselves should be encouraged to have an opinion.
  - Multiple pitches in rural areas not suitable, should be close to Hereford/market towns.
  - Rural exception sites should be abolished.

***Council Response as to how Qu.9 will be addressed in the Travellers' Sites Document***

*Planning Policy for Travellers' Sites, DCLG, 2015 states that local authorities should 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 (para 9d).*

*Government guidance and the consultation response seem to favour the approach that each site should be considered on its merits and in relation to its location and surrounding settlements. Therefore this is the approach that will be taken as part of the Preferred Options DPD, i.e. a combined option of a) and b) above with size of site depending on location.*



**Q10) Which option for providing for Travellers' affordable accommodation needs do you consider is the best approach?**

- 1) making provision for an element of affordable Traveller Sites in the Travellers Sites Document; or**
- 2) not allocating and relying on criteria based approach in Policy H4 where a need exists.**

**Responses Summary:**

- Option 2 was the most commonly favoured option.
- Other comments made:
  - Could utilise registered provider housing.
  - No reference to planning conditions regarding perpetuity or site expansion.
  - Hereford city only.
  - One delivery method for option 1) above might be for the Council to work with a trusted partner in the private sector preferably either a Traveller or someone with strong Traveller connections, who could develop land in plots which could then be sold to families, through a Council backed mortgage scheme.

***Response as to how Q.10 will be addressed in the Travellers' Sites Document***

*The emerging GTAA, 2015 has not highlighted a significant need for affordable Traveller sites to date and therefore it is considered sufficient to take forward option 2) above.*

*The alternative suggestion of using registered provider housing is currently used for some Traveller accommodation. However it would not be appropriate to provide all Traveller accommodation in this way as not all Travellers want to live in bricks and mortar housing, preferring to continue their customs of living in a caravan.*

*The use of rural exception sites for affordable Traveller accommodation will need to be in perpetuity and this will be clarified in the TSD.*

*The delivery method for regarding Council backed mortgage schemes is not considered a reasonable option in the current financial climate and is therefore discounted.*

**Q11) Do you think all the detailed policy considerations listed in Policy H4 of the Core Strategy are the right ones?**

**Responses Summary:**

- The most common answer was “Yes”
- Other comments made:
  - Should meet requirements of GTAA.
  - Should consider light pollution.
  - Need more policy considerations (but these are not specified.)
  - Need careful consideration of commercial activity.
  - Of particular importance are access and turning space, appropriate landscaping and sustainable drainage.
  - Many are unnecessary and covered by condition/other legislation.

***Response as to how Qu.11 will be addressed in the Travellers’ Sites Document***

*Policy H4 has been amended following the hearing sessions into Core Strategy as part of the examination process. It is proposed that the Travellers’ Sites Document will refer to the latest best practice with respect to Travellers sites’ design. Any further policy considerations would need to be compliant with the National Planning Policy Framework, 2012 and Planning Policy for Traveller Sites, 2015.*

**12) Are there any other considerations that need to be identified?**

**Responses Summary:**

Responses varied but included:

- No form of business should be carried out to prevent pollution.
- Need clear guidelines on keeping of animals.
- Impact on settled community in the vicinity. Details of keeping animals should be submitted with applications and comply with other regulations.
- Monitor noise and social disturbances and business use.
- None

***Response as to how Qu.12 will be addressed in the Travellers' Sites Document***

***Planning Policy for Traveller Sites, 2015 specifically refers to the use of mixed use sites where possible (but not at rural exception sites) and so these will be considered in site selection as part of the TSD.***

***The keeping of animals is controlled under separate legislation and therefore it is not appropriate for the Travellers Sites Document to include guidelines on this.***

**13) Should the council or a Registered Provider be responsible for acquiring and managing the required level of pitch provisions themselves and if so, how should this be funded?**

**Responses Summary:**

- Around half of respondents favoured the Council or registered providers being responsible for acquiring and managing new sites.
- Other comments made:
  - Fund through rents
  - Should be privately funded
  - What do Travellers think?
  - Combination of ownerships as part of larger residential developments.
  - Need an understanding of the costs and potential revenues (both now and future); there also needs to be an understanding of the penalties of doing nothing.
  - A consultation process should be considered.
  - Registered Providers seem not to be interested at present in the Traveller sector. All Council sites have historically been built with 100% government grant. The only monies provided by the Council have been contributions to the re-development costs of Grafton (25%) and possibly to refurbishment costs.
  - Particular circumstances of need should not be lumped together here – fundamental to funding, managing and retaining special provision.

***Response as to how Qu.13 will be addressed in the Travellers' Sites Document***

***The use of new or extensions to existing sites on Council-owned land will be considered for future site provision where possible, funded through charging rents, but new and extensions to privately owned sites will also be encouraged (as per Planning Policy for Travellers, 2015).***

**14) To what extent is it reasonable and appropriate to rely on Travellers delivering the required level of pitch provision through acquiring their own private sites through the planning system?**

**Responses Summary:**

- The most common answer to this question was “not reasonable”.
- Other comments made:
  - Council must have active enforcement powers regarding unauthorised building works.
  - Need to work with private sector partners to find and develop land which will then be available to acquire through some sort of lease/own or mortgage type arrangement.
  - Needs to be clear statement of how other sites are to be funded. Should be self-funding.

***Response as to how the above (Qu 13 and 14) will be addressed in the Travellers' Sites Document***

***Over the last 3 or 4 years private Traveller sites have been delivered in the county at the rate of around 5 per annum, but this may not be sufficient to meet future need in the county depending on the outcome of the GTAA, 2015. In this respect a combined approach of assessing the potential of council owned, registered provider owned or Traveller owned land is likely to be the favoured approach to meeting needs in the county up to 2031.***

**15) How realistic is it to expect the development industry to provide sites as part of larger residential developments? How should we define “larger” in terms of defining a threshold to when such a policy would apply?**

**Responses Summary:**

- The most common answer was “unrealistic”.
- Other comments made include:
  - Use Section106 Agreements on larger sites >100
  - Provision on sites >60
  - Decide case by case

***Response as to how Qu.15 will be addressed in the Travellers’ Sites Document***

*This issue has previously been addressed in the response to Qu.7 i.e. that the use of urban extensions may be looked at for providing for Traveller needs as part of future Development Plan Documents e.g. Hereford Area Plan, depending on the level of need highlighted by the GTAA, 2015.*

*The size of sites considered eligible and viable requires further investigation and this will be considered in the development of the preferred options, but this would need to be set out in a new policy in the Travellers’ Sites DPD.*

**16) Have we identified the main equality issues in the proposed Equalities Impact Assessment outlined above?**

**Responses Summary:**

- The most common response to this question was “yes”
- Other comments made include:
  - There is plenty of evidence that small family sites are reasonably well accepted and do not cause a problem for their neighbours and this needs to be publicised e.g. through a film that could be on the Council’s website for neighbours and those likely to be affected by a planning application for a site nearby, to find information, pictures and before and after views and opinions.

***Response as to how Qu.16 will be addressed in the Travellers' Sites Document***

***No new issues/options identified.***

***Agree that there may be some merit in publicising existing small Traveller sites to help settled/Traveller relations and this issue should be addressed in the Travellers' Sites Document.***

**17) Do you have any other suggestions to produce a robust Equalities Impact? Assessment (EIA) or to assist in monitoring the outcome of the Travellers' Sites Document e.g. data sources?**

**Responses Summary:**

- No further suggestions to improve the EIA were put forward.

***Response as to how Qu.17 will be addressed in the Travellers' Sites Document***

***The EIA will be undertaken and reported on in, the Preferred Options stage of the Travellers' Sites Document.***

**General comments not covered by the above questions:**

- Definitions of "pitch" and "pitch size" varies between Core Strategy and Travellers' Sites Document. A "small site" of up to 5 pitches could indeed be very large.
- Definition of Gypsies and Travellers needs clarifying
- Definition of "transit sites" needs clarifying – should be scope to make provision on normal touring sites for short stay, longer stays need provision and this should be close to Hereford or the market towns
- Reference to "access to facilities" needs clarification – school is most important
- Should be reference/provision for truly nomadic gypsies
- Needs to be consideration of how to reduce friction between Travellers and settled community
- Need information on need for sites and traveller population statistics in general
- Various Parish Councils highlight no need for new sites in their parishes.

***Response as to how the general comments will be addressed in the Travellers' Sites Document***

***All the definitions used in the Travellers' Sites Document including those for Gypsies and Travellers, pitch and site sizes will need further clarification in the Preferred Options stage.***

***The GTAA, 2015 will identify the level of need for Traveller sites.***

***The process of preparing the Preferred Options stage of the Travellers' Sites Document should be open and transparent and should endeavour to engage all parties in the consultation as far as is possible.***

**Specific consultation bodies responses received:**

**English Heritage:** Require heritage impact assessments to be undertaken on all proposed applications to assess whether any harm to any designated or undesignated assets. An appropriate and proportionate evidence base should be referred to including Historic Environment Record, Historic Landscape Characterisation, Conservation Area Appraisals and Management Plans, Urban Townscape Appraisals etc.

**Highways Agency:** Support the Issues and Options paper. Welcome a criterion based approach. Criteria should include a requirement to demonstrate that all traffic entering and leaving the site can be accommodated safely and where traffic movements may impact on the operation of the Strategic Road Network, this is assessed and mitigated. Council should commit to ensuring sites will be assessed in conjunction with key stakeholders to ensure there is a co-ordinated and informed approach to site selection.

**Welsh Water:** Stress need to consider infrastructure constraints in assessing sites which may restrict type and location of provision. DCWW is pleased with Policy H4.

**Network Rail:** NR has no sites available currently. Any new site adjoining NR land would need to be suitably (trespass proofed) fenced and be at least 2m distance from NR boundary.

**SA/SEA comments received:**

**Natural England:** Pleased to see River Wye SAC identified as key sustainability issues. Would appreciate a more detailed explanation of the issues identified at this site i.e. elevated phosphate levels and also a direct reference to the counties' Nutrient management Plan.

**English Heritage:** Support SEA objective 20 on historic environment. Suggest amendments to appraisal questions to align with NPPF. Encourage ref to historic environment in objective 15 and recognition of historic environment within the landscape. Suggest section 3 should include reference to plans and programmes that affect the historic environment. Consider assessments undertaken in tables 4.1,



4.2 and 4.3 as insufficient – unclear how some positive scores for historic environment have been arrived at with limited information.

***Response as to how the SEA/HRA comments will be addressed in the Travellers' Sites Document***

***These concerns will be addressed in the SA/HRA of the Preferred Options stage of the TSD.***

**Adjoining Authorities responses received under the “Duty to Co-operate”:**

**Powys County Council:** No needs or issues in relation to border with Herefordshire. Expect to meet need identified in Powys for permanent sites. Powys County Council is happy to be involved with further discussions.

**Forest of Dean District Council:** Aware of no major cross boundary movements but site at Bromsberrow is close to boundary. Forest of Dean DC is intending to meet its own needs within its boundaries.

***Response as to how the Duty to Co-operate comments will be addressed in the Travellers' Sites Document***

*No need identified for further allocations to meet need for Travellers or Travelling Showpeople in adjoining authorities at this stage.*

***Analysis of consultation responses and results of GTAA will be required to consider possible options for location of transit sites.***

***Further engagement with adjoining authorities will be required as part of the Duty to Co-operate.***

**Drop in Event comments:** For a bulleted summary see Appendix 1

***Response as to how the Drop-In comments will be addressed in the Travellers' Sites Document***

***The issue of permissions granted and associated conditions is a matter for development management and is considered on an individual case basis***

***Review sites submitted as part of the Call for sites***

***Look at extending privately owned sites and sites on council-owned land (this is covered in the responses to Qu. 13 and 14 above.***

**Next steps:**

- To carry out an Equalities Impact Assessment
- To prepare a "Site Selection Methodology" for specific permanent/transit/travelling showpeople sites in accordance with findings of the Gypsy and Traveller Accommodation Needs Assessment 2015
- To consider sites submitted as part of the Call for Sites process.
- To define options for sites/broad locations to meet any need
- To prepare a Preferred Options paper and consult on it in accordance with government regulations and the council's Statement of Community Involvement and Local Development Scheme.
- Ensure further engagement with adjoining authorities takes place with respect to the Duty to Co-operate.
- To prepare SA/HRA of the Preferred Options Paper and address issues raised at Issues and Options stage.

## Appendix 1

### Travellers' Sites Document: "Drop in Event" Meeting Notes

9 September 2014 2pm

Attendance from Herefordshire Council (HC): Kevin Singleton, Jane Reeves, Nick Griffiths, Simon Licence, Colin Jackson

Attendance from outside HC: 7 persons associated with the Traveller community

#### Concerns from the Traveller community (TC) that arose during general discussion on the issues set out in the Travellers' Sites Document

- Fact that small permanent, private sites were available but not coming forward due to level of public objection to sites. The fact that letters from objectors can now be seen on the website was considered to fuel further objections and negative attitudes to new sites.

**HC Response:** This is a Council policy in response to the Freedom of Information Act and is the same for all applications. Some letters are redacted where they are considered to contravene the Equalities Act, 2010.

- The nature of personal permissions being granted by HC with onerous conditions was increasing.

**HC Response:** difficult to discuss specific applications, but is something that would be looked into.

- The size of sites was an issue, places like Romany Close are too large with too many families in one place

**HC Response:** Noted, smaller sites were generally seen as being more acceptable.

- Many families living in bricks and mortar housing want to move back onto pitches

**HC Response:** This has been very difficult to verify in the past through survey information, because the Council do not know the location of such families to ask. Peter Baines (Traveller Support Group) offered help in this regard stating that he had a list of families from the last survey for the 2008 needs assessment.

- Regarding transit sites: There has been a historical move away from allowing encampments on roadside verges which has meant finding places to stop is even harder.

**HC Response:** Noted, but planning and other laws had evolved to discourage this, although encampments were normally tolerated for short periods. How does one control the temporary use of transit sites, what facilities are needed?

Travelling Community Answer: Some transit sites don't need many facilities, just a water supply. One option could be to look at land awaiting development for transit sites

- A pro-active approach was needed to provide for affordable Travellers sites

**HC Response:** Looking at sites on Council-owned land was one aspect that would be considered as part of the next stage of the Travellers' Sites Document process. Also, the Council will continue to investigate potential for funding from the Housing and Communities Agency which it has been successful with in the past (e.g. improvements to Bromyard).

- In terms of new sites, there may be a possible site for development at Leigh Sinton.

**HC Response:** The attendee was asked to submit the site as part of the "Call for Sites" process taking place alongside the consultation on the Travellers' Sites Document.

- One option for new sites would be to look at expanding small private sites possibly for extended families, but they would need good management regimes.

**HC Response:** Looking at sites on privately-owned land is one aspect that would be considered as part of the next stage of the Travellers' Sites Document process. Also, small private developers could be encouraged to provide sites and then match them to families.

- General comment: There needs to be greater emphasis on the good news stories about Travellers i.e. that there is generally peaceful co-existence with the settled community.

**HC Response:** Comment noted

The meeting ended at 3:50 pm.