

Herefordshire Local Plan

Travellers' Sites Document



Initial Site Assessment Methodology for Travellers and Travelling Showpersons

July 2016

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Initial Site Assessment Methodology for Travellers and Travelling Showpersons July 2016

(as part of the Travellers Sites Development Plans Document (DPD) Consultation)

1. Introduction

- 1.1 This technical assessment has been undertaken by Herefordshire Council to help inform the amount of land that may potentially be available for the provision of sites for Gypsies and Travellers and Travelling Showpeople over the years 2011 to 2031. The assessment aims to identify sites with potential for Gypsy and Traveller provision. It looks at sites' potential for either residential pitches or for use as temporary stopping places. This assessment does not provide definitive conclusions on the sites as the sites that have been included as part of the preferred options consultation stage will be the subject of further assessment.
- 1.2 This background paper outlines the work that has been carried out leading up to the preferred options consultation stage and the findings to date. It explains how a longer list of sites has been refined and identifies what further assessment will be required to work towards the pre-submission version of the DPD.
- 1.3 The approach taken is consistent with the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), recently published guidance Planning Policy for Traveller Sites (PPTS) August 2015 and policy H4 in the Local Plan – Core Strategy (LPCS). It should be noted that the recommended shortlisting of a potential site does not imply that an application for development would be granted planning permission. Any planning application would be considered against the relevant Development Plan policies operating at the time. Although some initial technical work has taken place further assessment will be required to determine site suitability. This will include local flood risk assessment and highway impact. This report outlines the work that has taken place and the conclusions reached to date.
- 1.4 For the purposes of this document, the term 'traveller' is used to describe gypsies and travellers and travelling showpeople.
- 1.5 This paper should be read in conjunction with the preferred options consultation document and the associated Sustainability Assessment.

2. Policy Framework

National Planning Policy Framework

- 2.1 In March 2012, the Government adopted the National Planning Policy Framework (NPPF). The NPPF at paragraph 50 requires local planning authorities to create sustainable, inclusive and mixed communities and to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Planning Policy for Traveller Sites

- 2.2 In August 2015, the government produced the Planning Policy for Traveller Sites (PPTS)¹. This sets out the government's planning policies and requirements for gypsy and traveller sites and must be taken into consideration in preparing local plans and taking planning decisions.
- 2.3 National planning policy for traveller sites requires local planning authorities to assess the need for traveller sites and to develop fair and effective strategies to meet the likely need for permanent and transit pitches through the identification of sites. Planning authorities should plan over a reasonable timescale, promoting private sites but recognising that not all travellers can afford to provide their own sites. Plan making and decision taking should protect local amenity and the environment and aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.

Herefordshire Local Plan

- 2.4 The Travellers Sites DPD, when adopted, will form part of the Herefordshire Local Plan together with the Core Strategy, Minerals and Waste Local Plan, Rural Sites Allocations DPD and the Hereford Area Plan.
- 2.5 The adopted Local Plan Core Strategy 2015 (LPCS) does not make specific provision for meeting the needs of Gypsy and Travellers in Herefordshire. Policy H4 of the LPCS provides a commitment to produce a Travellers Sites DPD. It is a criteria based policy for development of traveller sites includes policy for temporary stopping places and permanent sites for travellers' caravans in the absence of an allocations Plan.
- 2.6 Policy H4 of the Herefordshire Local Plan Core Strategy (LPCS) states the accommodation needs of travellers will be provided through the preparation of a Travellers Sites Document which will include site specific allocations.

¹ DCLG (August 2015) Planning Policy for Traveller Sites

Herefordshire Local Plan - Core Strategy Policy

Policy H4 – Traveller Sites

The accommodation needs of travellers will be provided for through the preparation of a Travellers' Sites Document (DPD) which will include site specific allocations.

In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools;
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment;
3. they promote peaceful and integrated co-existence between the site and the local community;
4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers);
5. they avoid undue pressure on local infrastructure and services;
6. in rural areas, the size of the site does not dominate nearby settled communities; and
7. they are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

2.7 This policy focuses on the practical aspects of accessibility and public services, and the safeguarding of protected sites, landscape quality and residential amenity. As such it forms a straightforward set of criteria to assess applications and makes explicit the consideration of individual merits.

3. Gypsy, Traveller and Travelling Showperson Accommodation Assessment 2015

- 3.1 The government's aims in respect of traveller sites are that local planning authorities should make their own assessment of need for the purposes of planning.
- 3.2 The Council commissioned Arc 4 consultants to carry out an assessment of what these needs will be over the Local Plan period (2011 – 2031). The Herefordshire Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) identify the requirement for the first five years of the plan as well as the requirement for the remaining plan period.

- 3.3 Several iterations of the GTAA were produced. The final version that the Preferred Options document is based on is the Final Update dated November 2015². The research provides information about the current and future accommodation needs of Gypsies and Travellers and Travelling Showpeople; as well as providing information about their additional support needs.
- 3.4 The study evidences an overall requirement for the 17 year period 2014/15 to 2030/31 for:
- 48 Gypsy and Traveller pitches
 - 9 Travelling Showperson plots; and
 - the provision of 3 transit pitches over the period 2014/14 to 2018/19.
- 3.5 The study initially advised that the above should be viewed as the minimum requirement based on the current supply of pitches/plots and the views expressed by Gypsy Traveller and Showperson households who have been interviewed as part of the assessment. However, the PPTS was revised in August 2015 and one of the significant changes was the amendment of the definition of travellers for planning purpose which is as follows:
- 1. For the purposes of this 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.*
- In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
- a) whether they previously led a nomadic habit of life*
 - b) the reasons for ceasing their nomadic habit of life*
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances. (Annex 1: Glossary³)*
- 3.6 Whilst paragraph 2 includes issues that should be considered when applying the definition the final GTAA update November 2015 advises that with the new revised guidance altering the definition of *Travellers* it is actually more likely that these may be seen as a maximum given that the new definition focuses on the needs of those who are actually Travelling or planning to travel. (Page 9)

² https://www.herefordshire.gov.uk/media/3900739/final_gtaa_nov-15.pdf

³PPTS <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

- 3.7 The Government's PPTS (August 2015) states that local planning authorities should, in producing their Local Plan "*identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets*".

In Herefordshire a five year supply equates to a requirement for:

- 19 Gypsy and Traveller pitches
- 5 Travelling Showperson plots; and
- 3 transit pitches

- 3.8 In effect, this means that if a local authority has not planned for permanent traveller sites, it may be more difficult for them to justify reasons for refusing planning applications for temporary pitches.

4. Site Assessment Approach

- 4.1 Selecting the right site for Gypsy and Traveller accommodation is a key factor in supporting good community relations and maximising the success of the site. The Council has developed a process to help assess site options for Gypsy and Traveller provision. An important step in this process is the formation of a set of assessment criteria that can be used to compare the merits of each site, and in turn this provides a certain level of detail that will enable the Council to make informed decisions on the most appropriate site or sites that could be allocated.

County wide assessment area

- 4.2 For the purposes of this assessment the County of Herefordshire is the boundary limit of the assessment. The main focus for traveller site development will be on sites which are reasonably located within or close to the built up area of Hereford city, the market towns of Bromyard, Ledbury, Leominster, Kington and Ross-on-Wye.
- 4.3 The rural settlements listed at Figure 4.14 and 4.15 of the LPCS are also considered suitable locations for accommodation. In rural areas, and as far as the PPTS is concerned, it is important that new proposals 'respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure' Para 25.
- 4.4 PPTS Paragraph 25 also places strong emphasis against development in open countryside, stating "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

5. Site Identification

- 5.1 The opportunity to submit sites has been open since 2014 on an ongoing basis. Since then there were two specific “call for sites” publicised in order to highlight the requirements for suggestions of sites as part of the preparation of the DPD. The first of these took place in 2014 alongside the consultation on the issues and options paper. The second took place between December 2015 and January 2016. This initial period was extended into February 2016 given the low number of sites received. Both call for sites were advertised on the council website and in the local press. In addition letters and emails were sent to those registered on the consultation database with a specific interest in traveller issues as well as statutory consultees. During the 2015/16 call for sites process there was greater use of social media to raise awareness of it and it was also featured on the Travellers Times Website and Facebook page.
- 5.2 The following sites were submitted as potential traveller sites for residential pitches. (No sites were put forward for either temporary stopping places or travelling show people plots.)

2014

- Land adjacent to Whitfield Coppice, Trumpet.
- Lower Rhydd, Kivernoll
- Land at Crompton Hill, Storridge (This site is the subject of a planning application which is still to be determined).

2015/16

- Land adjacent to Whitfield Coppice Trumpet
- Land at Midsummer Orchard, Ridgehill (This site was the subject of a planning appeal at the time of the submission).

The appeal was dismissed in April 2016 for reasons relating to the applicant's status in relation to the PPTS definition of travellers and also due to landscape and location issues which in the opinion of the Inspector were not capable of mitigation. In view of this decision this site was not taken forward for further assessment.

- 5.3 At the time of the 2015/16 call for sites the Storridge The landowner of the Kivernoll site contacted to see if this site was still available for consideration but this was not confirmed and was not therefore taken forward.
- 5.4 One of the sites submitted as part of the 2015/2016 call for sites was at the time the subject of an appeal which has subsequently been dismissed. Due to the lack of sites that have come forward despite 3 separate calls for sites in the past the need to look at

public sector land for potential Traveller site development is necessary to meet the requirements.

6. Local Authority Land

6.1 The recommendations of the GTAA advised the council to review its own land bank in order to help meet the pitch requirements and a number of potential council owned sites were identified as having potential for either redundant pitches or as temporary stopping places. These were assessed as described later in the paper resulting in 7 sites being included in the preferred options paper. It should be noted that during the course of this assessment process other circumstances affected the availability of some sites as outlined later in the report.

7. Stakeholder Representations

7.1 In addition to receiving sites as parts of these processes, the Council also received representations from:

- Network Rail - Need to consider any potential increase the level of pedestrian and/or vehicular usage at a level crossing.
- Ross Town Council- It was considered that there are no sites within Ross that would be suitable or easily available. There are already a number of sites within the County that cater for the various groups of travellers and gypsies'
- Hereford City Council – preference for smaller sites rather than larger sites – ensure that existing site west of Ross Road on the southern edge of the city should be brought into full use and be kept in good order.
- Lower Bullingham Parish Council – suggest that could include a site as part of the Strategic Urban Extension. There is no provision in the Policy HD6 for this. However this suggestion was put to the developers who do not consider this to be a viable option.

8. Transit / Temporary Stopping Places

8.1 There is no existing transit provision in the Herefordshire for temporary stopping places. The GTAA identifies a requirement for 3 pitches. West Mercia Police as a member of the Gypsy and Roma Strategy Group⁴ has stressed the urgent need to provide temporary stopping places to address reoccurring unauthorised encampments that occur around the county. They have advised that sites either in or on the outskirts of the market towns and Hereford and/or the main routes through the county, particularly the A49 and A40, would provide the best location for temporary stopping places. The Council's records of unauthorised encampments across the county since 2014 would support this approach and therefore the review of council's landholdings for this use was informed by this.

9. Site Suitability Assessment

9.1 The approach to site assessment followed the principles adopted for the Strategic Housing Land Availability Methodology (SHLAA) due to the residential use of land required: In order to assess their suitability for taking forward into the DPD the following steps were taken:

- The first stage included desk based research and initial survey work. This was an initial sieving process to eliminate any sites that had overriding constraints that would rule the site out as a traveller site. It provided the opportunity to assess sites against national policy guidance, existing environmental designations or other designations were also taken into account. At this stage none of the sites were ruled out.
- The second stage involved specialist assessments by Herefordshire Council (HC) officers and external organisations to assess the suitability of sites in relation to landscape, flood risk and highway issues. This stage identified issues that would require further detailed assessment the consideration of any opportunities to mitigate any constraints.
- An assessment of features that may be particularly relevant to traveller sites which would affect the viability and deliverability e.g. existence of hardstanding, lighting, water supply. However this factor was not part of the sieving process as the lack of such facilities is unlikely to prohibit development because these could be provided to enable site development.

9.2 This first stage of the assessment considered if there would be a fundamental planning or environmental constraint affecting the site that would make it unsuitable for development as a matter of principle. Similar to the SHLAA⁵ approach, this was

⁴ This is a network of public sector workers that seeks to improve outcomes for Gypsy and Traveller families. The group currently comprises: officers from Herefordshire Council, including representatives from education, planning, housing, and Traveller sites, senior police officers from West Mercia Police and representatives from the voluntary sector, including the Herefordshire Traveller Support Group.

⁵ The Strategic Housing Land Availability Assessment (SHLAA) is a study to identify all available sites within Herefordshire which have the potential for future housing development for the settled community. Its primary role is to:

- Identify available sites with the potential for housing;
- Assess each site's housing potential; and

an initial sieving process to eliminate any sites that had overriding constraints that would rule the site out as a traveller site. The constraints that were assessed are outlined below.

- Ancient woodlands/Ancient Semi-Natural Woodlands (ASNWs)
- Areas within flood risk zone 3. Development of permanent residential pitches or transit uses are not appropriate in flood zone 3. *However it should be noted that one of the sites included in the preferred options consultation document is within a site shown as being within flood zone 3. However it is known that this zoning has not taken account of a local flood alleviation scheme. Therefore further assessment will be required to determine whether the standard that the flood alleviation scheme has been built is appropriate for the site to be used as a temporary stopping place.*
- Areas within flood risk zone 2. An exception test would be required. *Advice has been sought from the Environment Agency regarding whether it would be appropriate to use a site in flood zone 2 as a temporary stopping place would be classed as being more vulnerable in the same way that a site used for holiday or short let caravans and camping (subject to a specific warning and evacuation plan). This issue will be explored further as part of the forthcoming local flood risk assessment.*
- Presence of Grade I listed buildings on the site.
- Historic Parks and Gardens (Registered and Unregistered)
- Local Geological Sites (also known as RIGS - Regionally Important Geological Sites)
- Local Nature Reserves (LNR)/ Local Wildlife Sites (LWSs)
- National Nature Reserves (NNR)
- Scheduled Ancient Monuments (SAMs)
- Significant trees (TPOs, National Inventory of Woodland and Trees, Veteran Trees)
- Sites of Importance for Nature Conservation (SINC)
- Sites of Special Scientific Interest (SSSI)
- Sites that could have significant adverse effect on the AONB landscape or landscape with high sensitivity
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)
- Special Wildlife Sites (SWS)
- UK Biodiversity Action Plan (BAP) Habitat and Priority Habitat Inventory (PHI) sites

-
- Assess when these sites are likely to be developed

- sites which do not have a physical point of access and no prospect of creating an access within or close to the landholding.
 - sites protected under the Birds and Habitats Directives
 - Local Green Space (check with RW these 2 site types are included in the above list as PPTS requirement)
 - Sites whereby the landowner has come forward to say the site is not available
- 9.3 Sites with the above designations or protection are to be ruled out as having no potential. However as stated above there are still outstanding issues in relation to flood risk that require further investigation.
- 9.4 The second stage of the land availability assessment considered if a site would be suitable for Gypsy and Traveller development in light of the following and identifying where there are constraints that would require further assessment:
- 9.5 **Landscape:**
- Policy designations; development is likely to adversely affect the setting of an AONB and features of historic importance such as SAMs, listed buildings, Registered and Unregistered Historic Parks and Gardens etc.
 - The impact on the landscape in terms of landscape sensitivity and capacity to accommodate the development.
- 9.6 **Ecology**
- Presence of any protected species or habitat either on site or within vicinity of site that would require further assessment.
- 9.7 **Transport and Highway Issues**
- Is there potential to achieve a safe access on to the highway?
 - Is there access to public transport and or opportunities for sustainable transport?
- 9.8 **Access to services**
- (primary schools, shops, medical centre, passenger transport – bus and rail);
 - Policy H4 does not specify a distance that the site must be within xkm of a settlement. Therefore a judgement has to be made on a site by site basis. .
- 9.9 **Other Issues:**
- Whether third party land may be required to achieve access into the landholding;
 - The Relationship with the settled community, i.e. existing settlements (towns/villages);
 - Whether the site level is currently or is capable of being made level (the topography of the site can make development difficult). Whether site development is likely to

require significant engineering which would adversely affect landscape character and visual amenity;

- The presence of infrastructure pylons or strategic pipelines which would limit or preclude the developable area or would not be viable to replace them underground.

10. **Availability, achievability and viability**

10.1 The assessment included sites that were considered to be available for development at that time. However during the course of the assessment process circumstances have changed in this respect and this is outlined in Appendix 1. Appendix 1 provides details of the sites that were not progressed into the draft Travellers Sites DPD following this second stage of assessment and the reason for this.

10.2 Further detailed work on the achievability and viability of the sites coming forward will be undertaken at the next stage. At the time of publication Government funding is no longer available under the Affordable Housing programme administered by the Homes and Community Agency. The Council will remain in contact with the HCA about this issue and any other potential opportunities for funding the delivery of residential pitches.

11. Next Steps

- 11.1 This assessment is an important part of the emerging evidence base for the Traveller Site DPD. Overall, the work will provide an early indication of possible traveller housing land supply as well as the longer term availability of sites.
- 11.2 Alongside this, any further sites submitted following the consultation will be subject to the same assessments set out above to ensure that those identified are developable and deliverable as required by the Planning Policy for Traveller Site.
- 11.3 A further Site Assessment Paper will be issued to accompany the Pre-submission Publication of the Travellers DPD. This is currently programmed for Autumn/Winter 2016⁶.

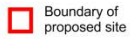
⁶ Traveller Site DPD, See Table 4, pg 29 for details of timetable.
https://www.herefordshire.gov.uk/media/4860856/draft_travellers_sites-dpd_july2016.pdf

Appendix 1 Discounted Sites (7 sites)

9) Land at Waterworks Lane Leominster

- Site deemed to have no potential due to issues with highways. The lane is narrow and access is difficult.
- The site also lies in flood zone 2 and 3 therefore not appropriate for permanent residential.

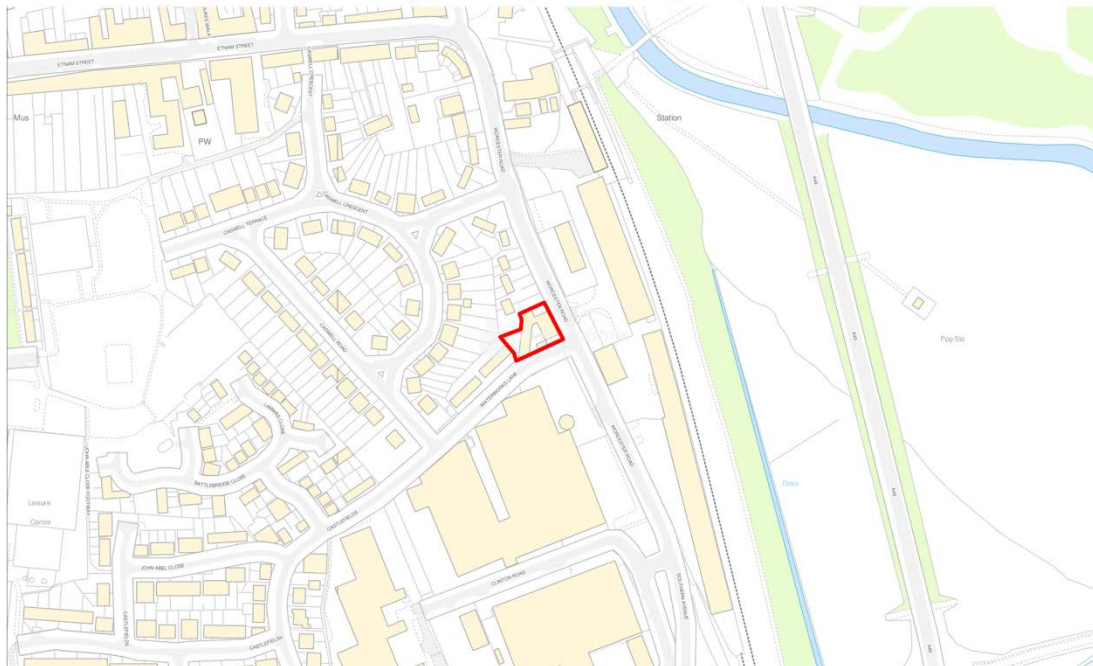
Not to scale



Boundary of proposed site

Waterworks Lane, Leominster Herefordshire

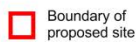
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10) Leominster Land adjacent to A49 roundabout - Site B

- The site is discounted due to a high pressure gas pipeline on the western boundary of the site. This gas pipeline requires a buffer zone with no development.
- A major part of the site is within a Water Source Protection Zone and therefore not suitable for development.
- Advice from Highways England states that this site would require a new access which would be relatively close to the gyratory on the A49/A44 roundabout and may present turning movements that would constitute safety concerns on the strategic road network. It is advised that an operational and capacity assessment of the access points for both of these sites should be undertaken with regards to the likelihood of large vehicles, with trailers, accessing the site and the impact this may cause on queuing back to the A49. Herefordshire Council advice: not acceptable, as access would be difficult to achieve safely.

Not to scale



Site B adjacent to A49 Roundabout Leominster, Herefordshire

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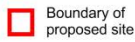
NORTH



11) Leominster Land adjacent to A49 roundabout - Site C

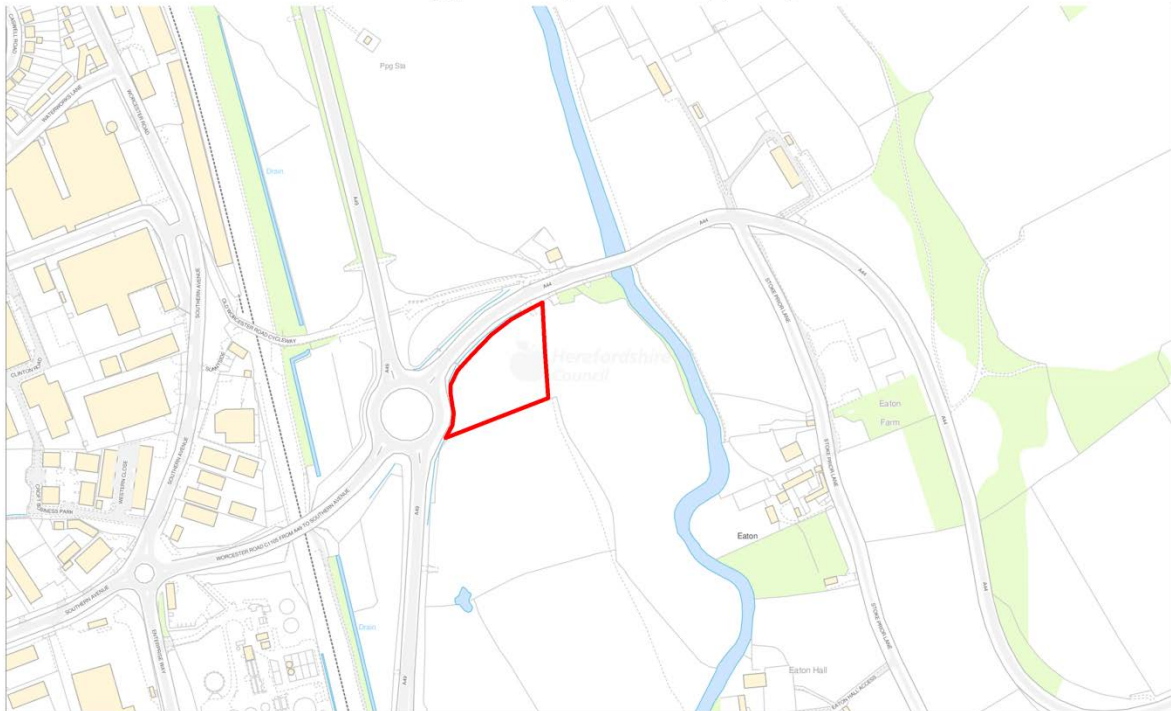
- Due to the open rural character sensitivity of this site, the high agricultural soil quality and the buffer zone requirements of the existing gas pipe line which crosses the site this site is not recommended for development.
- Although HC Advice: Site C may be acceptable and there is an existing access off the A44, Highways England have raised the following concerns. The site access is relatively close to the gyratory on the A49/A44 roundabout and may present turning movements that would constitute safety concerns on the strategic road network. It is therefore advised that an operational and capacity assessment of the access point should be undertaken with regards to the likelihood of large vehicles with trailers assessing the site and the impact this may cause on queuing back to the A49 (T).

Not to scale



Site C adjacent to A49 Roundabout Leominster, Herefordshire

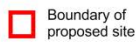
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12) Ross Highway Depot

- The Employment Land Study (ELS) 2012 was the supporting evidence for the development of employment policies in the Core Strategy. Land was assessed using a ranking system based on the employment land market and the types of employment land within Herefordshire. Sites were generally scored in order of qualitative value from 'best, good, moderate and poor'. The site is discounted because it is deemed to be 'Good' quality Employment land which should be safeguarded as set out in policy E2 of the Core Strategy.
- Availability issue in view of the Council's commitments made within the highway depot rationalisation programme.

Not to scale



Highways Depot, Ross on Wye Herefordshire



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13) Land at Homs Road Car Park, Ross on Wye

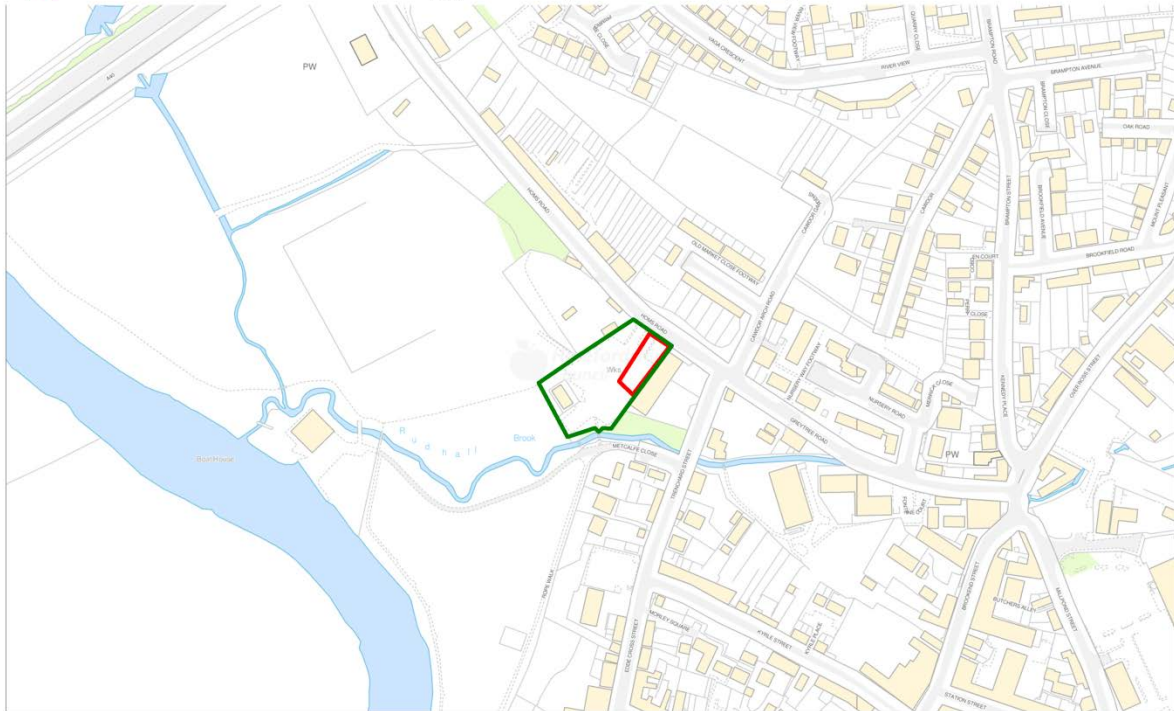
- Whole site is within flood zone 2 and 3 and therefore unsuitable for highly vulnerable accommodation such as caravans unless an exception test is carried out.
- Availability status of the site has changed

Not to scale

-  Boundary of proposed site
-  Boundary of Homs Road Car Park

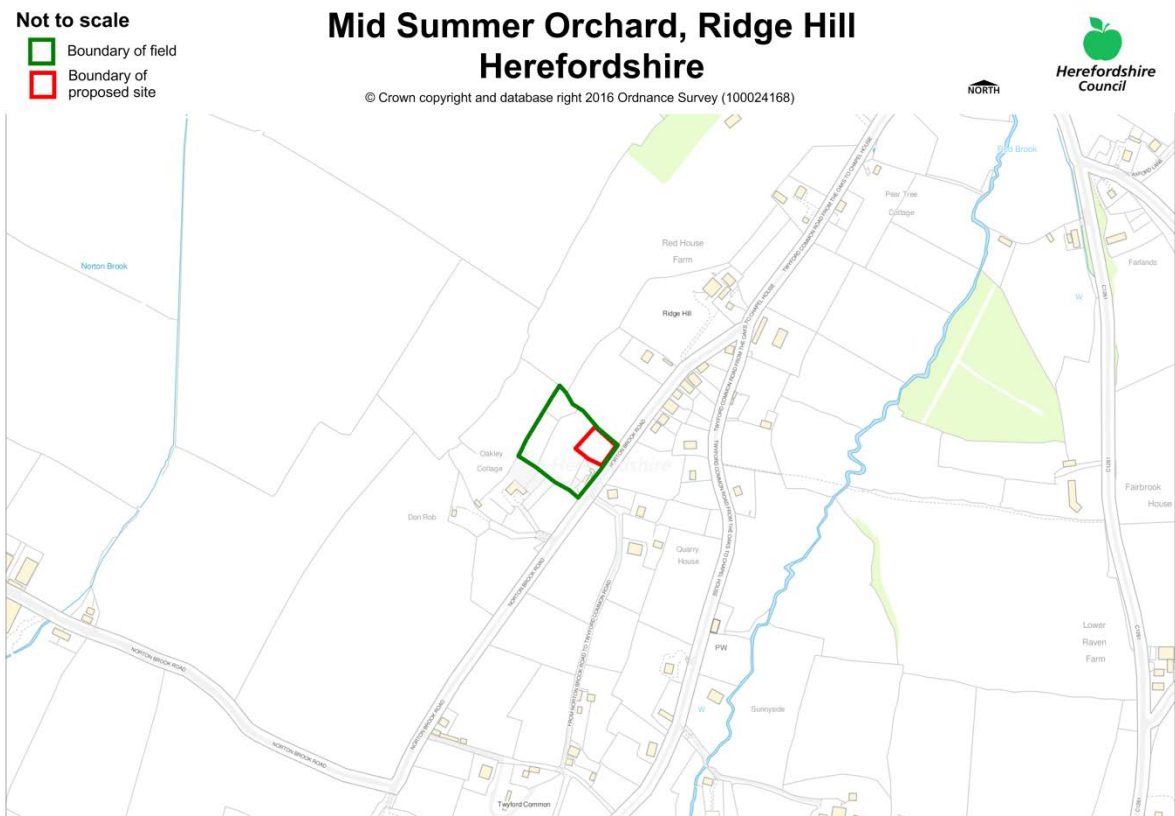
Homs Road Car Park Ross on Wye, Herefordshire

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14) Land at Midsummer Orchard Ridge Hill, Hereford

- Significant adverse visual impact on the landscape and would materially harm the character and appearance of the surrounding area. This potential harm cannot be mitigated by planning condition.
- site is not readily accessible to local amenities given its rural location and this would encourage unsustainable patterns of travel, which goes against the grain of achieving sustainable development



15) Pontrilas Highways Depot, Pontrilas

- Major issues with entry into the site in terms of long vehicles protruding into the path of vehicles using the A465.
- Visibility from the site is limited for vehicles exiting the site because the area to the right of the exit is being used as an informal car parking area. A Traffic Regulation Order would be required to prevent parking however it would also need to be enforced. Also existing vegetation could be cut back to improve visibility.

