

**EXAMINATION OF CITY OF BRADFORD MDC LOCAL PLAN FRAMEWORK  
BRADFORD LOCAL PLAN CORE STRATEGY**

**Matters, Issues and Questions-deadline for comments 20.2.2015**

**Policy HO12 Gypsies, Travellers and Showpersons**

**Comments of Leeds Gate 20.2.2015 on matters raised by Inspector Stephen Pratt**

Matter 1- Has plan been prepared in accordance with duty to cooperate in particular consideration of unmet need with GT needs of adjoining authorities (Craven, Calderdale, Harrogate, Leeds and Kirklees) and outcome of these discussions.

This is a matter for Council to address but Bradford and Leeds have the largest need for Gypsy-Traveller pitches of all these authorities and it is unlikely any other authority is willing to offer any help to address this need as most (if not all) have problems of their own which they have failed to address.

There is no evidence Transit need has been considered and/or addressed on a sub regional basis as part of the Duty to Co-operate.

There is concern that the Council has not be as pro active as it could have been to involve the local Gypsy community and indeed the Leeds Gate organisation who are proactive in assisting Gypsy-Travellers in the sub region.

Additional Matter 7.11

Is the approach appropriate, justified, effective, positively prepared, soundly based, consistent with PPTS/NPPF. In particular

- a) Is there a more recent GTAA?
- b) Policy fails to deal with transit provision
- c) Has the GTAA considered cross-boundary issues related to the provision of accommodation for Gypsy-Travellers including the needs of neighbouring local authorities in the Leeds City Region

Policy H12 is considered unsound for the following reasons:

Lack of up to date need assessment

Policy is not soundly based as it is not informed by a robust upto date need assessment as required by Para 4 PPTS and Policy A para 6 ( c ) which requires a robust evidence base to inform preparation of local plans. The 2008 study was based on data from pre 2008. It is clearly out of date.

Para 5.3.180 states that the Council is in the process of commissioning an update of the 2008 GTAA. Details need to be provided together with an explanation as to why this was not done sooner to inform the CS.

Para 5.3.183 acknowledges that the population has increased since the 2008 study. It is not known on what base this statement is made but there are claims of more families doubling up,

more unauthorised encampments, overcrowding and movement into housing etc. The data base for this is not revealed. Policy HO12 still relies on the 2008 study (see Table HO8). There is no allowance for front loading or increasing immediate need in accordance with para 47 NPPF.

Leeds GATE has been given sight of a draft GTANA carried out by Arc4 in 2014. We have informed the council that we consider it inadequate due to lack of inclusion of Gypsies and Travellers living in housing, and note that it is not referenced within HO12

#### Absence of transit provision

Para 5.3.187 confirms a recognised need for more transit pitches but unwillingness to make provision. The definition of GTs in Annex 1 PPTS requires that they have a nomadic habit of life. There is a need for stopping places for those who are travelling for social reasons and for work. Travellers have need to visit relatives, to attend fairs and church events such as the Light and Life missions, for social occasions such as funerals and wedding, and sometimes for hospital appointments and to visit relatives in hospitals. Much of this need is often hidden and suppressed. There is little to no guidance on how this should be assessed.

The 2003 Niner Report entitled Local Authority Gypsy-Traveller site provision noted (Ch 3) that less than 10% of socially provided site pitches are intended for families in transit. The report noted that the need for transit accommodation has been recognised for at least 40 years, the supply was still very small and research showed that it was actually shrinking. The Niner report recognised the need for a network of transit sites or stopping places to facilitate active travelling. It was noted that some 'get clogged up with long stay or semipermanent residents and effectively become low-grade residential sites'. A favoured option was private family sites limited to friends and relatives of the owner.

Guidance on designing Transit provision is provided in Chapter 8 of CLG publication 'Designing Gypsy and Traveller Sites: Good Practice Guide' issued May 2008. This report is still saved as part of NPPF.

Para 4 PPTS states that it is the Government's aim to reduce the number of unauthorised developments and encampments and make enforcement more effective, and increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. PPTS also aims to reduce tensions between settled and traveller communities. A source of much of this tension are the unauthorised encampments of those in transit with no where authorised to stop.

There is no national network of sites. Most local authorities have no formal transit provision. There are a few private transit sites. I am not aware of any in West Yorkshire.

Many Travellers prefer to stop with family and friends on their own private sites. But scope for this is limited in West Yorkshire due to the absence of many private sites. PPTS appeared to recognise this use in para 26 (b) where it is suggested that conditions be applied to private residential site 'specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitor and allows attendance at family or community events).

This approach appears to be favoured by the City of Bradford but it is not clear how realistic the other options are given the acceptance there are few private sites and those which exist are small private family sites. The pragmatic approach advocated may be unauthorised if such use exceeds the limitation imposed by planning conditions. This approach may also breach site licence requirements if there is insufficient space within sites for visitors. There is no evidence to suggest that spare capacity exists on the two existing socially provided sites or small private sites for transit provision.

With no national network of sites and very little formal provision in most parts of the country, most GTAAs identify a need for more transit provision but recognise that this is a provision that can be provided on a sub regional basis. This requires local authorities to co operate and share site provision. It is not clear what efforts have been made in West Yorkshire to address this under the duty to co operate. Provision is most effective when there is an adequate network of sites. unauthorised encampment is extremely undesirable and the benefits of providing an alternative should be given considerable weight. The adverse impacts on the living conditions of those without proper provision are severe. Furthermore unauthorised encampment is likely to be source of conflict with the settled community.

We would draw your attention to the 'Negotiated Stopping' programme in Leeds which has been acknowledged as national best practice in responding to unauthorised encampment without the need to build permanent 'transit' pitches. Leeds Core Strategy Inspector Thickett accepted the inclusion of the need for 9 'negotiated stopping places' on an ongoing basis in the Leeds Core Strategy.

#### Cross Boundary Issues

For good reason the 2008 GTAA was conducted at a sub-regional level. There will always be movement of Gypsy-Travellers between districts. There is evidence families are displaced due to absence of provision or poor provision. For instance there is a current planning appeal for a Green Belt site in Calderdale for a family who used to live on one of the socially provided sites in Bradford and moved into housing due to the poor conditions on the site in Bradford (pre refurbishment). There is little evidence that the Council has taken into consideration the issues that arose over Gypsy-Traveller policy with the Leeds Core Strategy examination and requirement to update the Need Assessment or that they have considered addressing transit needs on a sub-regional basis with adjoining authorities.

#### Absence of site allocations

Policy B Para 9 PPTS requires local authorities to identify a supply of specific deliverable sites sufficient to meet a 5 years' worth of sites. Local authorities are also required to identify a supply of specific developable sites of broad locations for growth for years 6-10 and where possible years 11-16.

Policy HO12 identifies the Shipley and Canal Road Corridor as an appropriate location for all GT sites but there is no explanation as to why this is the favoured location and it is not clear how this will meet the needs of the Traveller communities.

The Shipley and Canal Road Corridor AAP has only proceeded to the Issue and Options stage. A report was submitted for consultation in March-May 2013. There has been no further report.

Para 6.18 of the Issues and Options report had this to say about Gypsy-Traveller sites:

*In accordance with CS Policy HO12 the AAP will need to consider if there are any suitable sites for these facilities within the corridor.*

There is no evidence that any suitable GT sites have been identified or considered.

Para 50 NPPF requires plans to provide a wide choice of provision. It is unclear how this is possible if all (most) sites are to be located in one canal corridor.

There is no certainty the Shipley and Canal Road Corridor AAP will deliver sites in accordance with Policy B para 9 PPTS. No specific deliverable sites have been identified. There is little evidence to suggest the policy has been subject to early and effective community engagement in accordance with policy A para 6 PPTS. There appears to be little to no progress identifying suitable sites.

The Local Development Scheme July 2014 indicates that the Shipley and Canal Road Corridor AAP was to be adopted by January 2017. This is a year later than first envisaged and there would appear to have been further slippage. The Allocations DPD is to be submitted late 2016 and adopted November 2017. Agreement would have to be reached at pre-publication draft stage that sites can not all be met in the AAP for provision to be included in the Allocation DPD. The Allocation Plan will provide the mechanism to alter Green Belt boundaries and inset land from the Green Belt. It is not clear at what stage it will be decided need cannot be met in the AAP so that needs will be addressed in the Allocation Plan.

It is unclear how realistic it is to expect any Neighbourhood Plans to provide for Travellers before either the AAP or Allocations DPD is adopted and it is agreed there is a need for more sites. Work is already progressing on some Neighbourhood Plans.

There is concern that the Development Plan will fail to identify specific deliverable sites sufficient to meet a 5 year supply for some time to come and there is no guidance as to the broad locations for growth as required by Policy B PPTS.

#### HO12 (D) Temporary consents is not compliant with NPPF and para 21 PPTS

C 1/2006 published February 2006 anticipated that need would be addressed within 3-5 years ie by 2011. PPTS was adopted March 2012. In accordance with Policy H para 25 and Policy I para 28 local planning authorities were given 12 months grace to get their plans in order. It is considered unacceptable for a development plan policy submitted for examination in late 2014 to state, as in HO12 (D), that temporary permission may be granted for sites to meet need ahead of the development of permanent sites where they accord with the criteria listed. If the criteria are met, there should be no good reason to refuse permission, especially given the failure of policy to identify suitable sites or broad locations. Criteria D of Policy HO12 should be deleted as it is contrary to the presumption in favour of sustainable development in NPPF and in particular para 14 NPPF, para 49 NPPF and para 21 Policy H PPTS which states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in NPPF and plans will not be considered up to date if they fail to demonstrate a 5-year supply of sites.

### HO 12 (E and F) Rural Exception Sites

Policy HO12 ( E ) indicates that rural exception sites might be allocated in specific (unnamed) rural settlements in the Allocations Plan and in Neighbourhood Plans where sufficient affordable sites to meet local needs cannot be otherwise be delivered. Policy HO12 (F) states that the criteria to assess speculative proposals for rural exceptions via planning applications will be set out in the Allocations DPD. This is unacceptable as it offers no certainty. It is unclear how this would work in a district where most existing sites are in urban areas and there does not appear to be a tradition (or need) for sites in rural parts of the district. It is unclear how this will work given that most land outside the main settlements appears to be either Green Belt and/or South Pennines SPA/SAC where there would be a strong presumption against new sites.

If there is a need for criteria for assessing rural exception sites these should be included in Policy HO12. There is no justification to wait for this to be addressed in the Allocation Plan as rural exception sites are not necessarily allocation policies. Policy D PPTS makes clear that a rural exception site policy is needed to manage applications and as such, guidance needs to be delivered as part of HO12 to provide a steer for planning applications (ie windfall sites) and not as part of some further allocations plan.

**For the above reasons there are substantial concerns about the soundness of the approach to the provision of Gypsy-Traveller sites in Bradford City area.**

### **Requirements sought to make Policy HO12 sound**

1. The updated GTAA should be drafted and made public. It should be explained how it will be examined if this is not to be done as part of the Core Strategy EIP. Policy should indicate a firm commitment to continuously assess and monitor need for the lifetime of the Development Plan.
2. Core Strategy Policy HO12 should make clear that the figures in listed in Table HO8 are the minimum needed and Policy should be altered to read that at least 74 pitches should be provided for Gypsy-Travellers 2008-30, and at least 22 pitches for Showpersons to take account of the additional need that will have accrued since need was last assessed in 2008.
3. Provision of sites through Policy HO12 should be front loaded to ensure the backlog of need is met without further delay.
4. Policy HO12 should indicate broad locations for the provision of a choice of sites (by size, tenure and location). At present policy fails to make clear where sites will be found acceptable or, where there will be a presumption against new sites (other than in HO12 (f) but this only applies to Rural Exception Sites and not for applications made for private self-provided sites.
5. Policy HO12 should commit to the allocation of sites as part of the Allocations Plan and not just as part of the Shipley and Canal Road Corridor AAP. The Local Development Scheme should be amended to make clear that the Allocations Plan will identify sites across the whole district and not just within the AAP corridor.
6. Policy HO12 should commit to provide some transit provision, either via transit sites or via a sustained 'negotiated stopping policy' within Bradford City area within an agreed time frame

and to work with other West Yorkshire authorities to provide a network of transit sites or negotiated stopping places.

7. Policy HO12 (C) should list the criteria considered necessary to inform HO12 (E and F) selection rural exception sites.

8. Policy HO12 (D) should be deleted as this is not NPPF/PPTS compliant. If policy criteria are met there is no justification to withhold permanent consent for sites just because there is no site allocation policy.

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