

Proposed Traveller Site Assessment Methodology

DRAFT

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1 Introduction

- 1.1 This document sets out the proposed methodology for assessing site options identified for consideration in the forthcoming Royal Borough of Windsor and Maidenhead Traveller Land Availability Assessment (TLAA). The TLAA will form a key part of the evidence base for the Traveller Local Plan (TLP).

What do we mean by Travellers?

- 1.2 This term covers a number of different groups, including English Gypsies, Irish and Scottish Travellers, Roma, 'New Age' Travellers, Travelling Showpeople and boat-dwellers.
- 1.3 For the purposes of the Traveller Local Plan, any references to 'Travellers' encompasses these three groups:
- Gypsies and Travellers
 - Travelling Showpeople
 - Boat dwellers.

What is the Traveller Local Plan?

- 1.4 The Traveller Local Plan (TLP) will set out how the Royal Borough will meet the accommodation needs of the Traveller communities. The TLP is likely to include the allocation of new sites for these communities, but in order to allocate sites for future provision, the Council must first agree how potential sites will be identified and assessed.

What is the Traveller Land Availability Assessment?

- 1.5 The Traveller Land Availability Assessment (TLAA) will identify land that could potentially be used for Traveller accommodation and assess them to see if they are suitable, available and achievable. It will include existing Traveller sites that may be considered to be suitable for expansion or becoming authorised, as well as potential new sites. **However, it will not allocate sites or grant planning permission.**

What is the Traveller Site Assessment Methodology?

- 1.6 It will be important to ensure that any new Traveller pitches are in a suitable and sustainable location and comply with national and local planning guidance. As part of the process of selecting sites for allocation in the Traveller Local Plan, we need to decide how we will assess possible sites. This document sets out a proposed methodology for assessing sites, using a criteria based approach based on the established Berkshire methodology for assessing housing and economic land for allocating in local plans.

2 Policy Context

National context

- 2.1 Gypsies and Travellers have been present in England for more than 600 years and Travelling Showpeople date back to the Middle Ages. Boat dwellers first began to live on boats in the 1790s.
- 2.2 The policy context for Housing and Economic Land Availability Assessments (HELAAAs) is set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 2.3 Paragraph 67 of the NPPF (2018) states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.
- 2.4 The PPG provides detailed guidance on how local planning authorities should undertake housing and economic land availability assessments.
- 2.5 National planning policy for Gypsies and Travellers and Travelling Showpeople is primarily set out in 'Planning Policy for Traveller Sites' (PPTS), which was last updated in 2015.
- 2.6 It will be important to ensure that any new Traveller pitches are in a sustainable location and comply with national planning policy. The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community. The PPTS encourages local authorities to set their own targets for Gypsies and Travellers and Travelling Showpeople in order to address the likely accommodation needs of these groups in their area. The PPTS definitions of 'Gypsy and Traveller' and 'Travelling Showperson' now exclude those that have stopped travelling on a permanent basis.
- 2.7 The PPTS provides some guidance on where sites should and should not be allocated. For example, it states that local plan policies for Travellers should
 - ensure that children can attend school on a regular basis,
 - promote access to health services,
 - not allocate sites in areas at high risk of flooding, including functional floodplains,
 - provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of Travellers, and
 - ensure the scale of sites does not dominate the nearest settled community.
- 2.8 With regard to Green Belt, the PPTS states that
"Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the plan-making process and not in response to a planning application. If

land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.”

- 2.9 The Traveller Land Availability Assessment and the Traveller Local Plan will need to take national policy in account.

Regional Context

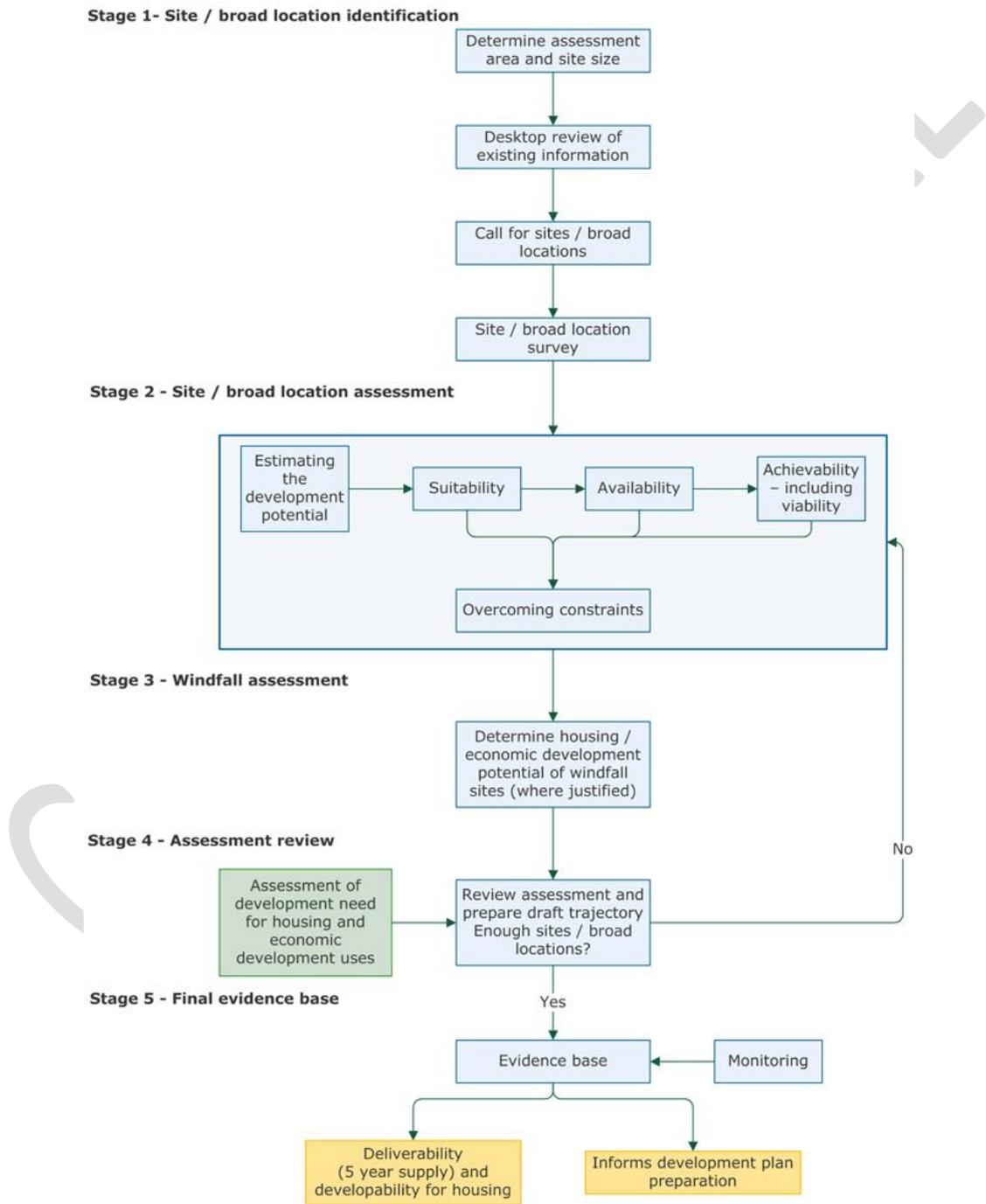
- 2.10 Although the South East Plan was revoked in 2013, one relevant policy (NMR6) relating to development close to the Thames Basin Heaths Special Protection Area (SPA), was retained. This policy states that new residential development which is likely to have a significant effect on the SPA will be required to demonstrate measures to avoid or mitigate potential adverse effects. Much of the southern part of the Borough is affected by the SPA, including most of Ascot.

Local Context

- 2.11 Travellers have been present in the Royal Borough of Windsor and Maidenhead for centuries. More information on the history of Travellers nationally and locally is provided in the Issues and Options paper.
- 2.12 There are no ‘saved’ policies in the current adopted Royal Borough of Maidenhead and Windsor Local Plan (1999) that relate specifically to Gypsies and Travellers, although a number of policies are relevant.
- 2.13 The emerging Borough Local Plan 2013-2033 Submission Version (BLPSV) was submitted for independent examination in January 2018. It includes a policy (HO4 - Gypsies and Travellers) to guide development management decisions on applications for Gypsy and Traveller and Travelling Showpeople. The policy will also be used to help guide the allocation of sites in the Traveller Local Plan. The version of the policy in the BLPSV can be found in Appendix 1. As the Borough Local Plan is currently being examined, the policy in the final adopted plan may be different to this.
- 2.14 In 2017, the Council commissioned consultants arc⁴ to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). This study, which was published in June 2018, concluded that using the definition of Gypsies and Travellers set out in the PPTS, that there is a need for 26 pitches in the period 2017/18 to 2032/33, of which 20 are required in the five year period 2017/18 to 2021/22. However, when the likely turnover of pitches on local authority sites during the plan period is taken into account, this results in a reduced residual need for 21 pitches over the plan period. There is also a need for 14 plots for Travelling Showpeople over the next five years, again under the PPTS definition. The GTAA found ‘no credible evidence of unsatisfied need’ for residential moorings for boat dwellers, although it is possible that much of the actual need is undetected.

3 Proposed methodology for assessing traveller site options

3.1 In November 2016, five Berkshire Borough Councils (Reading, RBWM, Slough, West Berkshire and Wokingham) agreed a common methodology for undertaking Housing and Economic Land Availability Assessments (HELAAs). The agreed HELAA methodology is based on the standard five stage methodology set out in the Government’s Planning Practice Guidance¹.



¹ HELAA Methodology – flowchart (PPG, Paragraph: 006 Reference ID: 3-006-20140306

- 3.2 A draft methodology for the Berkshire HELAA was subject to consultation in 2016 and 17 responses were received. Some amendments were made to the methodology as a result.
- 3.3 It is proposed that potential Traveller site options are assessed using a criteria based approach, based on the Berkshire HELAA methodology. However, the needs for Traveller sites are invariably different to those of the settled community and so this methodology has been adapted, as follows:
- 3.4 **Stage 1** is the identification of sites and broad locations. The following sources will be drawn upon:
- Existing known authorised and unauthorised Traveller sites, taken from the GTAA.
 - Sites where there has been a recent planning application for Traveller use, including those that were unsuccessful in gaining planning permission.
 - Sites put forward through 'call for sites' exercises. There have been a number of general call for sites exercise carried out in the Borough in connection with the emerging Borough Local Plan, most recently in July 2017. A specific Traveller call for sites for the TLAA was undertaken in July and August 2018. This was advertised by contacting key stakeholders, including known Traveller contacts, major landowners, public sector organisations, adjoining local authorities and town and parish councils. The call for sites was also publicised through the Estates Gazette, local papers and libraries, and on the Council's website.
 - Sites in the Council's ownership.
- 3.5 The Council will not consider any sites not identified through the above sources, for example non-promoted land around towns and villages, or sites promoted for other uses. It is important that the assessment exercise is based on land that is available and deliverable and is also kept manageable.
- 3.6 The Berkshire HELAA methodology uses a minimum size threshold of 5 dwellings or 0.25 ha (housing development) and 500 sq.m. floorspace (economic uses). It is more problematic to arrive at an appropriate minimum size for a Traveller site. The PPTS does not provide any guidance and the now withdrawn 'Designing Gypsy and Traveller Sites Good Practice Guide' (DCLG, 2008) also declines to offer any suggestions on a minimum area, instead stating that
- "There is no one ideal size of site or number of pitches although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. However, smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family."
- 3.7 The guidance adds that a pitch should be able to accommodate "two touring caravans, two parking spaces and private amenities." In accordance with the 2008 guidance, it is suggested that 0.2 ha be used as a minimum size threshold for the TLAA as this can accommodate about 4 pitches. The same size threshold would be used for other types of site, such as for Travelling Showpeople and boat dwellers. Any sites below this size threshold would not be considered for assessment.

3.8 **Stage 2** is the assessment of the sites. This will involve estimating the development potential of the identified sites, as well as their suitability, availability and achievability, including whether constraints can be overcome.

3.9 It is proposed that stage 2 is divided into two parts:

- Stage 2a would comprise an initial desktop filtering exercise using GIS data to sieve out those sites that are subject to fundamental 'showstopper' constraints.
- Stage 2b would be to undertake a more detailed assessment of the remaining sites against a wide range of environmental, economic and social criteria.

Stage 2a – Initial assessment

3.10 It is proposed that the following factors would be used at stage 2a to exclude 'showstopper' sites:

Stage 2a criteria	Reason
Site is completely within Flood Zone 3 (high probability of flooding) or in Zone 3b (functional floodplain)	Caravans and mobile homes are a highly vulnerable use and should not be permitted in Zone 3 ² .
Site is completely within a Special Protection Area.	Legislation and the NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on the integrity of a European site.
Site is completely within 400m of the Thames Basin Heaths Special protection Area	Natural England advises that the recreational impacts of residential development cannot be mitigated within 400m of the designation.
Sites within a Ramsar site	The NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on a Ramsar site.
Sites within a Site of Special Scientific Interest	Legislation and the NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on an SSSI.
Sites wholly within or containing ancient woodland	The NPPF advises that planning permission should not normally be granted for development that is likely to result in the loss of or deterioration of ancient woodland.
Sites within notified safety zones	Development within certain safety zones may be considered unsuitable due to safety concerns, e.g. airport safety zones.

Stage 2b – More detailed qualitative assessment

3.11 The next stage of the assessment (Stage 2b) would be to assess remaining sites against a wide range of environmental, economic and social criteria in order to assess their suitability and sustainability, also using GIS data. It is proposed that the following factors are taken into account at this stage:

² Planning Practice Guidance on Flood Risk and coastal change (Para: 067 Reference ID: 7-067-20140306).

Stage 2b criteria
Whether site is within Metropolitan Green Belt
Whether site is affected by any landscape designations.
Whether site is affected by nature conservation designations.
Whether use would have impact on heritage assets
Whether site can be safely accessed by pedestrians and vehicles to and from highway
Whether site is relatively level
Whether there would be an impact on green infrastructure / open spaces
Whether site has access to services, including health, schools, shops and public transport
Whether site comprises best and most versatile agricultural land
Whether site is safeguarded in a plan for another use (e.g. minerals and waste or employment use)
Whether site has (on could have) adequate on-site utilities
Whether site could provide suitable level of amenity for occupiers and nearest settled community

Sustainability Appraisal

3.12 The Traveller Local Plan will be subject to sustainability appraisal (SA). SA is a systematic process that must be carried out by Local Planning Authorities during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The appointed consultants (Lepus Consulting) produced a Draft Sustainability Appraisal (SA/SEA) Scoping Report which was subject to consultation with Historic England, Natural England and the Environment Agency before being finalised. This contains an SA framework so that they can appraise 'reasonable alternative' site options using GIS data. Therefore, the Council will need to ensure that the TLAA and SA processes are complementary, as there will be clear synergies between them.

Green Belt

3.13 Traveller sites in the Green Belt are 'inappropriate development'. The PPTS states that "If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the plan making process, and not in response to a planning application", with land allocated as a Traveller site only. About 83% of the Borough's area is Green Belt, and this designation covers almost all of the land outside of towns and villages. Therefore, it is proposed that Green Belt is not included as a stage 2a 'showstopper' constraint, as this would mean that almost (if not all) of the existing and any future nominated sites would be immediately rejected.

Accessibility to services

- 3.14 With regard to accessibility to services, it will be necessary to consider a suitable distance within which sites will be reasonably accessible, including to health services and schools. Policy HO4 in the emerging Borough Local Plan requires Traveller sites to be suitably connected by sustainable modes of transport to a settlement with health care, retail and school facilities with capacity.

Assessment of the availability and achievability

- 3.15 Stage 2b will also include an assessment of the availability and achievability of the potential Traveller sites.

Assessing availability for Traveller use

- 3.16 The Planning Practice Guidance for HELAAs advises that a site is considered available for development when, on the basis of the best information available, there is confidence that there are no legal or ownership problems. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome.
- 3.17 Sites nominated through a call for sites submission, including by any landowner / agent / developer or the planning authority, will need to be checked, especially where a site is in multiple ownership. Sites currently in Traveller use or with a current planning permission will be assumed to be available.

Assessing achievability for Traveller use

- 3.18 The PPG states that a site is considered to be achievable where there is a reasonable prospect that a site will be developed at a particular point in time. This is essentially a judgment about the economic viability of a site. An 'achievability' assessment will be carried out at the point when a site is first found 'suitable' and 'available'. The Council will determine whether a site is 'achievable' by contacting developers and having regard to viability information such as market, cost and delivery factors. For example, there may be a need to install mains water, electricity, drainage and sanitation or to remediate contaminated land. There is also evidence that the Travelling communities are subject to high levels of poverty and so are unlikely to be able to compete on the open market for sites.
- 3.19 The assessment of suitability, availability and achievability will then be used to reach a judgement of whether sites can be considered to be deliverable over the plan period. The PPTS requires local planning authorities to maintain a five year supply of specific deliverable Gypsy and Traveller and Travelling Showpeople sites against locally set targets. It adds that authorities should also identify a supply of specific, deliverable sites or broad locations for years 6 to 10 and (where possible) for years 11-15. Therefore all sites that are considered to be suitable, available and achievable will then be classified as being deliverable (years 1-5), developable (6-10, 11-15) or not developable. To be considered deliverable, sites should be immediately available, offer a suitable location for development now and be found to be

achievable with a realistic and viable prospect for development that can be delivered within five years. To be considered developable, sites should be in a suitable location for Traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

- 3.20 **Stage 3** in the Berkshire (and NPPG) HELAA methodology is a windfall assessment. Windfall sites are sites not specifically identified in the development plan³. The Council can make an allowance for windfalls if there is compelling evidence that such sites have consistently become available in the local area and will continue to do so. All Traveller sites in the Royal Borough have been windfall sites, as we have not previously allocated land for Traveller accommodation or published a Traveller LAA. However, as we are now proposing to allocate additional sites, the amount of windfall sites coming forward may start to decrease, although they are still likely to come forward if insufficient sites can be allocated.
- 3.21 **Stage 4** is to review the assessment and to see if there are enough suitable and deliverable sites to meet the objectively assessed need. If there are not enough sites, then Stages 1 to 3 will be revisited to see if anything can be done to alter the outcome of the assessment. For example, it might be possible to change some of the assumptions used on the capacity of sites or by looking for additional sites to assess. This could include reviewing the previous criteria for exclusion, including those relating to the distances to services.
- 3.22 If there is clear evidence that the needs cannot be met locally, the Council will consider whether adjoining areas can help meet some of the need, in accordance with the duty to cooperate.
- 3.23 **Stage 5** is the final evidence base, including the Traveller LAA.
- 3.24 The TLAA will present a list of all of the known Traveller sites in the Borough and newly identified and promoted sites. It will include a set of proformas that provide a detailed assessment of each site, informed by sustainability appraisal. It is anticipated that this will include
- Its address and size
 - a description of the site and its current use,
 - potential future use,
 - a summary of its planning history,
 - key constraints,
 - access to the site,
 - accessibility to key services such as shops, schools and doctors surgeries
 - Its suitability, availability and achievability.
- 3.25 The PPTS requires local authorities to identify and update annually a supply of specific deliverable sites for five years' worth of Gypsy and Traveller and Travelling Showpeople sites against a locally set target and to identify a supply of or broad locations for years 6 to 10 and, where possible for years 11-15. The Traveller LAA will therefore also include tables showing when new pitches are expected to be delivered, grouped in five year periods.

³ NPPF 2018, Annex 2.

4 Next Steps

- 4.1 This document presents a proposed methodology for assessing sites, based on Government guidance. The Council is seeking views on the draft methodology as part of the Traveller Local Plan Issues and Options consultation. Further details on how to comment on the Issues and Options paper can be found on the Council's website (www3.rbwm.gov.uk/travellerlocalplan).
- 4.2 It is expected that the first TLAA will be published alongside the Draft Traveller Local Plan in Autumn 2019.

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5 Appendix

Appendix 5.1 – Policy HO4 in the Submission Version of the Borough Local Plan 2013-20330

POLICY HO 4

Gypsies and Travellers

1. The need for Gypsy and Traveller Accommodation will be addressed through the proposed Gypsy and Traveller Local Plan.⁽¹¹⁾ The current Gypsy and Traveller Accommodation Assessment will identify need for transit and permanent pitches to meet needs in the area. Meanwhile applications for planning permission will be considered positively in the light of national planning policy and the criteria listed below.
2. Planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will be granted providing all of the following criteria are met:
 - a. the site is suitably connected by sustainable modes of transport to a settlement with health care, retail, and school facilities with capacity
 - b. the impact of development including in combination with existing pitches would not harm the landscape, heritage assets, biodiversity or visual character and amenity of the area, in particular the Green Belt
 - c. the site can be safely accessed by pedestrians, vehicles and caravans to and from the highway
 - d. the site is not located in an area at high risk of flooding as defined by the Council's strategic flood risk assessment and shown on the Policies Map
 - e. adequate on-site utilities, including water resources and supply, waste disposal and treatment, are provided for the benefit of residents and also in order to avoid adverse impacts on the natural environment
3. In addition to the above, the following criterion applies to Travelling Showpeople accommodation only: the site should be suitable for the storage and maintenance of show equipment and associated vehicles without causing harm through conflict with other policies in the Plan.
4. Due to the nature of this housing need, there will be continuing cooperation with neighbouring local planning authorities to ensure that the appropriate demand is identified and provision made.