

Gypsy and Traveller Site Allocations DPD

Issues & Options - consultation draft



Nuneaton and Bedworth Borough Council

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1.0 Introduction

- 1.1 Nuneaton and Bedworth Borough Council adopted a Borough Plan on 11th June 2019 which planned for new development in the borough until 2031. The Borough Plan plans, principally, for new commercial, employment, and residential uses. In terms of residential uses the Borough Plan must plan for all parts of the community and thus deals with provision for gypsies and other travellers.
- 1.2 Policies DS4 – Overall development needs and H3 – Gypsies and Travellers set out the need for new pitches by 2031/2032 to be at least 39 residential and 5 transit pitches. Policy H3 does not set out where the new pitches would be provided but sets out the criteria that will be used to identify potential locations for residential and permanent pitches through the Gypsy and Traveller Site Allocations Development Plan Document (DPD). It is through this DPD that land would be identified and allocated for future traveller sites.
- 1.3 The current Local Development Scheme (2020) sets out the timetable for the production of Gypsy and Traveller Site Allocations DPD which is as follows:
 - May 2021 – consultation on an Issues and Options document;
 - January 2022 – consultation on a publication document;
 - July 2022 – submission of the document to the Secretary of State;
 - January 2023 – receipt of Inspector’s report on the examination of the document; and
 - February 2023 – adoption of the document.
- 1.4 This document is the Issues and Options consultation draft of the Gypsy and Traveller Site Allocations DPD; this is the formal document that forms that required by Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The document is set out in five chapters addressing the vision and objectives of the DPD, followed by the current provision of pitches, and the issues and options for providing new traveller pitches. To support this document the Council has commissioned a consultant to produce a new Gypsy, Traveller, and Travelling Showpersons Accommodation Assessment (GTAA) and this can be viewed alongside this document. The most recent study prior to this new GTAA dates from 2016 and it concluded that the evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and pitch provision remains appropriate.
- 1.5 The new assessment dates from 2021 and updates the need for new pitches to those published in the Borough Plan and the implications of this are considered within this document. Since the GTAA from 2016 was produced the 2016 Housing and Planning Act introduced the need to conduct a wider

assessment of all caravan and houseboat accommodation needs, not just those from Gypsy and Traveller ethnicities. The new GTAA addresses this new issue.

- 1.6 This document is the first stage of the process of allocating new sites but, ultimately, whichever option or options are used within the final document they need to be realistic and deliverable so that the document can be found sound by an independent inspector and then adopted by the Borough Council.

2.0 Vision & Objectives

Vision

- 2.1 The vision for this DPD is for the needs of the travelling community in and visiting the borough to be provided with sufficient pitches so that they can live, work, and rest in the borough. Pitches will be well located and integrated into the local community providing good access to essential services.

Objectives

- 2.2 The following objectives are proposed to achieve the vision for the DPD.

Objective 1 - to provide sufficient pitches for the needs of the travelling community.

Objective 2 - to provide provision in sustainable locations with good access to local services.

Objective 3 - to provide provision in such a way that the local environment is not significantly degraded.

These objectives are interrelated and in combination they will contribute to realising the vision for the DPD.

3.0 Current Provision

Gypsies and Travellers

- 3.1 The evidence base that supported the formation of the need for new pitches in the Borough Plan was the 2016 Gypsy, Traveller, and Travelling Showpersons Accommodation Assessment (GTAA). The GTAA stated that there were 86 private and council owned pitches and plots on site/yards of which 65 were occupied and 21 were vacant.

Travelling Showpeople

- 3.2 Similarly, for travelling showpeople the evidence base used for the Borough Plan was the 2016 GTAA. The GTAA from 2016 stated that there were 4 private owned pitches, and plots on site/yards of which 4 were occupied and 0 were vacant. This has been updated and there is 1 occupied and 3 vacant pitches. Therefore, pitch numbers have remained the same but vacant plot numbers have increased.

Bargee Travellers

- 3.3 In the 2016 GTAA bargee travellers were accounted for by one family present in the borough. It was recommended in the GTAA that one affordable, permanent mooring would be needed over the Borough Plan period. The Borough Plan does not address this further. No change to bargee traveller numbers are contained within the updated GTAA.

Need for New Pitches

- 3.4 On the basis of the number of pitches in the borough in 2016 the Borough Plan set out a need for at least a further 39 residential and 5 transit pitches by 2031/2032. Of the 39 residential pitches 20 were predicted to be provided at Parrots Grove but were undeveloped and thus unoccupied in 2016. The first part of the 2021 GTAA was to assess the current occupancy of pitches within the borough, then to assess how much capacity remains above this, so, how many pitches are unoccupied but are available, followed by calculating how many more pitches are needed to fulfil the need for new pitches within the borough. The new GTAA advises that with the current occupied and vacant pitches within the borough there is a need for 16 additional residential and no transit pitches to meet those who meet the

definition of travellers. This is change of 23 residential pitches and 5 transit pitches from those figures published in the Borough Plan (both decreasing).

- 3.5 The 2016 GTAA provided the basis of the figures for new pitches and set out that the figures should be seen as maximums given the changes to the definition of 'travellers' in 2015 which focuses on the needs of those who are actually travelling or planning to travel. The Inspector on the Borough Plan stated that for the plan to be positively prepared this should be expressed as a minimum. This did not affect the GTAA conclusion that the maximum quantifiably needed was 44 pitches (39 and 5) but that the Borough Plan should not seek to limit this form of development to absolutes. The new GTAA splits out need into those who meet the 2015 definition of a 'traveller' and those who do not but nevertheless wish to live on pitches, a cultural need.

4.0 Issues & Options

Numbers of New Pitches

Issues

4.1 On the basis of the new GTAA there is a need to provide the following for those who travel by 2036/2037:

- 16 residential; and
- 0 transit pitches.

Whereas the Borough Plan set out that the need by 2031/2032 was:

- 39 residential; and
- 5 transit pitches.

For travelling showpeople and bargees travellers the need has not changed.

4.2 From the above it can be seen that from the most recent GTAA the pitches that are required will all be permanent residential pitches without any need for any transit pitches. Transit pitches are sites which are intended for short-term use. These sites are authorised and usually permanent but there is a limit on the length of time residents can stay. In practice the length of stay on a transit pitch is generally limited to a maximum of 12 weeks (three months), however, no time limits are set out in any Government guidance.

Options

4.3 In the bullet points below the options for the number of pitches to provide are set out. The Borough Council must provide for gypsy and traveller accommodation so there is no option not to provide this type of accommodation. Similarly, there is no option for any or all of this provision to be made outside of the borough. The Council must co-operate with neighbouring authorities as part of the production of this DPD and if that then becomes a possibility it will be considered. However, at this juncture there is no consideration to pass on requirements to another authority. Therefore, there are four options set out below.

1. Provide the number of gypsy and traveller pitches as set out in the adopted Borough Plan.
2. Provide the number of gypsy and traveller pitches as set out in the more recent GTAA (2021).

3. Provide the number of gypsy and traveller pitches intermediate to options 1 and 2 above.
 4. Provide the number of gypsy and traveller pitches above that set out in option 1 above.
- 4.4 The four options set out above all allow for the Borough Council to provide for new pitches within the borough. Option 1 would allow for provision to be made in line with that within the adopted Borough Plan, however, the evidence for this (namely the 2016 GTAA) has been superseded and is out of date. Option 2 would make use of the most recent evidence (the 2021 GTAA) but would be a decrease from that set out in the Borough Plan. Options 3 and 4 would offer alternative numbers of pitches to options 1 and 2 but lack evidence to support the figures. Questions 1 and 2 below seek your views on which numbers the Borough Council should use as the basis for allocating new traveller pitches. At this stage the focus is on providing the pitches to meet the needs of those who meet the definition of a traveller but the Council is mindful that there is a cultural need which equates to a further 4 pitches above that set out in paragraph 4.1.

Questions

Question 1

Which of the options set out below do you favour for providing new gypsy and traveller pitches? Please set out why.

- Option 1 - Provide the number of gypsy and traveller pitches as set out in the adopted Borough Plan.
- Option 2 - Provide the number of gypsy and traveller pitches as set out in the more recent GTAA.
- Option 3 - Provide the number of gypsy and traveller pitches intermediate to options 1 and 2 above.
- Option 4 - Provide a number of gypsy and traveller pitches above that set out in option 1 above.

Question 2

Are there any other reasonable options for the number of new gypsy and traveller pitches to provide that have not been set out above?

Location of Pitches

Issues

- 4.5 Nuneaton and Bedworth Borough sits within the wider West Midlands Green Belt and Green Belt forms a large part of the borough. The Green Belt is mostly located to the south of Nuneaton, but also surrounds the main areas of Bedworth, Bulkington, and Ash Green. Nationally, the government attaches great importance to the Green Belt. The five key purposes of Green Belts are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.6 Alterations to the Green Belt boundary are only approved in exceptional circumstances and must be done during the local plan making process. In reviewing land to be released from the Green Belt for development, the exceptional circumstances should be weighed up against any potential adverse effects on the overall integrity of the Green Belt, according to an assessment of the whole of the Green Belt based around the five purposes set out above. Traveller sites are inappropriate development in the Green Belt. Furthermore, subject to the best interests of the child, personal circumstances and unmet need traveller sites in the Green Belt are unlikely to clearly outweigh harm to the Green Belt.
- 4.7 Notwithstanding the above, of all the occupied pitches, and plots on site/yards for gypsies and travellers all but one (that at Watling Street) are within the Green Belt including the local authority provision at Griff. The travelling showpersons yard is also outside of the Green Belt. As with more conventional forms of housing the need for new sites may outstrip that which can be accommodated outside of the Green Belt and thus in this instance, land will have to be developed in the Green Belt.
- 4.8 Beyond the issue of the Green Belt, which is a significant matter, there are other factors that may need consideration for the locating of new traveller pitches. Sites should have good access to services, such as shops, schools, GP surgeries, and pharmacies, and this access should be capable of being done by modes of transport other than private car. Walking is the easiest and cheapest way to access services and thus is the focus for accessibility. However, current sites do not appear to have this form of good access.

- 4.9 Sites should also avoid locations that would impact upon land that has been designated for its interest, so, sites of ecological, heritage, or geological value. Similarly, contaminated land, land prone to flooding, and land in a sensitive landscape should also be avoided. These and other criteria for selecting new gypsy and traveller sites are set out in Policy H3 – Gypsies and Travellers of the current Borough Plan. Notwithstanding the comment on good access (and the lack thereof on existing sites) Policy H3 does allow for a site to be acceptable if it can be demonstrated that it is sustainable in other ways.

Options

- 4.10 Beyond setting out the number of pitches to provide within the Borough a key part of the Gypsy and Traveller Site Allocations DPD will be to allocate land to provide for the number of pitches identified. As explained previously nearly all existing gypsy and traveller pitches are in the Green Belt. To reduce the effect that new pitches can have on the landscape, a starting point could be to look at existing traveller sites and ascertain if they can accommodate additional pitches within the permitted site area. This type of land is less likely to be classed as greenfield land and would help in avoiding further loss of this type of land.
- 4.11 After looking within existing sites the next stage of any search could be to see if any of the existing sites can be extended acceptably to provide further pitches. The benefits of this approach are that these existing sites already form part of the landscape and have already been found to be an acceptable location. However, an existing site may not be appropriate for an increased intensity of use and it cannot be assumed that any or all sites would be acceptable. And, as mentioned above, generally, the existing sites do not have good access to services other than by car.
- 4.12 If the need for new pitches outstrips that which can be accommodated within or adjoining existing traveller sites (or indeed instead of if this approach is not used) then any search for new sites would have to move further afield. Traveller sites are usually located outside of settlement boundaries so there could be a stage in any search that sets out that either new pitches should be within or adjoining settlements or create a settlement hierarchy that focusses new pitches on one area of the Borough over another. However, the borough is relatively small and predominantly urban, and it is not clear what benefit this would bring to any search process; it would probably lead to very little of the borough outside of the urban areas being excluded from such a search. Therefore, at this stage this is discounted as an unreasonable option and thus should there be other means of assessing a location for its suitability for new pitches.

4.13 Reference above has been made to access to services from sites and that walking would be the best option. The text below appraises the acceptable walking distances for different services that gypsy and traveller families may need to access. In the Department of Education publication 'Home to school travel and transport guidance: Statutory guidance for local authorities' (July 2014) sets out the statutory walking distances for when free transport is provided which are as follows:

- beyond 2 miles (if below the age of 8); or
- beyond 3 miles (if aged between 8 and 16).

This thereby implies that distances less than that can be accessed by walking.

4.14 In a similar vein with access to GPs and pharmacies the distance of 1.6 kilometres is frequently used to equate accessibility (relating to a 20-minute walk). In terms of shops, the 'Guidelines for providing for journeys on foot' by the Institution of Highways and Transportation (2000) although now quite an aged document suggests that the maximum distance to walk to a town centre is 800 metres. However, this does have to be tempered by the reality that many gypsy and traveller sites are not on the edge or close to settlement boundaries and such connectivity and accessibility may not be achievable. So, even though this this may seem appropriate it has yet to be determined whether it is realistic (but it is put forward as an option).

4.15 All of the above seeks to try and form some rudimentary options to use to find appropriate land for allocation. However, it may be that none of these options are acceptable as a methodology to locate new pitches. Therefore, an alternative is to continue to use Policy H3 solely as the guide to locate new pitches. The risk of using this is that it provides no locational direction to where pitches would go. However, the locational choices are limited in the Borough and this may be an appropriate method.

4.16 If Policy H3 was not deemed to be an acceptable way of locating and allocating new pitches it may have merit in being used to deal with additional pitches that may be needed if insufficient are identified for allocation.

4.17 To summarise, there are four options for the locating of new pitches and these are set out below.

- A. Seek to allocate new pitches firstly within the permitted area of existing sites and/or adjacent to these sites, then based on walking distances to services, and then by existing Policy H3.

- B. Seek to allocate new pitches based on walking distances to services and then by existing Policy H3.
 - C. Seek to allocate new pitches using existing Policy H3 only.
 - D. Seek to allocate new pitches firstly within the permitted site area of existing sites, then adjacent to these existing pitches, then based on walking distances to services. Use existing Policy H3 only once sites have been allocated by any of the other means and then only if insufficient has been allocated.
- 4.18 Of course, other than the four options set out above for allocating new pitches there is another option not to allocate any new pitches and to deal with any new ones on a case by case basis using the existing Policy H3 and the criteria within it. The risk of this option is that no certainty is provided of where new pitches would be located.
- 4.19 Notwithstanding the options set out above, the new GTAA indicates there is potential for an additional 11 to 13 pitches to be provided across Nuneaton and Bedworth through site expansion (increasing the size of a site to accommodate new pitches) or site intensification (increasing the number of pitches on an existing site) and proposes three sites within the borough that could be expanded. However, this is based on whether there is a physical capacity at sites and not on whether this is an acceptable location and it is considered that at this stage the Borough Council should still explore the different ways in which a hierarchy could be used to select locations for new pitches.
- 4.20 To support this Issues and Options document the Borough Council will be also undertaking this year a call for sites for new gypsy pitches to ascertain if there are suitable undeveloped sites that landowners wish to see become new pitches for gypsies and travellers. Questions 3 to 9 below seek your views on the different options that have been proposed for allocating new traveller pitches, where questions could be answered by a yes or no it would assist greatly if you explain the rationale for your answer.

Questions

Question 3

Should new traveller pitches be allocated by looking firstly within and adjoining existing permitted sites, then looking for appropriate land based on walking distances to services, and then by existing Policy H3 (option A)?

Question 4

Should new traveller pitches be allocated by looking firstly for appropriate land based on walking distances to services, and then by existing Policy H3 (option B)?

Question 5

Should the existing Policy H3 be used solely to allocate new pitches rather than any of the other options (option C)?

Question 6

Should the existing Policy H3 be used to allocate new pitches only once insufficient pitches have been found via another method (option D)?

Question 7

Is it reasonable to apply walking distances to services as a method of allocating new pitches (options A, B, and D)? If not, is there another way of applying distance criteria to allocating new pitches?

Question 8

Are there other reasonable options for the allocation of new pitches? If so what are they?

Question 9

Should no new pitches be allocated and instead new proposals dealt with by existing Policy H3 only?

Types of Pitches

Issues

- 4.20 Different pitches will probably be needed to deal with different sectors of the travelling community, for example, travelling showpeople's accommodation tends to be larger so that their chattels can be stored alongside their living accommodation. Travelling showpeople's sites are scarce and indeed the one in the Borough is the only such site in Warwickshire. However, the majority of pitches needed will be more of a standard size. Although notwithstanding this there is not a one-size-fits-all

for pitch sizes and because of this no attempt at standardisation for plot sizes is attempted in this document.

Options

- 4.21 The Borough Plan and the current accommodation assessment indicate that there is no requirement for additional pitches for travelling showpeople. The current site for showpeople at Spinney Lane/Whittleford Road, Nuneaton is underutilised. No reasonable options for the provision of this type of pitch are proposed. However, by being the only one of its type in Warwickshire it is of importance to the County's provision of traveller accommodation. Therefore, it is proposed that it should be safeguarded by policy from alternative uses, including from non-showpeople traveller pitches.

Questions

Question 10

Do you agree that the travelling showpeople yard at Spinney Lane/Whittleford Road, Nuneaton should be safeguarded from other uses? If not, why not.

5.0 Conclusion

- 5.1 This issues and options document of the Gypsy and Traveller Site Allocations Development Plan Document (DPD) is the first stage of producing this DPD. It sets out the key issues for the locating of new traveller sites, namely how many and where and the reasonable options for approaching these issues. The document contains 10 questions that your answers will help inform the Borough Council on how to address the future provision of traveller pitches; this process helps towards the structure of the next version of the DPD and ultimately where new traveller pitches will be allocated within the borough.