

CORE STRATEGY

TOPIC PAPER

GYPSIES, TRAVELLERS AND SHOWPEOPLE

November 2016



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GYPSIES, TRAVELLERS AND SHOWPEOPLE

1.0 INTRODUCTION

- 1.1 Chapter 5 – Gypsies, Travellers and Showpeople is the discrete policy within the Core Strategy that deals with needs of the Travelling Community in the District.
- 1.2 The site allocations are set out in the Settlement Proposals Document.

2.0 BACKGROUND TO THE POLICY AND IDENTIFIED NEED

- 2.1 National Planning Policy states that Local authorities in their Local Plan have to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites set against their locally agreed targets. (Targets are derived from the Gypsy and Traveller Area Assessment (GTAA). Local authorities should also identify a supply of specific, developable sites or broad locations for growth for years 6 to 10 and if possible years 11 – 15. East Lindsey does not have any transit sites and only a few authorised single family permanent sites.
- 2.2 The lack of sites in the District was an issue identified as a major concern by the Planning Inspector during an informal visit in November 2013 it was also reiterated by the Inspector who visited with DCLG in July 2016. The Inspector in 2013 identified this issue as a "show-stopper" for the Local Plan and a matter which needed to be resolved.
- 2.3 In February 2012 the Council employed Ark Housing Consultancy (ARK) to carry out a Gypsy, Travellers and Show Peoples Accommodation Assessment (GTAA). At that time the results of the GTAA and the accommodation needs showed that East Lindsey had an existing shortfall and needed to consider provision in the first five years to meet the following requirements;
 - Stopping Pitches – 20
 - Permanent Pitches – 7
 - Show peoples Pitches – 6
- 2.4 The GTAA also suggested that the District needed to find the 20 stopping place pitches for the period Easter to the end of the summer season. This correlates with the fact that Gypsies and Travellers come to the coast for their holidays, though they do tend

to continue working because of their traditional working patterns and types of work. This time period also coincides with the proposed occupancy period for caravans as set out in the Core Strategy, Chapter 10 which states that caravans should only be occupied 15th March to the 31st October or following Sunday.

- 2.5 It was also advised through the GTAA that the 20 pitches should not be provided on one site but it should be broken down into three separate smaller sites located in or around Mablethorpe, Skegness and with one in the corridor on the A16 between Boston and the coast. The Gypsies and Travellers who were interviewed were very firm in their views that the Council should not provide traditional transit sites; they are not liked by the communities and use of them would be problematic. Traditional transit sites usually comprise of hard standing pitches with communal toilet/shower blocks. They are organised and run normally by local authorities or privately. Gypsies and Travellers do not like them because of their size and the fact that they do not culturally like to share facilities with other families. In the main the communities like and will use basic, simple stopping places with basic amenities, such as a skip/bins, water and simple toilet facilities.
- 2.6 What the GTAA did not do was find suitable sites. Following this the Council carried out two calls for land for sites without success and because of the delays with the local plan the matter was not progressed. Given that the last GTAA was carried out in 2012 in 2015 the Council determined to bring the study up to date and a further study was undertaken and completed by RRR consultancy March 2016. This study also looked for suitable sites and found that the District needed the following provision;
- Gypsy and Traveller permanent pitches – 13
 - Transit pitches – 20
 - Travelling Showpeople – 2 plots
- 2.7 With regard to the location of the transit provision, it was felt that anywhere in the coast would be appropriate given the need.
- 2.8 With regard to the permanent need. The Travelling Show people's need of 2 plots and 3 of the pitches for the Gypsy permanent need can be accommodated on existing family sites which already have permission in the District, they relate directly to these sites. This leaves a permanent need of 10 pitches.
- 2.9 The Policy itself has been written with regard to national policy. Following comments by the National Federation of Gypsy Liaison

Groups in 2013, the Council met their representative in April 2013 and amended the policy to take account of their concerns. There have been no further objections on the policy from any group or individual representative from the Gypsy and Traveller Community.

2.9 The Council carried out a further District wide consultation in June/July/August 2016 both on the policy and a number of site options. With regard to the policy there were no objections other than it was not clear that site allocations were going to be made in the Settlement Proposals Document, this was subsequently amended.

3.0 SITE ALLOCATIONS

3.1 In order to find suitable sites for allocation as permanent and transit sites for Gypsies and Travellers, the Council asked RRR Consultancy to put forward suggestions and looked at its own portfolio of land. RRR Consultancy also spoke to the Lincolnshire County Council who via them proposed one transit site for consideration in Trusthorpe. Finally a private site in Manby was also put forward for consideration – though later withdrawn toward the end of the consultation period.

PERMANENT PITCHES

3.2 The consultation that went out in June/July/August 2016 had five sites for consideration for permanent pitches; three of which were in the Council`s ownership. They are listed below.

- Car park to the rear of the library car park, Alford (Council owned)
- Land to the rear of the Co-op, Alford (Council owned)
- Land at Manby Airfield, Manby (private)
- Land at Brackenborough Road, Louth (private)
- Land to the rear of Fairfield Industrial Estate, Louth (Council owned)

3.3 Set out below and taken in turn is a summary of any issues raised through the consultation process, the final decision on each site on whether the site should go forward for an allocation in the Local Plan. Set out at Appendix A are maps showing where the sites were.

- 3.4 **ALFORD (BOTH SITES COUNCIL OWNED)** - Overall the majority of the respondent's comments and objections did not raise valid evidenced reasons to withdraw either of the sites from consideration. The sites are located near to the town centre and close to amenities and facilities that make them a sustainable choice, this would be in conformity with national planning policy. The Councils parking service has stated that the car park behind the library is underused. The Lincolnshire County Council Highway Authority did not make any objection to either site on highway safety grounds. There were no objections from any other statutory body. Taking each site in Alford in turn;
- 3.5 **The car park behind the library** - the Environment Agency have raised that any proposal will have to provide a buffer zone for maintenance. This is because the site runs down to the Woldgrift Drain Main River on the northern extent of the proposed allocation. This buffer zone will in effect shave off at a minimum 8m from the depth of the site. Whilst this in itself might not be an issue the access for maintenance of the drain is deemed to be of concern. This access could be across the bridge that is already used for vehicle access. However, it was envisaged that this access would be closed for vehicles and may only have been left for pedestrians. This access crosses a wooden bridge and leaving it open so it could be used for maintenance, firstly would not provide realistic security for the occupiers of the site and secondly it would mean the occupiers of the site could use it for their vehicle access and this was never the intention because the access is only across a wooden bridge not intended for any heavy vehicles but only for cars. This therefore means that the Environment Agency maintenance access would need to be off Caroline Street and it would need to be kept clear at all times from any form of development or parking. This need to maintain an access for the Environment Agency in such a way would compromise the amenities of those living on the site and would mean losing more of the available space on the site for pitch space. Overall with the addition of the 8m buffer zone this would take the available space down to under 500m² and outside the size layout requirements in the DCLG practise guidance 2008.
- 3.6 **The site to the rear of the Co-op** - The Highway Authority have not objected to this site on highway safety grounds. However, to access the site would mean going into the entrance of the Co-op car park and then down the side of the squash club parking area. Going through another site to gain access to a site is not good planning practise and can lead to conflict between site users. There is an alternative access which runs through the existing coal yard

and there is a right to use this access to access the proposed site; but it would be inappropriate to allow residential vehicles to drive directly through a busy working employment site for access because this could lead to conflict between the two users of the sites and certainly could not be used for pedestrian access as this would raise issues of safety. There is the issue of the site being used previously for employment, it was used for a long period for storage and did not as far as the Council is aware have people employed on it. But the Neighbourhood Plan Group have tried unsuccessfully to find additional employment land in Alford as part of their work on the Neighbourhood Plan which is looking to allocate employment and housing land. Unlike the other towns in the District Alford is very constrained with regard to employment land and none has come forward for consideration and no other sites are considered suitable, available or achievable. Given that there is some concern regarding the main suggested access to the site which an allocation for employment land would resolve because the access could revert to through the coal yard, it is believed that on balance an employment allocation for this land would provide an opportunity for more job creation and economic growth.

Given the above issues both sites in Alford were withdrawn.

3.7 **MANBY - Land at Manby Airfield, Manby (privately owned)**

Overall the respondent's comments and objections did not raise valid evidenced reasons to withdraw the site from consideration. The proposed site is located in a sustainable settlement with good access to services and facilities both by car and on foot. The location if well designed and landscaped would blend into the surroundings and would not have a detrimental impact on the amenities of existing residents.

This site was withdrawn by the landowner toward the end of the consultation period and therefore become unavailable. Unlike the site discussed below at Brackenborough Road this site does not have the benefit of planning permission and is therefore not an existing commitment. Given this, though the site is suitable, it is not available and therefore not achievable; the site was withdrawn from consideration.

3.8 **LOUTH**

Two sites were proposed in Louth. Overall the respondent's comments and objections did not raise valid evidenced reasons to withdraw either of the sites from consideration. There were no objections from any of the statutory bodies other than Lincolnshire

County Council who did not state why they were objecting. Taking each site in turn;

- 3.9 **Brackenborough Road (privately owned)** – This site already has planning permission for 11 permanent pitches. Because the site already has planning permission it has already been assessed for its suitability in terms of the proposed land use and this makes the site an attractive choice for allocation. The site has a legal start in terms of planning but to date has not come forward for delivery.

One of the consultees raised the issue of deliverability of this site. They believe that the site is not viable because of the high cost of discharging the planning conditions and the low return one would achieve from the 11 pitches and it will therefore not come forward. This is a legitimate planning concern because sites should be available, suitable and achievable. At the time of writing this paper the site is actually on the market for sale via an agent with the price being stated as “subject to offers” given the costs involved in bringing it forward, viability could be a reason it has not sold. For the Council this would not be an issue because as a local authority the Councils driver is not solely profit. The owner of the site has indicated that they would be willing to discuss the matter of the sale of the site with the Council and this is being progressed. Therefore at this stage there is a presumption that there is a willingness on the owner’s part to see the Council bring the site forward. Should that fail then the Council would seek to exercise its compulsory purchase powers to acquire the site.

- 3.10 **Site on Fairfield Industrial Estate (Council owned)** – As set out above there is no material planning reason why the site should not be allocated, the Highway Authority have not objected on highway safety grounds and there is no evidence that a permanent Gypsy site would compromise the industrial estate in the long term, though there is evidence that the proposal out for consultation was having a short term impact. Sites should be integrated into their surroundings with good landscaping and management and providing this occurs then the long term impact on other users of the estate should be minimal. With regard to the land ownership details of the site; this site, extending to approximately 4.25 Hectares is situated off Nottingham Road. The land was originally acquired by the Council in 1996 as a potential area to extend the industrial estate into. However to date this has not been required due to other serviced land being available.

In April 2013 the Executive Board approved the sale of 2.2 Hectares of this site to the Education and Recreation Lincolnshire Youngsters Community Company (EARLY Charitable Trust). The sale being

subject to planning approval N/092/02246/13 for the development of football pitches and associated changing facilities. The sale is also subject to funding being sourced for the development. To date planning approval has been obtained but the funding has not been secured. This proposed site lies on the western half of the land, therefore any proposed Gypsy/Traveller site would, if this proposal still went ahead have to be located on the eastern half of the site. This proposal also negates any arguments raised concerning a conflict of use between employment and non-employment uses on the industrial estate, because the proposed football pitches would create substantial footway traffic possibly by families in and around the estate going to the matches, more so than the 10 proposed Gypsy pitches.

From a survey of the Fairfield Industrial Estate carried out in September 2016 there is an estimated need for 21.15 ha of land over the period. There is 12.14 on vacant plots but it is felt that only 10.94 ha of this is realistically available. The land west of the A16 has planning permission and is 11.4 ha in size. Whilst this in effect means that adequate land is available to meet the need based on past trends, there is also the additional issue of employment land in Horncastle. The identified need in Horncastle is 5 ha but with the constraints around the highway infrastructure the land identified to take up this need is unlikely to come forward until such time as those issues are resolved. Therefore it is important that the Council makes provision to ensure that there is enough land to accommodate its whole District wide employment need and the land to the north of the Louth Industrial Estate assists in doing that if allocated. To accommodate the 5 ha from Horncastle the whole site will have to be allocated for employment use and this effectively means that the land for a Gypsy site and the 2.2 ha previously approved for the development of football pitches and associated changing rooms be withdrawn.

The Council`s Executive Board made the decision on the 28th September 2016 to withdraw the Louth Industrial Estate from consideration and to withdraw the use of the 2.2 ha previously approved for football pitches so the whole site could be allocated for employment use. This effectively means the Louth Industrial Estate site is no longer available and achievable. The Council chose to allocate the land at Brackenborough Road for its permanent Gypsy/Traveller provision which will provide 11 pitches. This site already has planning permission. The Council is at time of writing this Topic Paper pursuing matters to bring this site forward.

TRANSIT PITCHES

3.11 The East Lindsey District Council Gypsy and Traveller Study 2016 identified a need for 20 pitches all of which should be located in the coastal area of the District. Because this area is in flood risk, all the transit pitches will be subject to the same occupancy condition as all other caravans in the coast; a planning condition restricting the use of the sites to the period 15th March to the 31st October or the following Sunday. This ensures that sites will not be occupied during the most vulnerable period of the year for flood events. It also coincides with the period when most Gypsies and Travellers come into the District.

3.12 The Council considered sites these were

- Hallgarth, Marshchapel (Council owned)
- Land on Skegness Industrial Estate (privately owned)
- Land on Mablethorpe Industrial Estate (Council owned)
- Land in Trusthorpe (owned by Lincolnshire County Council)
- Land of the Burgh le Marsh bypass (privately owned)

Set out below is an overall summary and recommendation for the future transit provision.

3.13 **MARSHCHAPEL** - Overall the majority of the respondent's comments and objections did not raise valid evidenced reasons to withdraw the sites from consideration. There were no objections from any of the statutory bodies. However, the issue of the access to the site was raised. The access along Hallgarth goes past residential properties and is quite narrow, though there is some grass in front of those properties. The issue is whether the use of the access road by vehicles towing caravans would cause harm to the occupants, irrespective of who those occupants are. The Lincolnshire County Council Highway Authority have not objected on road safety grounds and therefore the matter is down to a consideration in planning terms of material harm. If the site was developed for 5 houses then the use of the access road would be considered as residential and given that there are on average 2.2 people per household in the District, the average daily vehicle movements off the site if everyone had two vehicles could be at a conservative estimate approximately 20 movements. Some of those residents could own vans or caravans. However the site is proposed for a transit site of 5 pitches. A pitch could accommodate 3 vehicles so the average daily vehicle movements as an estimate could be if the site was full and everyone came and went 30 movements. The turnaround in the number of residents could be quite high during the summer months though the site would be closed during the

winter because of high flood risk also all the residents would own caravans and a high proportion would own commercial vehicles. The Council would concur that there would be harm by virtue of noise and disturbance caused by an increased in use of the access road by vehicles towing caravans and that the harm would cause a detriment to the amenities of the residents of Hallgarth.

Given the above issues with the access, the site was withdrawn.

3.14 **SKEGNESS** – This site was located on the Skegness Industrial Estate and put forward by the Council Gypsy and Traveller GTAA consultants. It was privately owned. Overall the consultee’s comments and objections did not raise valid evidenced reasons to withdraw the site from consideration. There is no evidence that in the long term locating a Gypsy and Traveller site in an industrial estate has a detrimental effect. In the short term there could be some impact but as the site is used and managed that should subside. Not providing a site in the coast could have more of a detrimental impact because the Travelling Community come to the coast and park illegally, often in places which impact on local business. The land owner however clearly indicated during the consultation that the site was not available and they had no intention of making it so. As it also does not have the benefit of planning permission in the same way that the Manby site did not, it therefore cannot be considered as achievable. Unlike the site at Brackenborough Road the Council would not only have to exercise its compulsory purchase powers to obtain the site it would also have to submit a planning application to obtain the necessary permission.

The site was therefore withdrawn.

3.15 **MABLETHORPE AND TRUSTHORPE**

This left the sites in Mablethorpe and Trusthorpe both of which had no material planning reason not to be put forward for an allocation in the Local Plan. In terms of sustainability the Mablethorpe Industrial Estate site is much better located being within walking distance of the town’s main shops and facilities. The site provision could also be larger taking up the identified need.

With regard to ownership. The Mablethorpe site is in the Council’s ownership having been developed as an extension to the industrial estate in 2000. The gross site area is 2.87 Hectares and forms 6 serviced plots for employment use. The development was a partnership between ELDC and the East Midlands Development

Agency (EMDA) together with funding from the ERDF objective 5b programme. An Agreement is still in place that provides for 50% of any sale proceeds or deemed disposals (which must be at Market Value) to be paid back to EMDA (now the Department for Business, Energy & Industrial Strategy). This agreement is not time limited. Express approval would also need to be sought to amend the permitted uses of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) for 20 pitches. The area required for the pitches would not take up the whole vacant portion of the industrial estate, a transit pitch is estimated to be 250m² per pitch with an amenity block.

The Trusthorpe site is in the ownership of Lincolnshire County Council who have put it forward for consideration. They did offer the site to the Council for a nominal sum, though subsequently they put the site on the open market for sale.

3.16 **BURGH LE MARSH BYPASS SITE**

On the 15th September 2016 the Planning Committee had before them a planning application for an 18 pitch transit site located off the Burgh le Marsh bypass. The officer recommendation for the application was approval. The application was subsequently deferred for a site visit by the Committee in November and for the applicant to resolve and clarify what facilities were to be provided on the site.

When Members of the Planning Policy Committee discussed the allocation of the District`s transit site provision on the 13th October they asked for the details of the site on the Burgh Bypass and after having the same presentation by the relevant planning officer, reading the report, looking at the consultation comments and debating the issue they determined that the site was in principle suitable to allocate for between 13 to 18 transit pitches.

This left a maximum of 7 transit pitches to be allocated and it was resolved to place them on the Mablethorpe Industrial Estate as the more suitable in terms of nearness to services and facilities than Trusthorpe which was withdrawn. Also the availability of Trusthorpe was not now a certainty because it was on the open market for sale with much interest.

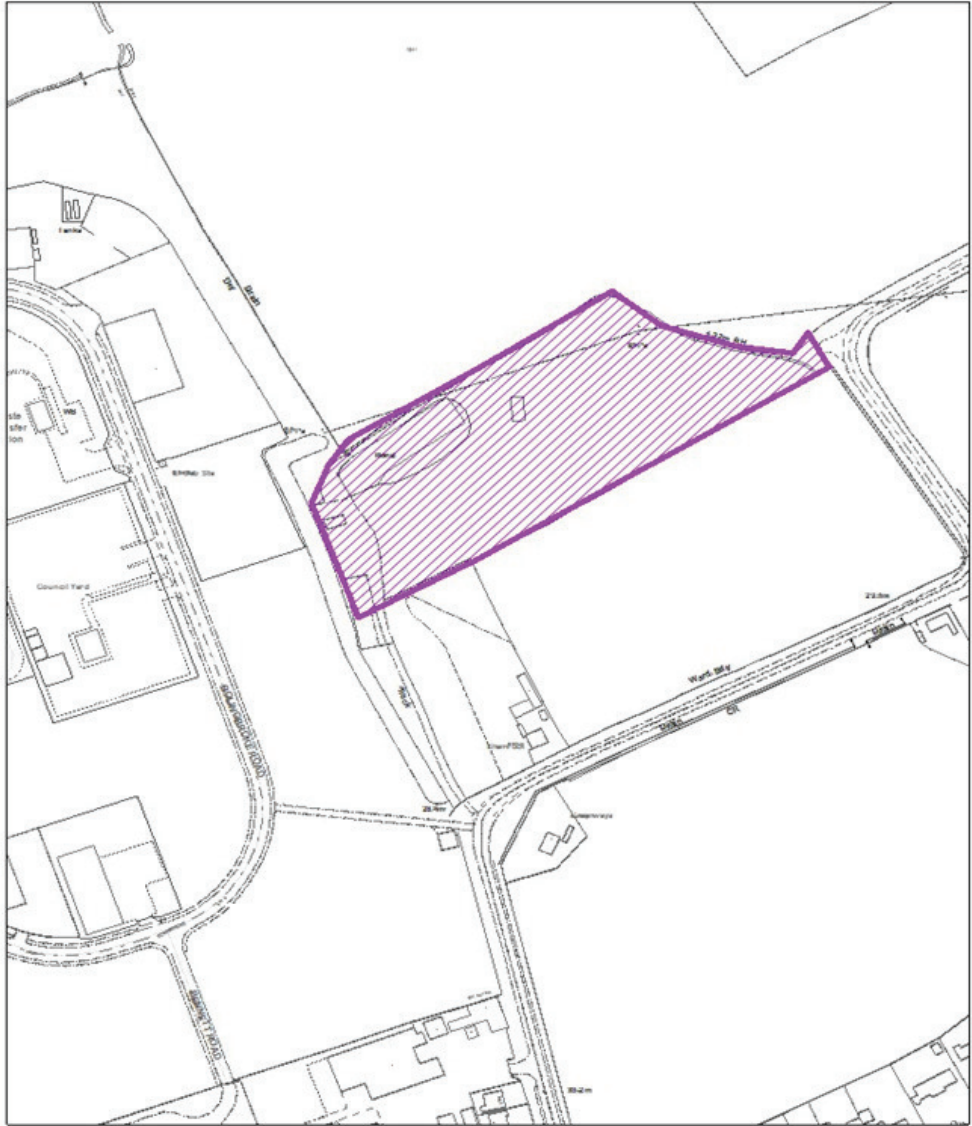
The final decision for inclusion in the Local Plan was an allocation of the Burgh le Marsh Bypass site and the Mablethorpe Industrial Estate.

4.0 CONCLUSION

- 4.1 Overall there has been very little objection to the Councils Gypsy, Traveller and Show people's policy and objections raised during the June/July/August 2016 consultation has been rectified through policy changes.
- 4.2 The Council has allocated its full need with regard to permanent and transit pitches and is now actively working toward bringing forward the permanent site for 11 pitches at Brackenborough Road in Louth and a transit site on the Mablethorpe Industrial Estate.

APPENDIX A

PERMENANT SITE ALLOCATION



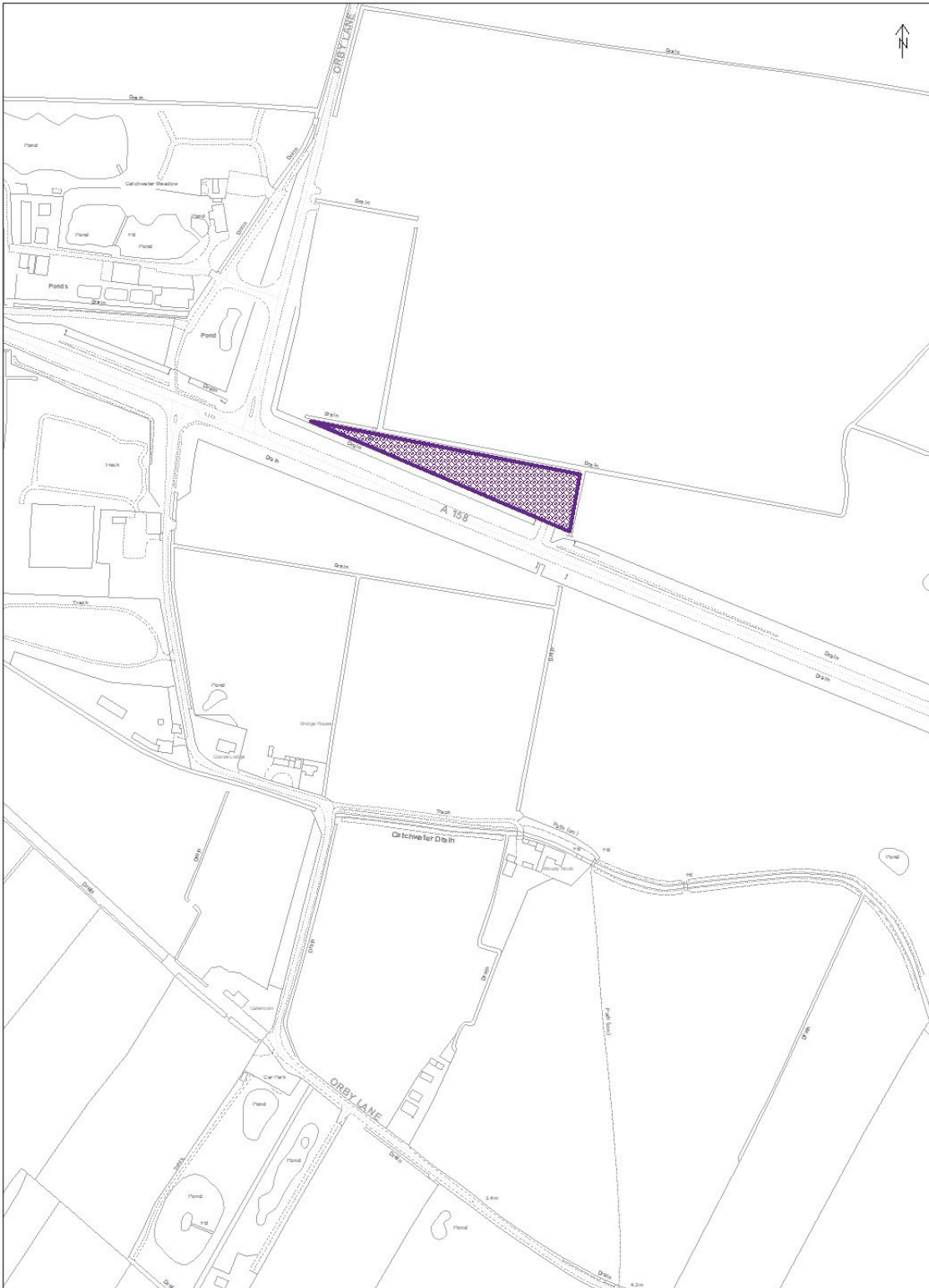
Brackenfreya Woods, Louth

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LAND AT BRACKENBOROUGH ROAD, LOUTH

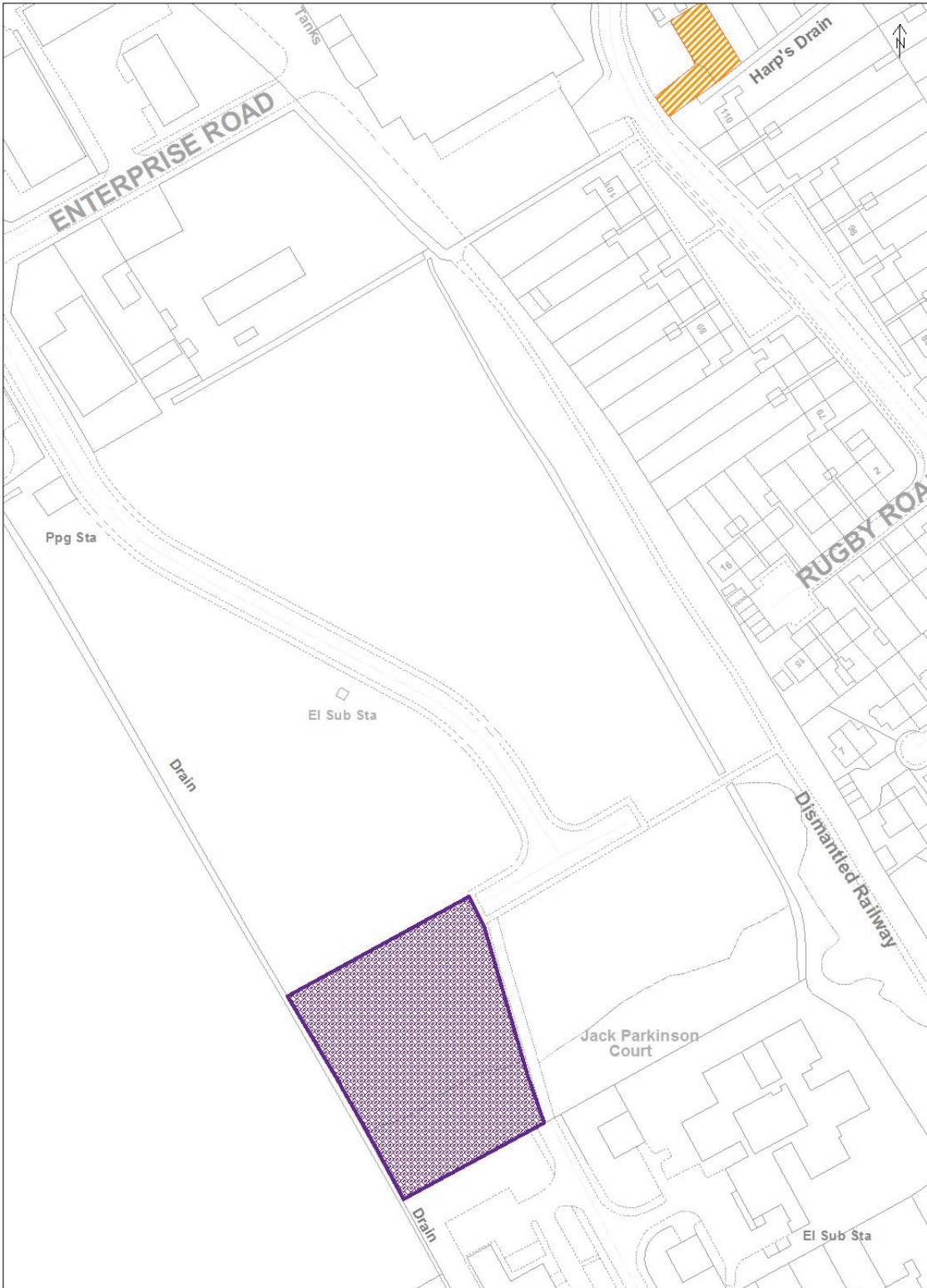
TRANSIT SITE ALLOCATION



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BURGH LE MARSH BYPASS SITE



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MABLETHORPE INDUSTRIAL ESTATE SITE