

**Report of the Director of Place & Wellbeing  
To  
Portfolio Holder for Safer Communities  
On  
14 May 2018**

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**Gypsy and Traveller Site Allocation DPD**

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**1. SUMMARY**

- 1.1. The Council has a duty to assess, identify and plan to meet the District's housing needs including those of gypsies and travellers and travelling show people. It is intended for these needs to be met through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD). The DPD will identify sites for gypsy, travellers and travelling show people in a sustainable way which balances meeting the accommodation needs of these groups and the protection of the natural and built environment.
- 1.2. The purpose of this report is to seek approval for the preparation of a Gypsy and Traveller DPD as part of the Local Plan and to undertake a consultation in respect of what the document might contain in the draft methodology to assess potential sites and to issue a call for sites.
- 1.3. Approval is also being sought for the Council to seek approval to use its powers to purchase land, where appropriate, to deliver a suitable site to meet the District's identified Gypsy and Traveller accommodation needs up to 2033, subject to receiving a further detailed report.

**Key Decision** – This is not a key decision as it simply relates to a timetable of forthcoming work.

**2. RECOMMENDATION**

**Recommendation to Council**

- i. Authority to commence preparation of a Gypsy and Travellers Site Allocations Development Plan Document; and
- ii. Authority to undertake an initial consultation on the Gypsy and Traveller Site Allocations DPD and issue a call for sites.
- iii. Authority to use the Council's powers to purchase any relevant sites where appropriate.

### **3. BACKGROUND**

- 3.1 There is a shortage of authorised sites for Gypsies and Travellers at a national, regional and local level and as a consequence many Gypsies and Travellers have no option but to live on unauthorised and/or unsuitable sites. If suitable sites can be identified through the planning process it will prevent the need for illegal encampments, which often cause conflict with the settled community.
- 3.2 Mansfield District Council has a duty to assess, identify and plan to meet the districts housing needs including those of gypsies and travellers and travelling show people. When plan making, local planning authorities are required to identify and update annually a five year supply of specific deliverable sites and to also identify a supply of specific, developable sites or broad locations for the following five to ten years. The Mansfield Gypsy and Traveller Accommodation Needs Assessment 2017 identified the need for 3 pitches and one transit site to be delivered by the end of the Local Plan period 2033.
- 3.3 The Consultation Draft Local Plan 2016 set out the Councils strategic approach to meeting the accommodation needs of the Gypsy and Traveller community, but does not identify a site to meet this need. As part of the Local Plan advisory meeting with the Planning Inspectorate in March 2018 it was highlighted that by not identifying an available, suitable, achievable and deliverable site that the Local Plan maybe found unsound. It is an ongoing risk that the Local Plan may be found unsound due to the way in which it currently addresses the accommodation needs of travellers.
- 3.4 As part of preparing the Local Plan every effort has been made to identify a site which is suitable and available for Gypsy and Traveller accommodation. However, whilst a number of potentially suitable sites were identified, no site owner indicated that a site was available for such use.
- 3.5 The Council has a duty to meet Gypsy and Traveller accommodation needs and may require the use of its Compulsory Purchase Order (CPO) powers to ensure that a site can be delivered. However, there is insufficient time to undertake the necessary assessment of sites and to consider CPO requirements without significantly delaying the Local Plan.
- 3.6 In order to ensure that the publication of the Local Plan is not delayed and to mitigate the risks to the Local Plan being found unsound, it will be necessary to include a commitment in the Local Plan to prepare a separate Gypsy and Traveller Site Allocations DPD, and to show progress by the time of the Examination. The Council may also need to consider potentially managing and operating any site allocated in the DPD.

*Gypsy and Traveller Site Allocations DPD*

- 3.7 The Council will need to identify a specific site which would be identified on the policies map with a clear site boundary within the Gypsy and Traveller Site Allocations DPD.
- 3.8 The proposed consultation provides an opportunity for individuals, organisation and stakeholders who may have interest provision for Gypsies Travellers and Travelling Showpeople to suggest sites that may be suitable for allocation. The consultation will also allow representations to be made on the methodology that will be used to assess the sites that are submitted as part of the consultation.
- 3.9 To identify a wide range of possible Gypsy and traveller sites, the Council should simply not rely on sites that they have been informed about through the 'Call for Sites' process. Other types of sites and sources of data that may be relevant in the assessment process may include:
- Planning applications that have been refused or withdrawn;
  - Sites submitted as part of the Councils Housing and Employment Land Availability Assessments that are unlikely to be taken forward for development through the emerging Local Plan;
  - Land in the Council's ownership;
  - Public Sector land that is surplus, or likely to become surplus;
- 3.10 Potential sites will be considered for their availability, suitability, achievability and deliverability. The above sources have already been explored to try and identify an available site as part of the preparation of the Local Plan; it is considered that the Council may need to use its Compulsory Purchase Powers to deliver the housing needs of the Gypsy and Traveller community. Compulsory Purchase powers will only be used as a last resort with negotiations with landowners taking place in the first instance for the Council to purchase the site.

#### *Next Steps*

- 3.11 It is proposed to formally commence preparation of the Gypsy and Traveller Site Allocations DPD in June 2018, with a view to hold the initial consultation on what the Gypsy and Traveller DPD should contain and a 'Call for Sites' in late summer 2018.
- 3.12 A minimum of a six week consultation period will be held in conformity with the Statement of Community Involvement 2017 and responses received will be reported to members. Thereafter it is important, for the reasons set out in para 3.3 above to ensure that significant progress has been made in the preparation of the Gypsy and Traveller Site Allocations DPD prior to examination of the Local Plan.

## **4 OPTIONS AVAILABLE**

- 4.1 The first option is that the Local Plan identifies a Gypsy and Traveller site; however this would impact on the current Local Plan timetable and increase the risk that the Government may wish to intervene into the production of the Local Plan.
- 4.2 The second option is to not prepare a separate Gypsy and Traveller Site Allocations DPD however this increases the risk that the Local Plan maybe found unsound as the local authority are not meeting the housing needs of the Gypsy and Traveller community.
- 4.3 The most appropriate option is to start work immediately on the production of the Gypsy and Traveller DPD to ensure that this document has progressed by the time the Local Plan is at examination. This will reduce the risk of the Local Plan being found unsound.

## 5 RISK ASSESSMENT OF RECOMMENDATIONS AND OPTIONS

Risk	Risk Assessment	Risk Level	Risk Management
Reputation	A failure to prepare a timely Gypsy and Traveller Site Allocations Development Plan Document could affect the soundness of the Mansfield Local Plan as it could be concluded that the Local Plan does not meet the districts objectively assessed needs for housing.	High.	The production of a Gypsy and Traveller Site Allocations Development Plan Document, will reduce the risk as the Local Authority is showing a commitment to meeting the housing needs of the Gypsy and Traveller Community.
Legal	Not providing a site for the Gypsy and Traveller community could be seen as discriminatory under the Equalities Act 2010 and would also make it difficult to resist proposals for the provision of sites in the absence of an agreed strategy.	Medium	The production of a Gypsy and Traveller Site Allocations DPD would be meeting the housing needs of the Gypsy and Traveller community and will identify an available, suitable, deliverable and achievable site, therefore providing certainty to the location of development.

## 6. ALIGNMENT TO COUNCIL PRIORITIES

- 6.1 Production of a Local Plan is one of the specific actions that need to be undertaken as part of the Corporate Priorities.

## 7. IMPLICATIONS

- 7.1 It is important to note that the production of this document re-enforces The Council's commitment to bringing forward a Gypsy and Traveller Site Allocations DPD and it will also help in providing for good community involvement within the consultation periods.
- (a) Relevant Legislation – The process will be in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Council has various powers to purchase land.
  - (b) Human Rights – European Convention of Human Rights art.8 imposes a positive obligation on the State to facilitate the Gypsy and Traveller way of life.
  - (c) Equality and Diversity No impact as there are no changes to policy as part of the preparation of this document.
  - (d) Climate change and environmental sustainability- No impact as there are no changes to relevant policies as a result of the adoption of this document.
  - (e) Crime and Disorder- No impact as there are no changes to relevant policies as a result of the production of the document.
  - (f) Budget /Resource- This document does not in itself generate greater costs than those associated with meeting our legal duties.

## **8. COMMENTS OF STATUTORY OFFICERS**

- (a) Deputy Monitoring Officer – no specific comments
- (b) Section 151 Officer – no specific comments

## **9. CONSULTATION**

The purpose of this report is to seek approval for the Consultation on the Gypsy and Traveller Site Allocations DPD.

## **10. BACKGROUND PAPERS**

None.

Report Author - Katie Mills  
Designation - Planning Policy Team Leader  
Telephone - 01623 463195  
E-mail - [kmills@mansfield.gov.uk](mailto:kmills@mansfield.gov.uk)

