



**FDC/Matter 5**

**FENLAND LOCAL PLAN CORE STRATEGY  
DEVELOPMENT PLAN DOCUMENT**

**EXAMINATION**

**FENLAND DISTRICT COUNCIL STATEMENT**

**MATTER 5: GYPSY AND TRAVELLER ACCOMMODATION AND  
TRAVELLING SHOWPEOPLE**

**Fenland District Council**  
Fenland Hall  
County Road  
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PE15 8NQ

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[www.fenland.gov.uk](http://www.fenland.gov.uk)

## **Fenland District Council Statement in response to Matter 5: Gypsy and Traveller Accommodation and Travelling Showpeople**

### **ISSUES and QUESTIONS**

**Q1. Policy CS7 (q) requires a small area to be set aside for gypsy and traveller provision. Are sites in urban extensions likely to be effective in meeting the needs of the gypsy and travelling community? If the requirement is to provide the land to the Council at nil cost, will all provision made through this method be socially rented? Does this accord with the needs of the gypsy and traveller community as set out in the GTANA (Gypsy Traveller Accommodation Needs Assessment)?**

The Council recognises that the accommodation needs of Gypsies and Travellers and Travelling Showpeople in Fenland may vary over the period of the Core Strategy to 2031. The policies in the Core Strategy have taken this into account in order to be flexible and able to provide for need as it arises.

The Cambridge sub-regional GTANA 2011 (CD015) established that Fenland had a need for 2 pitches for Gypsies and Travellers in the period up until 2031. The more recent Fenland GTANA Update 2013 (CD043) identifies a need for 18 pitches for the same period, with all of the accommodation needs to be met on identified sites either through unimplemented planning permissions or planning permissions which are not currently being used for their authorised purpose. Both the GTANA 2011 and the GTANA Update 2013 identify no accommodation needs for Travelling Showpeople during the plan period.

Therefore whilst the most up-to-date evidence identifies a modest increase in need from the 2011 GTANA the Council is mindful that due to the transient and nomadic way of life of many Gypsies and Travellers it is difficult to predict future accommodation needs with total certainty. As a result the need may change over time. In line with the Government's Planning Policy for Traveller's Sites (PPTS) and best practice, the Council will regularly monitor the accommodation needs of Gypsies and Travellers and Travelling Showpeople to maintain an up-to-date understanding of need within the district. FDC accepts that the need may go up or down but considers that the policies in the Core Strategy are sufficiently robust and flexible to provide for additional need if identified.

FDC considers that the requirement in Policy CS7 for a small area, "*if a need is identified*" (an important qualification in the policy), to be set aside in an urban extension for Gypsies and Travellers or Travelling Showpeople, or in exceptional circumstances for this to be provided on another site or though a financial contribution to be met elsewhere, will be effective in helping to meet the needs of the Gypsy and Traveller or Travelling Showpeople community as and when it arises. The Council considers this to be a reasonable and effective approach which will assist in providing pitches for the Gypsy and Traveller or Travelling Showpeople community in circumstances where a need has been established but cannot be satisfied through the identification of suitable existing sites.

This principle was established in the 2009 Single Issue Review of the East of England Plan "Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England"<sup>1</sup>. Whilst this Plan obviously has now been revoked, the evidence and judgment behind it remain relevant. Policy H3 of that Secretary of State adopted Review included the requirement that "Opportunities should be taken to secure provision through major developments" and supporting

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<sup>1</sup> See:

[http://webarchive.nationalarchives.gov.uk/20100528142817/http://gos.gov.uk/goe/docs/Planning/Regional\\_Planning/808762/gandtpolicies.pdf](http://webarchive.nationalarchives.gov.uk/20100528142817/http://gos.gov.uk/goe/docs/Planning/Regional_Planning/808762/gandtpolicies.pdf)

text at 5.18 states “Policy H3 stresses the importance of using opportunities presented by major developments to secure delivery.” Fenland, via criteria (q), is following that tested and approved approach.

It should also be worth noting that criteria (c) of Policy CS7 requires urban extensions to ‘provide a broad range of housing choice by size and tenure...and cater for people with special housing needs’. Are not the needs of Gypsy and Travellers part of this ‘broad range’ and with ‘special housing needs’? Of course they are, but without criteria (q) emphasising this point, and clarifying in detail what is expected for this particular specialised form of housing, it will in all likelihood get lost as and when proposals for urban extensions are worked up and considered.

Criteria (q) is therefore essential, justified and effective.

Turning to the social rented question, whilst the policy requires the land to be made available at nil cost to the Council, FDC does not consider it appropriate at this stage to commit to provision made through this process to only provide socially rented accommodation. The Council currently owns and operates six local authority socially rented sites: the largest number of any district council in the country. It would not want to be committed to a particular course of action through policy requirements when circumstances in the future may dictate that an alternative approach would produce a more equitable outcome.

It may be that socially rented pitches will be the most appropriate form of accommodation in some circumstances but in others another form of tenure may be preferable and this will depend on the circumstances of the accommodation needs of individuals at the time. The Council is mindful that it is important to also provide for Gypsies and Travellers or Travelling Showpeople who may wish to own, rather than to rent a pitch. In these circumstances FDC would in principle be prepared to sell the land to an individual with the proviso that any proceeds from the sale were ring-fenced to ensure that the proceeds were only used by the Council to provide either additional facilities for Gypsies and Travellers or Travelling Showpeople thereafter or upgrade facilities on existing sites.

FDC is mindful that the policy as currently written does not capture this intent. For clarity it considers that criteria (q) of Policy CS7 should be amended in the following ways (in bold):

“If a need is established, set aside a small area of land which is suitable for the provision of up to five Gypsy and Traveller pitches or Travelling Showpeople plots unless it would be demonstrably inappropriate to do so (e.g. in a wholly employment related urban extension). Such set aside land should be provided to the District Council at nil cost. Pitches and/or plots should be provided on-site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site or the payment of a financial contribution (of broadly equivalent value) to the Council to enable the need for pitches and/or plots to be met elsewhere. The Council will determine whether or not there is a need via an up-to-date local assessment of need for Gypsy and Traveller pitches and Travelling Showpeople plots. **Should the Council subsequently sell any land provided to it at nil cost, or sell any land it acquired through the payment of a financial contribution in accordance with this policy, then the payments received by the Council will be ring-fenced for the future needs of Gypsy and Travellers or Travelling Showpeople only.**”

The proposed change is also indicated as Proposed Modification MPC/4/018.

**Q2. Is Policy CS5, Part D consistent with the NPPF and Planning Policy for Traveller Sites (PPTS), particularly in respect of Part D (b) and the wider sustainability benefits derived from a settled base set out in paragraph 11 of PPTS?**

The Council accepts that the text in Part D of Policy CS5 is not fully consistent with the NPPF and Planning Policy for Traveller Sites (PPTS) in these respects. The Council acknowledges that the PPTS requires local authorities to ensure that traveller sites are sustainable economically socially and environmentally, and that this should be reflected in their policies.

An up-to-date Gypsy and Traveller Accommodation Needs Assessment (GTANA) has recently been published (November 2013) (CD043) which identifies a need for 18 new pitches in the district to 2031 with all of the accommodation needs to be met on identified sites (see Q1 above). FDC considers that the policy should be amended to reflect the up-to-date information, and the Council's approach to considering planning applications for new pitches or plots.

In order to make the policy consistent with the NPPF and PPTS the Council proposes that the policy be amended in the following ways (in bold):

**“Part D – Gypsy and Travellers and Travelling Showpeople**

The Council, working with the County Council, will maintain a local assessment of need for Gypsy and Traveller pitches (permanent and transit) and Travelling Showpeople plots. The outcome of these assessments will assist the Council in the determination of planning applications. The latest published evidence (~~December 2014~~ **November 2013**), prepared by **jointly with** the County Council, indicates there is no need for Fenland District Council to identify any new pitches.

**Irrespective of whether an up-to-date need is identified or not, the Council will still determine applications on a case by case basis.** The criteria which will be used to assess suitable new Gypsy and Traveller and Travelling Showpeople caravan sites and associated facilities are:

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- (b) the site should **provide a settled base and** be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school **and a doctor's surgery**; and
- (c) **the location, size, extent, access and boundary treatment of the site should allow for peaceful and integrated coexistence with the occupiers of the site and the local settled community**; and
- (d) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing; and
- (e) the site should enable development which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties, **the health and well being of any occupiers of the site**, or the appearance or character of the area in which it would be situated; and
- (f) the site should be served by, or be capable of being served by, appropriate water, waste water **and refuse facilities whilst not resulting in undue pressure on local infrastructure and services.**

The Council will be prepared to grant permission for sites in the countryside provided that there is evidence of a need (as identified in the local assessment), that the intended occupants meet the definition of Gypsy and Travellers or Travelling Showpeople as set out in Government guidance, and provided that the above criteria (a) to ~~(e)~~ **(f)** are met. In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch, and the Council will ensure, by means of a condition or planning obligation, that the site shall be retained for use as a Traveller site in perpetuity.”

The changes are also indicated as Proposed Modification MPC/3/012.

The Council considers that these changes should allow Policy CS5 to be effective in dealing with applications and meeting need as it arises, and is consistent with the NPPF and PPTS.