

# GYPSY AND TRAVELLER TOPIC PAPER

## ROSSENDALE LOCAL PLAN



August 2018

Rossendale  
BOROUGH COUNCIL

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## 1. Introduction

The purpose of this Paper is to set out the approach that the Council has taken to the designation of Gypsy sites within the Local Plan. It establishes the context of the need for Gypsy sites as well as the approach for allocating them in Rossendale

### Policy Context

The National Planning Policy Framework(NPPF) states in Paragraph 4 that Councils should take the NPPF into account when planning for Gypsies and Travellers where the policies are relevant.

The main Government guidance on Gypsies and Travellers can be found in Planning Policy for Traveller Sites (PPTS)(August 2015).

Gypsies and Travellers are defined in the PPTS as:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

The use of the phrase “temporarily” was a change from “permanently” used in the 2012 version of the PPG and has had a significant impact on the number of people who are classed as Gypsies and Travellers, reducing the need downward.

Local Authorities are required to actively plan provision for Gypsy and Traveller sites. The Guidance states the following in Paragraph 10:

*Local planning authorities should, in producing their Local Plan:*

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets <sup>4</sup>*
- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15 <sup>5</sup>*
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) protect local amenity and environment.*

This paragraph is of importance in that it indicates that not only should Local Authorities define the number of pitches that are required based on up to date evidence but that they should also, similar to housing, identify a specific supply of deliverable sites. The Council did consider the option of a Joint Development Plan and/or joint Gypsy and Traveller Area Assessment (GTAA) and discussed this with neighbouring authorities. However differing Plan preparation timescales for the various Councils meant that this option was not pursued though the methodology proposed for the Rossendale GTAA was consulted on with neighbouring Councils.

Paragraph 13 of the PPG is also significant in that it sets out key criteria that local authorities should look at in allocating sites. The hardest of these to demonstrate compliance on is bullet a).

*Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:*

*a) promote peaceful and integrated co-existence between the site and the local community*

*b) promote, in collaboration with commissioners of health services, access to appropriate health services*

*c) ensure that children can attend school on a regular basis*

*d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*

*e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*

*f) avoid placing undue pressure on local infrastructure and services*

*g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*

*h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

## **2. Rossendale Gypsy and Traveller Area Assessment (GTAA)**

A Rossendale GTAA was produced in 2010 by the University of Salford to inform the preparation of the Core Strategy. This identified a need for 7 permanent pitches and 6 transit pitches. This acted as the foundation for Local Plan policy and the subsequent draft Site Allocations and Development Management Development Plan Document (DPD).

The production of a new Local Plan plus the publication of the new national guidance necessitated the production of a new GTAA. This was produced by the Council in September 2016 by consultants Arc4. Following good practice the consultants interviewed all known Gypsies living in the area, interviewed groups who worked with Gypsies and thoroughly assessed the Council's Illegal Encampment Register.

A copy of the 2016 Assessment is found below:

[https://www.rossendale.gov.uk/downloads/file/13613/gypsy\\_and\\_traveller\\_accommodation\\_assesment\\_2016](https://www.rossendale.gov.uk/downloads/file/13613/gypsy_and_traveller_accommodation_assesment_2016)

Among the key findings of the Study were:

*Permanent accommodation*

The 2011 Census indicates that there were 20 households (47 people) who identified themselves as Gypsies and Travellers living in Rossendale. 18 of these were living in Bricks and Mortar with 2 living on pitches.

The Study identified two private pitches within the Borough, one in Stacksteads and the other in Bacup. One of these accommodated one caravan; the other had four static caravans on the site. There was sufficient space within the Pitches to accommodate future growth within these family units.

One person living in Bricks and Mortar accommodation wanted to move onto a pitch. There is sufficient capacity to accommodate this but there may be a need for one extra pitch post 2030 for children of the current owner. The Study advises that this is best dealt with through the development control process.

#### *Temporary accommodation*

The extent of temporary stopovers in Rossendale between 2011-2016 is shown below.

<b>Table 6.1 Unauthorised encampments January 2011 – April 2016</b>				
<b>Date</b>	<b>Location</b>	<b>Duration (days)</b>	<b>Number of caravans</b>	<b>No. caravan days (duration x no. caravans)</b>
04-Jan-11	Futures Park, Bacup	3	14	42
17-Feb-11	Futures Park, Bacup	3	8	24
29-Apr-11	Futures Park, Bacup	15	25	375
23-May-11	Ewood Bridge	15	39	585
13-Jun-11	New Hall Hey	15	2	30
15/06/2011	Leavengreave Rec	15	9	135
24/06/2011	Focus DIY	15	5	75
29/06/2011	Edenfield Recreation Ground	15	13	195
11/07/2011	Haslingden Sports Centre	25	2	50
22-Feb-12	Futures Park, Bacup	5	7	35
29-Feb-12	Heys St,Bacup	2	8	16
18-Jun-16	Futures Park, Bacup	5	9	45
27-Jun-12	Heys St,Bacup	5	12	60
29-Aug-12	Futures Park, Bacup	4	4	16
06-Jan-13	Heys St,Bacup	6	2	12
08-Jan-13	Futures Park – Highway	7	20	140
12-Feb-13	Futures Park – Highway	4	2	8
13-Jun-13	Futures Park – Highway	7	4	28
10-Mar-14	Futures Park	6	1	6
14-Mar-14	Futures Park	8	No data	
11-Apr-14	Heys St,Bacup	3	No data	
12-Aug-14	Oak Street, Whitworth (Leavengreave)	8	13	104
27-Oct-14	Futures Park	7	No data	
25-Jun-15	Futures Park	2	1	2
26-Jun-15	Phipps Car Park, Rawtenstall	No data	No data	No data
02-Jul-15	Oak Street, Whitworth (Leavengreave)	9	10	90
15-Feb-16	Futures Park	7	2	14
18-Apr-16	Futures Park – Highway	5	2	10

Source: Rossendale Council data; note transit requirement based on last 3 years' data and highlighted in blue in the above table

It is clear from this Table that there are relatively low numbers of encampments in some years such as in 2015 while in other years there are more incidents such as in 2011 though this seemed to be a

specific incident with a large group moving to different sites in the Valley. The greatest numbers of encampments are on land at Futures Park, Bacup.

Subsequent to the GTAA analysis monitoring shows that there were a total of 3 illegal encampments in 2016; one in 2017 and three to date in 2018.

Based on an analysis of the above data the GTAA recommends that **4 Transit pitches** be provided within Rossendale.

### **3. Current Policy and history of site selection in Rossendale**

Following discussions at political level the figures proposed in the 2010 GTAA were reduced for the submission version of the Core Strategy. The approach taken was accepted by the Inspector at the Examination in Public. The adopted Rossendale Core Strategy (2011) Policy 5 therefore indicates that the Council will seek to provide for 5 permanent and 3 Transit pitches. It also set out a set of criteria for considering the allocation of potential pitches. The allocation of specific sites was left to the Site Allocations and Development Management Development Plan Document (DPD).

In both 2012 and 2014 there were discussions among senior officers and politicians over the most appropriate way to deal with Gypsies through the Local Plan process. This included whether to produce a separate Gypsy and Traveller DPD, or to address the issue within the Site Allocations document. Following legal advice it was decided to move ahead with addressing this within the Site Allocations DPD. A very high level, preliminary long list of sites was drawn up and the pros and cons of each were considered (see Appendix). These were almost all close to existing or former employment sites.

In the 2015 consultation on the Site Allocations DPD a permanent site was proposed adjacent to an industrial allocation at Baxenden Chemicals in Rising Bridge and two alternatives though adjacent Transit sites were proposed off Blackwood Road, Stacksteads (see Appendix). One was a former scrapyards and the other a former Household Waste site. There was a strong public reaction by local residents in each case with nearly 300 objections to the Rising Bridge site and over 100 to the Stacksteads sites with groups being setup to fight each. Some of the objections were for valid planning reasons such as access, flood risk and contamination though it was clear that there was also a substantial groundswell of opinion regarding whether peaceful co-existence between the settled community and the Gypsy community would be possible. Each of the relevant landowners also indicated their opposition to the proposals so it also became clear that none of the sites was deliverable.

#### **Regulation 18 consultation**

In December 2016 progress of the Site Allocations and Development Management DPD was abandoned and work commenced on a new Local Plan. As part of the Plan preparation process further work was undertaken on possible alternative sites which were discussed at the Council's Management Team. Ultimately a decision was made to pursue a Transit site at Sharneyford Quarry off the road to Todmorden. (see Appendix) This site had good road access, was well screened and was close to a Primary School and bus stop. However this site again attracted strong community objection with over 100 objectors, partly over possible flood risk and the location being too isolated.



It also proved impossible to confirm with the landowner whether the proposal was acceptable or not.

### **Regulation 19 consultation**

Following on from the Regulation 18 consultation it was decided that given the issues with delivering the site it would not be possible to deliver the site at Sharneyford. A list of possible alternative options for a Gypsy Transit site were appraised and discussed on more than one occasion by the Council's Senior Management Team and Cabinet Members. Options considered are listed below-relevant maps are shown in the Appendix.

### **Futures Park, Bacup**

#### Positives

- It is already a preferred site by the Gypsy community;
- On Council land and would be easy to manage and monitor.
- Adjacent to main road and good access to facilities
- Some political support.

#### Negatives

- Impacts on the proposed master-planning and intended uses of this land
- Issue with original covenant restricting use to office, industry, and commercial and potential substantial clawback costs by Homes England
- Loss of potential jobs for Bacup people
- Potential negative impact on any end-users.

### **Land behind Harding Valley Skips near Haslingden Tip**

#### Positives

- No immediate residential neighbours (scrapyard, household waste site, Nursery)
- A simple, cheap lease arrangement could probably be arranged

#### Negatives

- Private land
- Poor road access and access to services
- Highways Authority concerned about conflicts with existing traffic
- Relatively remote-would Gypsies use it?

### **Land at Ewood Bridge**

#### Positives

- Council owned
- Not close to housing
- Reasonable access

### Negatives

- The Council would like to retain the land for employment use.
- Would be a need to relocate tenants at significant cost
- Challenging to move tenants as they are not in breach of the lease
- Partly proposed for “Park and Ride” in connection with East Lancashire Railway

### **Land at Knowsley Road, Haslingden**

#### Positives

- Not close to residential

#### Negatives

- Private land
- Proposed for new industrial units
- Premium Industrial Estate-potential negative impact on end users

### **Land at Barlow Bottoms, Whitworth (both sides of River)**

#### Positives

- Some owned by LCC
- Good access to main road
- Not far from services
- Gypsies pass through Whitworth

#### Negatives

- Need LCC and landowner support
- Valley of Stone and Britannia Quarry proposed access roads pass through/by site
- Some nearby residential

### **Former Tip, Blackwood Road, Stacksteads**

#### Positives

- Well-screened site
- Access and services reasonable

#### Negatives

- Substantial opposition in 2015 consultation
- Owner unwilling to use for this use

Following discussions it was decided via the Local Plan Steering Group to pursue a site to the east of the River Spodden at Barlow Bottoms, Whitworth. This proposal was included in the draft Plan that was attached to the Council Report which was published on 4<sup>th</sup> July, 5 working days before the



Council meeting. The Report asked Members for approval to publish the Plan for consultation and to devolve any minor amendments to the Head of Planning and the Portfolio Holder.

Members of the public from Whitworth identified that a Gypsy Transit site had been proposed in the draft Plan and a social media campaign was launched against the proposal. At the Council meeting of 11<sup>th</sup> July, attended by a significant number of Whitworth residents, a motion was moved that the Gypsy Transit site allocation be moved to Futures Park, Bacup. This motion was carried by a majority of Members.

Subsequent to the Council decision and prior to Publication there has been a 2 000+ signature petition on social media against the proposed Allocation site at Futures Park or within the Bacup area which is supported by the local MP. There have also been a number of letters of objection from local residents and businesses which have been registered. It is therefore recognised that there is substantial local opposition to the proposed allocation. It has however been decided to proceed with the proposed allocation in order to provide a formal opportunity to comment and to allow the appointed Inspector to give consideration to the Council's proposal.

#### **4. Conclusion**

Gypsies and Travellers are a defined ethnic group with specific housing characteristics and requirements. As a community they have very poor educational and health indicators so the ability to access services is important. Government planning policy on Gypsies and Travellers is primarily set out in the Gypsy and Traveller Planning Policy Statement of 2015. This requires that Local Authorities provide for the needs of Gypsies in their area, identified through the preparation of an Evidence Base document and on the basis of this identify suitable sites.

Rossendale Borough Council has commissioned a Gypsy and Traveller Area Assessment (GTAA) which has identified the need to provide 4 Transit pitches in the authority area. This supercedes and replaces the figures of 5 Permanent sites and 3 Transit sites set out in adopted Core Strategy Policy 5.

Identifying and implementing authorised Transit pitches provides the Council with extra powers to enforce against any subsequent illegal encampments

The Council has considered a wide range of potential sites, including those which have previously been out to consultation and rejected due to public opposition and issues with land ownership. "Duty to Co-operate" discussions with neighbouring authorities has not elicited a willingness to take any of Rossendale's pitch requirements.

Perhaps the hardest element within PPS guidance is Paragraph 13a) which states that Council's should:

- *promote peaceful and integrated co-existence between the site and the local community*

The two existing permanent private pitches in the Borough did face local opposition when the planning applications were submitted around a decade ago but have since integrated well into the

area. There are also examples where unauthorised encampments in the Borough have required costly clean-up operations and anti-social behaviour. There is thus an endemic tension but the Council has a responsibility in planning terms to identify a site. It is recognised that the proposed site has already attracted considerable opposition. It does however meet other requirements set out in the PPG and being within Council control is considered to be deliverable.

## APPENDICES

### Possible Gypsy Sites-Long List 2014

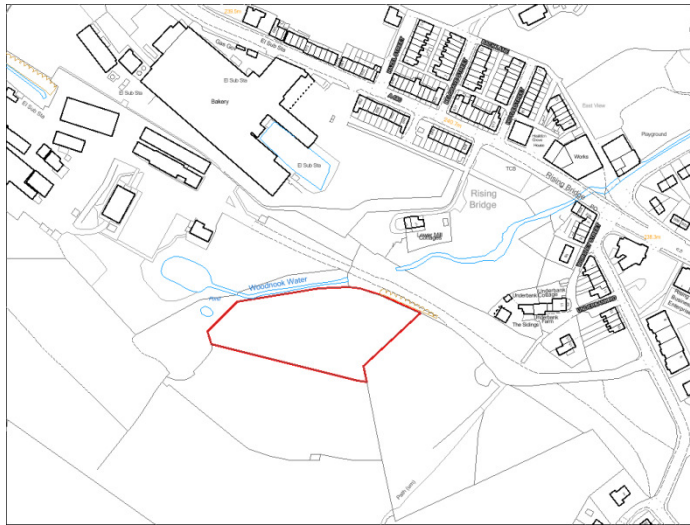
#### Draft Initial Thoughts

#### Sites

- Barlow Bottoms, Whitworth
  - Suffers contamination; little developer interest; good access
  - Not in “Area of Search”; attractive area; some houses close by
- Land to rear of New Line
  - Untidy industrial area and surroundings
  - Outside urban boundary; fairly close to houses
- Land on Sidings Industrial Estate
  - Undeveloped sites; good access; could be screened
  - Some houses close by; image of industrial estate
- Land behind Wynsors, Bacup
  - Not near houses; good access; former railway land; could be screened
  - Effect on businesses
- Land off Tong Lane/ Reed Street, Bacup
  - Semi-derelict land/buildings; mixed area; good access; close to facilities
  - Close to houses
- Futures Park, Bacup
  - Contaminated land; good access; no nearby dwellings; popular with Gypsies
  - Council’s prime industrial site!
- Blackwood Road area, Stacksteads
  - Three possible sites if scrapyard area on Rooley Moor Road included; Former tip site is very well screened
  - Likely to be local opposition; one of sites has permission for camping so loss of tourist asset
- Land to rear of Hugh Mill, Waterfoot
  - Potentially secluded behind High Mill because of trees but less so near Cowpe Road; good access to facilities
  - Green Belt land so boundary change required; some houses overlook especially at western end; access not great
- Coalyard, Waterfoot
  - Contaminated; quite well contained; good access and access to facilities
  - Opposition from neighbours
- Land at Gaghills/Mill End Mill, Waterfoot
  - Under used land at Gaghills used for container, etc storage; mixed area; reasonable access
  - Flooding issues; Mill End Mill likely to be developed for housing
- Albion Mill site, Waterfoot
  - Mixed use area; contamination
  - Boys wish to retain for storage
- Scrapyard in Whitewell Bottom
  - Already in “undesirable use”; mixed use area; good access
  - Limited services; neighbour complaints
- Shawclough Works, Edgeside

- Underused employment area; relatively remote from housing
  - Outside urban area; access not brilliant
- Buckhurst Plant, Waterfoot
  - Industrial area remote from housing; good access; access to services
  - Aspirations for redevelopment of site
- LCC land near Carrs Industrial Estate, Haslingden
  - Good access; not close to housing; little interest for development
  - Limited size?; outside urban boundary
- A56 corridor, Haslingden
  - Good access; relatively remote from housing; little take-up; contamination
  - Potential employment or housing site
- Land to rear of Hollands Pies, Rising Bridge
  - Underused land; previously developed/contamination; access OK; remote from housing
  - Previous employment allocation
- Land behind Holden Mill, Haslingden
  - Reasonable access; next to existing Park Homes and behind factory
  - Limited size; Park Home opposition?
- Land next to Mayfield Chicks
  - Good access; current untidy site; relatively secluded
  - Mayfield Chicks want to develop for housing next door; would undermine ELR car park proposals

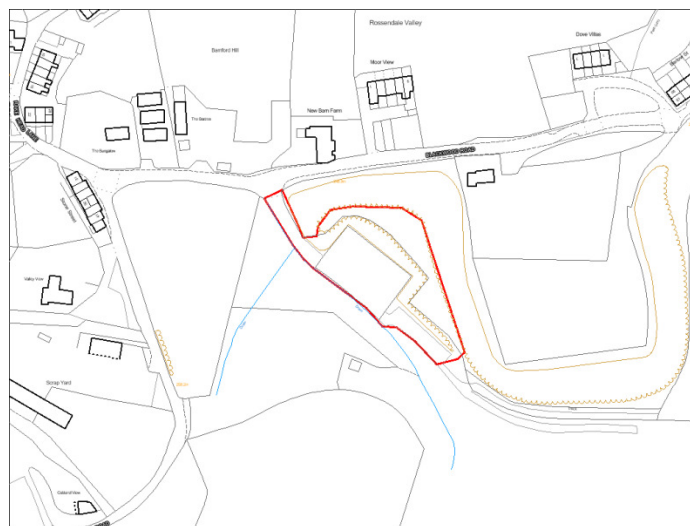
Proposed Gypsy Allocations-Site Allocations DPD 2015

PROPOSED USE – GYPSIES					
<b>Site Ref</b>	G1	<b>Site Address</b>	Baxenden Chemicals, Rising Bridge	<b>Vision Area</b>	Haslingden, Rising Bridge
<b>Ward</b>	Worsley	<b>Housing Tier</b>	Tier 4	<b>No. of Pitches (approx.)</b>	5 permanent
<b>Ownership</b>	Private Choose an item.	<b>Previously Developed Land</b>	No	<b>Current Use</b>	Vacant
<b>Gross Area (ha)</b>	0.77	<b>Density (dph)</b>	-	<b>Expected Delivery</b>	Phase 1 (1-5 Years)
 <p>Crown Copyright: 100023294</p>			<b>Current Policy Designations</b>		
			<ul style="list-style-type: none"> <li>• Within Urban Boundary</li> </ul>		
			<b>Key Considerations</b>		
			<ul style="list-style-type: none"> <li>• Adjacent to chemical works (Hazardous substances) and railway-remediation may be required if material dumped on site</li> <li>• Risk of Fluvial and Surface Water flooding from Woodnook Water</li> <li>• Site sloped down from South East to North East; higher ground on south west</li> <li>• Close to A56</li> </ul>		
DEVELOPMENT GUIDELINES					
<b>Design and Layout</b>	<ul style="list-style-type: none"> <li>• Caravans should be located at far end of site rather than close to housing</li> <li>• Perimeter of the site should be planted with native species</li> <li>• Any lighting should be LED if possible to avoid spillage</li> </ul>				
<b>Landscape</b>	<ul style="list-style-type: none"> <li>• Site is in Valley bottom but partly screened from the main road</li> </ul>				
<b>Access</b>	<ul style="list-style-type: none"> <li>• Adequate level access off industrial access road from Rising Bridge Road</li> <li>• Potential for National Cycle Route 6 to pass by the perimeter of the site</li> </ul>				
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>• Services to existing properties along Underbank Road</li> <li>• Site specific Flood Risk Assessment required and any remedial measures applied</li> <li>• Contamination records require further investigation</li> </ul>				

<b>Green Infrastructure</b>	<ul style="list-style-type: none"> <li>Woodland to the east and west of the site</li> </ul>
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**PROPOSED USE – GYPSIES**

<b>Site Ref</b>	G2	<b>Site Address</b>	Blackwood Road, Stacksteads	<b>Vision Area</b>	Bacup, Stacksteads, Britannia, Weir
<b>Ward</b>	Stacksteads	<b>Housing Tier</b>	Tier 4	<b>No. of houses (approx.)</b>	3 transit pitches
<b>Ownership</b>	Public Choose an item.	<b>Previously Developed Land</b>	Yes	<b>Current Use</b>	Former Household waste site plus methane gas unit
<b>Gross Area (ha)</b>	0.51	<b>Density (dph)</b>	-	<b>Expected Delivery</b>	Phase 1 (1-5 Years)



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**Current Policy Designations**

- Countryside

**Key Considerations**

- Former Household Waste site together with a methane powered energy plant
- Site is well bunded
- Current concrete pad would only accommodate 3 pitches

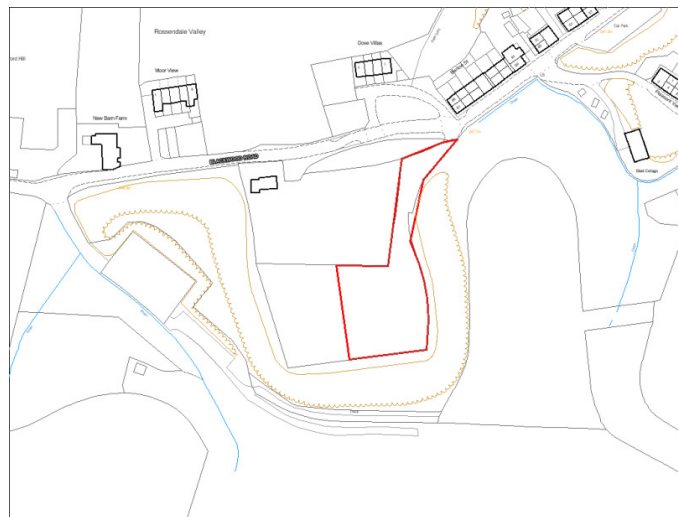
**DEVELOPMENT GUIDELINES**

<b>Design and Layout</b>	<ul style="list-style-type: none"> <li>Retain existing bunding and planting to Blackwood Road frontage</li> <li>Ensure continued access to methane plant and that caravans are safely located</li> </ul>
<b>Landscape</b>	<ul style="list-style-type: none"> <li>Existing bunding will be adequate to screen site from all views</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>Existing access is wide and does not require improvement</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>Existing electricity supply to the site</li> <li>Good access to services in Stacksteads</li> </ul>

<b>Green Infrastructure</b>	<ul style="list-style-type: none"> <li>Existing tree planting should be retained where possible</li> </ul>
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**PROPOSED USE – GYPSIES**

<b>Site Ref</b>	G3	<b>Site Address</b>	Blackwood Road, Stacksteads	<b>Vision Area</b>	Bacup, Stacksteads, Britannia, Weir
<b>Ward</b>	Stacksteads	<b>Housing Tier</b>	Tier 4	<b>No. of Pitches (approx.)</b>	3 transit
<b>Ownership</b>	Private Choose an item.	<b>Previously Developed Land</b>	Yes	<b>Current Use</b>	Vacant-Permission for Camp site
<b>Gross Area (ha)</b>	0.37	<b>Density (dph)</b>	-	<b>Expected Delivery</b>	Phase 1 (1-5 Years)



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**Current Policy Designations**

- Rural

**Key Considerations**

- One end of site across road from existing properties

**DEVELOPMENT GUIDELINES**

<b>Design and Layout</b>	<ul style="list-style-type: none"> <li>Caravans should be located towards the rear of the site to reduce noise</li> <li>Space for Transit caravans should be in a distinct corner of the site</li> <li>Front of site to Blackwood Road should be planted and if possible, bunded</li> <li>Any lighting should be LED if possible to avoid spillage</li> </ul>
<b>Landscape</b>	<ul style="list-style-type: none"> <li>Rear and sides of site are bunded-this should be extended to front of site</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>Adequate level access to Blackwood Road</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>Services to existing properties along Blackwood Road</li> <li>Good access to services in Stacksteads</li> </ul>



**Green Infrastructure**

- Green Infrastructure and ecological network to rear of site

**Local Plan Regulation 18 Consultation-Sharneyford Quarry**



**Local Plan Regulation 19-Options considered**

