

Matter 12: Housing Policies

Updated Position of the Council Regarding to Modifications to Policy H7

12th December 2016

Background

- 1 At the Local Plan Examination hearings on 8th December, **Policy H7 Meeting the Accommodation Needs of Gypsies and Travellers** was discussed.
- 2 In particular, the Council has put forward a number of modifications to the wording of the Policy and the explanatory text. These modifications were considered and approved by Full Council at its meeting on 24th February 2016. They were not however subject to the 2016 consultation process on the modifications as they did not directly address the soundness issues identified by the Inspector in 2015.
- 3 Specifically the modifications to Policy H7 were as follows

H7 Meeting the Accommodation Needs of Gypsies and Travellers

The Council will produce a Development Plan Document (DPD) that will allocate sufficient land on sustainable sites to meet the permanent accommodation needs of its Gypsy and Traveller community, satisfying an identified need for 31 pitches over the Plan Period (25 of which should be within the first 5 years). In preparing the DPD, the Council may require the proposed strategic housing allocations, set out in Policy DS15, to provide land for gypsy and traveller accommodation. Monitoring of such sites will inform future requirements.

The Council will support Warwickshire County Council in its proposal to provide emergency stopping places in the County, to assist in meeting the transit needs of the whole of Warwickshire. However the DPD will ensure that the District's transit need of 6 – 8 pitches will be met by providing a transit site. This will be addressed by considering planning applications against the criteria in Policy H8 and/or by bringing further sites forward in line with this Policy.

The Council may require the proposed strategic housing allocations, set out in Policy DS15, to provide land for gypsy and traveller accommodation, in the event that monitoring shows a shortfall in pitches available to meet need during the plan period.

- 4 These modifications were proposed to:

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Deleted: But will ensure meeting its own transit need of 6-8 pitches by providing a transit site. Monitoring may show that there are insufficient pitches available to meet need during the plan period. Planning applications will therefore be assessed against the criteria in Policy H8.

- a. Provide a framework whereby the Gypsy and Traveller Site allocations DPD would include a detailed policy to require strategic housing sites allocated in the Local Plan to provide gypsy and traveller pitches, and
- b. Provide a framework to enable the Council to require strategic housing sites to provide land for Gypsy and Traveller pitches in the event that the delivery of pitches through other means is not providing for an identified need.

Issues Arising

- 5 At the Matter 12 hearings on the 8th December, the Council put forward and explained these modifications. Whilst the Inspector did not pass comment on the merits of revised policy wording he did raise issues regarding the process through which they had been put forward and the implications for the Local Plan process as a whole.
- 6 In particular it was noted that:
 - a. The revised Policy wording is a Main Modification that had not been consulted on
 - b. As a result, if the Council wishes to put it forward as a modification, it will need to be included within the Main Modifications consultation for the Local Plan (likely to take place during 2017)
 - c. Given the nature of the Policy, it is likely to be controversial and therefore subject to significant objections.
 - d. It is also likely that the Inspector will be asked to re-open the hearings to discuss these modifications. The Inspector noted that given the nature of the policy and its potential implications, such requests may be difficult resist.
- 7 So, pursuing the revised policy wording could:
 - a. Involve significant challenges in justifying it through the Local Plan process particularly given the likely objections.
 - b. Have knock on effects for other aspects of the Plan such as whether the Policy will impact on site viability. This has not been tested and would require further evidence to be produced.
 - c. Delay the adoption of the Plan due to the likelihood that the hearings will need to be reopened.
- 8 Conversely, if the revised policy wording is withdrawn from the Local Plan, then it will not be possible to include a detailed policy in the Gypsy and Traveller Sites DPD which will mean this fall-back option will not be available to meet Gypsy and Traveller accommodation requirements. However, the consequence of this may not be as significant as it would seem, because it is highly likely that the vast majority of Strategic Local Plan sites will have received planning permission ahead of the adoption of the DPD.

Suggested way forward

- 9 Except for the revision to the second paragraph, the revised policy wording for H7 agreed by Council on 24th February 2016 is not pursued and does not form part of the Main Modifications consultation.
- 10 As a result the wording for Policy H7 would revert to that agreed in the submission draft Local Plan as follows:

H7 Meeting the Accommodation Needs of Gypsies and Travellers

The Council will produce a Development Plan Document (DPD) which will allocate sufficient land on sustainable sites to meet the permanent accommodation needs of its Gypsy and Traveller community satisfying an identified need for 31 pitches over the Plan Period (25 of which should be within the first 5 years). Monitoring of such sites will inform future requirements.

The Council will support Warwickshire County Council in its proposal to provide one stopping place in the north of the County and one in the south, to meet the transit needs of the whole of Warwickshire. However the DPD will ensure that the District's transit need of 6 – 8 pitches will be met by providing a transit site. This will be addressed by considering planning applications against the criteria in Policy H8 and/or by bringing further sites forward in line with this Policy.

Monitoring may show that there are insufficient pitches available to meet need during the plan period. Planning applications will therefore be assessed against the criteria in Policy H8

- 11 The explanatory text for the Policy will also be amended accordingly and will also revert to the text put forward in the Submission Draft, with the exception of the revisions to paragraphs 4.68 which relates to the provision of a transit site.
- 12 Following the Main Modifications consultation, (subject to the Inspector's findings) the report on the adoption of the Local Plan will need to highlight this change so that members can reach a view on whether they support the approach set out in paragraph 9, 10 and 11 above.
- 13 Alongside that, it will be necessary to ensure the Gypsy and Traveller DPD is progressed as a priority during 2017 and that all site options for meeting need through site allocations are considered.