

REGIONAL SPATIAL STRATEGY – PARTIAL REVIEW – CONSULTATION ON SUBMITTED DRAFT POLICIES

EXECUTIVE SUMMARY

The Regional Leaders Forum (4NW) has submitted the Draft North West Plan - Partial Review to the Secretary of State for consideration at an examination in public, scheduled to start in March 2010. The consultation document invites comments on the new wording of policies on the provision of pitches for Gypsies & Travellers and Travelling Showpeople, and revisions to the text on the policy for parking standards.

When introduced, the new policies will become part of the statutory Development Plan for Wirral, for use in future planning decisions.

The deadline for comments is 19th October 2009. This report recommends that recommendations 1, 2 and 3 set out in the Directors Comments form the basis of the Council's representations to the Secretary of State.

1 Background

- 1.1 The existing Regional Spatial Strategy was introduced in September 2008 (Cabinet, 6 November 2008, Minute 257 refers). Prior to publishing the final Strategy, the Secretary of State indicated that there would be a need for an immediate Partial Review.
- 1.2 The scope of the Review was revised in September 2008, in light of changing circumstances, to focus on policies for Gypsies and Travellers, Travelling Showpeople and parking standards. The Council submitted representations to earlier stages of consultation on the Draft Options (Cabinet 26th June 2008, minute 94 refers) and the Draft Interim Policies (Cabinet 19th March 2009, minute 397 refers).
- 1.3 The Council did not support the proposals to provide 10 permanent residential pitches and 5 transit pitches for Gypsies and Travellers and 5 plots for Travelling Showpeople. The Council was also concerned that the proposed parking standards for dwellings and hospitals could lead to excessive provision that could undermine local attempts to encourage more sustainable ways of travelling.
- 1.4 Comments are now sought on the final revised set of draft policies which will be considered at an Examination in Public during March 2010. This will be the last opportunity for the Council to make representations unless the Secretary of State proposes further alterations after the Examination in Public. The contents of the revised policies are considered below.

3 Draft Policy L6 - Accommodation for Gypsies and Travellers

Background

- 3.1 National policy and racial equality legislation requires provision to be made by every district council where accommodation is needed by Gypsies and Travellers. Sites must be provided to prevent illegal and unauthorised encampments in inappropriate areas and to tackle poor living conditions, including lack of water, toilets, showers, electricity, waste disposal and limited access to health and education. Residential pitches are required for long-stay accommodation and transit sites are required to accommodate short stay visits.
- 3.2 Gypsies and Travellers are defined as people of nomadic habit of life including those who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, excluding members of an organised group or Travelling Showpeople or circus people travelling together as such.
- 3.3 The Merseyside Gypsy and Traveller Accommodation Assessment (GTAA), February 2008 identified a requirement for 10 residential pitches in Wirral and for 10 additional transit pitches across Knowsley, Liverpool, Sefton and Wirral.
- 3.4 Wirral does not have any recognised sites for Gypsies and Travellers.

Draft Policy Content

- 3.5 Draft Policy L6 is shown at Appendix 1 [page 2] to this report. The main change is that most Authorities will need to provide a lower number of permanent pitches to that originally proposed in the earlier Interim Draft Policy. The revised Policy makes provision for at least 825 net additional permanent residential pitches across the region over the period 2007 to 2016 (instead of 1,250 pitches). The number of transit pitches remains the same at 270 but it is now made clear that Authorities will be expected to work together to establish a network of such pitches
- 3.6 A further 3% compound increase will be required beyond 2016 each year, which would be equivalent to 295 additional pitches between 2016 to 2021.
- 3.7 The need to consider rural exception sites and alterations to Green Belt boundaries has been deleted. Instead, reference is made at paragraph 12 of the supporting text to Circular 01/06 and to exceptional circumstances that could be considered if there were no suitable sites outside the Green Belt.
- 3.8 The district level figures being suggested are set out in the Directors Comments below. There has been no change in the figures for Wirral with a minimum of 10 permanent residential pitches and 5 transit pitches to be provided by 2016.
- 3.9 The supporting text has been amended at paragraphs 4 and 5 to indicate that the level of provision reflects the needs of those living on pitches without planning permission, projected growth and net movements as identified in the evidence derived from regional and sub-regional GTAA's.

- 3.10 In the light of feed back from earlier consultation, Draft Policy L6 is seeking to achieve a balance between providing additional pitches in areas where most Gypsies and Travellers live and to ensure that most areas contribute to broadening the available choice. To achieve this, a minimum of 10 residential pitches is proposed in the majority of areas.

Previous Consultation

- 3.11 The full text of the Council's response to consultation on the Interim Draft Policies is set out in my report to Cabinet on 19th March 2009 (minute 397 refers). The Council opposed the requirement to provide a minimum of 10 residential and 5 transit pitches in Wirral on the basis that the need for this did not appear to be justified by the available evidence.
- 3.12 Support had been expressed at the earlier Issues and Options Consultation stage for an option that would have allowed a sub-regional partnership to consider the local pattern of provision, linked to the actual requirements of the Gypsy and Traveller community.
- 3.13 A 4NW workshop on 27 February 2009 provided some additional explanations:
- The Regional Leaders Forum has set a clear policy direction to promote a more balanced share of meeting needs across districts, to reflect a wider range of factors than just "need where it arises".
 - The sub-regional GTAA's have been used as a starting point.
 - Figures have been allocated in multiples of 10 or 15, as the minimum viable size for the provision and operation of a permanent residential site.
 - Figures for transit pitches have been based on the history of unauthorised encampments recorded in GTAA's and have been applied in multiples of five, as the minimum viable size for the provision and operation of a transit site, depending on the scale of the history of unauthorised encampment.

Directors Comments

- 3.14 One of the main matters that Panel for the Examination in Public will have to consider is whether the proposed policy is based on a robust and credible evidence base and is the most appropriate approach when considered against the reasonable alternatives.
- 3.15 The proposal for 10 permanent residential pitches on Wirral reflects the findings in the previous Merseyside GTAA and are low compared to surrounding districts. The GTAA did however, recommend that a strategic approach should be taken and stated the split between local authorities was indicative only and that the numerical results of the apportionment should not necessarily be assumed to imply that those needs should actually be met in that specific locality.
- 3.16 The requirement for 5 transit pitches per district (20 in total) exceeds the findings of the GTAA, which identified a need for only 10 transit pitches across the sub-regional partnership area as a whole.

- 3.17 Council records show that there were eleven Gypsy and Traveller pupils attending schools within the Borough and the Supporting Peoples Service has provided support directly to ten Irish Travellers over the past year.
- 3.18 While the figures in proposed Policy L6 have mostly been reduced across the region, Liverpool will be required to provide 15 additional residential pitches plus 5 transit pitches; Sefton will be required to provide 15 additional residential pitches plus 5 transit pitches; and Cheshire West and Chester will be required to provide 45 additional residential pitches plus 10 transit pitches. Knowsley's requirements are the same as for Wirral.

Extract from Table 7.2 Scale & Distribution of Gypsy & Traveller Pitch Provision			
District	Current Authorised Pitches 2007	Minimum Additional Permanent Residential Pitches Required 2007 to 2016	Minimum Additional Transit Residential Pitches Required 2007 to 2016
Wirral	0	10	5
Liverpool	14	25	5
Sefton	16	30	5
Knowsley	0	10	5
Cheshire West & Chester	68	45	10

- 3.19 All North West Authorities, with the exception of the Lake District National Park and Copeland will be expected to have provision for no less than 10 permanent pitches by 2016 and all, apart from the Lake District National Park, will need to provide for no less than 5 transit pitches.
- 3.20 The reasoning for the proposed pitch distribution is that historical inequalities have constrained the choice of where and how Gypsies and Travellers would choose to live. GTAA's tend to compound these inequalities because the Authorities that already provide accommodation are assessed as having greater need than those with little or no pitch provision.
- 3.21 The Council's contention so far has been that a requirement on most Authorities to make provision without demonstrating actual need or demand is flawed. In response to the previous consultation it was stated that
- 'the Borough has had nil caravan counts for at least 10 years and no record of unauthorised encampments since December 2006, suggesting that provision on the scale envisaged may rarely, if ever, be used.'*
- 3.22 Since then an unauthorised encampment of 3 caravans was recorded at Heswall on one night during July of this year. In the four years prior to December 2006, 22 unauthorised encampments had been reported, the maximum number of caravans present being nineteen.
- 3.23 If the Council is to oppose the proposed requirements it would be on the basis that there is still no need for Gypsy and Traveller sites within Wirral and that unauthorised encampments on Wirral are a rare occurrence. It can also be argued that no evidence has yet been provided on the working and/or travelling patterns of Gypsies and Travellers to support of figures proposed.

Recommendation 1

Draft Policy L6 – Objection

Why – Wirral Council has a firm and stated commitment to work closely with its partners to ensure that everyone living, visiting and working in the Borough will be treated fairly and with respect regardless of their race, gender, age, disability, sexual orientation or faith. However, in this case the Council is concerned that Draft Policy L6 and the proposed pitch distribution figures set out in Table 7.2 are not fully supported by the available evidence.

While the supporting text refers to balancing additional pitch provision where most Gypsies and Travellers live with broadening the available choice, it is not clear how this has been assessed, verified and applied to each district on the basis of actual need. There is insufficient information on current working and travelling patterns to support the figures proposed.

The requirement for new major developments to include provision for Gypsies and Travellers is unduly restrictive and poorly defined in terms of the types of land use or development being considered and appears contrary to the intention to identify sites through Local Development Frameworks.

Pitch distribution figures

The assumption that virtually every district should be required to make provision, unrelated to actual need or demand, is flawed. Wirral, for example, as a peninsula, is not a traditional resort for Gypsies and Travellers. The Borough has had nil caravan counts for at least 10 years and, apart from 3 caravans on one night only, no record of unauthorised encampments since December 2006, suggesting that provision on the scale envisaged may rarely, if ever, be needed or used.

The Merseyside GTAA recommended a strategic approach and stated the split between local authorities was indicative only and that the numerical results of the apportionment should not necessarily be assumed to imply that those needs should actually be met in that specific locality. This is re-iterated in footnote 4 to paragraph 5 of the supporting text.

The number of transit pitches identified for the Merseyside Sub-Regional Partnership area far exceeds (doubles) the local assessment carried out as part of the Merseyside GTAA. The statistical basis for this higher figure is not apparent and it is, for example, unclear how this is related to assessed need.

4 Draft Policy L7 - Scale & Distribution of Travelling Showpeople Plot Provision

Background

- 4.1 The issues arising for Travelling Showpeople are similar to those for Gypsies and Travellers in terms of the Government's objective of providing decent homes for all. Travelling Showpeople require permanent yards for living accommodation and the storage of equipment, rides, stalls and vehicles. Existing sites are often too small, leading to overcrowding, illegal parking and health and safety issues.
- 4.2 *Draft Policy Content*
- 4.5 Draft Policy L7 (provided at page, 8 in Appendix 1 to this report) seeks to provide at least 285 net additional plots for Travelling Showpeople within the North West Region to 2016. Beyond 2016, the policy provides for a further increase, equivalent to 3% each year.
- 4.6 A coordinated review of future needs will be undertaken in 2013. Temporary stopping places in connection with festivals and other similar annual events are not included in the requirement for plots.
- 4.7 The need to consider rural exception sites and alterations to Green Belt boundaries has been deleted from the policy. Instead, reference is made to national guidance at paragraph 24 of the supporting text to the exceptional circumstances that could be considered if there no were suitable sites outside the Green Belt.
- 4.8 The district level figures suggested in table 7.2 for Wirral have been reduced from 5 plots to be provided by 2016 to zero.

Directors Comments

- 4.9 The Council had opposed the earlier proposals because the evidence did not appear to justify a requirement on the Council to make provision for a minimum of 5 plots for Travelling Showpeople within the Borough.
- 4.10 As the figures have now been revised to show no need for the provision of plots within Wirral, the proposed change can be supported.

Recommendation 2

Draft Policy L7 – Support

Why - Revised table 7.3 has taken account of the Council's response to earlier consultation.

5 Draft Alterations to Policy RT2 – Managing Travel Demand

Background

- 5.1 The existing Regional Parking Standards contained within the Regional Spatial Strategy issued in September 2008 were the same as those contained in the former Strategy - RPG13 (March 2003).
- 5.2 It is now proposed to expand the standards, to include cycle, motorcycle, coach, HGV and disabled parking and to include a check list for assessing the accessibility of each development site by different modes of transport. The proposed changes are included at pages 14 to 30 in Appendix 1 to this report.
- 5.3 The Council's own parking standards were last reviewed as part of the preparation of SPD4, adopted in June 2007, based on joint work undertaken in support of the Merseyside Local Transport Plan.

Draft Alterations to Policy RT2

- 5.4 The proposal to insert a final bullet point in Policy RT2 – Managing Travel Demand (RSS, September 2008) has been brought forward unchanged from the previous consultation. The alteration will read:

“Plans and strategies should incorporate maximum parking standards that are in line with or more restrictive than Table 8.1 and define areas where more restrictive standards should be applied based on the approach outlined in Appendix 1. Parking for disabled people, motorcycles and cycles are the only situations where minimum standards will be applicable. ”

Supporting Text

- 5.5 The supporting text has been changed in response to earlier consultation. It is now proposed that the five sub-regions (rather than each local authority) would be responsible for classifying every area between three predefined Area Access Categories, broadly defined as major city and town centres; more local district centres; and other areas (page 24 of Appendix 1 to this report refers).
- 5.6 Secondly, the sub-regions (rather than the Regional Leaders Board) would be responsible for producing an accessibility questionnaire which adheres to the example at page 25 of Appendix 1 to this report. It is proposed that the Local Highway Authority would be responsible for checking a pre-defined accessibility questionnaire provided by the developer that scores each site against a series of criteria related to walking, cycling, access to public transport and the frequency of public transport services.

Previous Consultation

- 5.7 The Council supported this general approach as this is likely to provide further support for initiatives already in place to assist the implementation of the Merseyside Local Transport Plan. However, the table of parking standards was not supported due to concerns that hospitals were to be excluded and that excessive parking levels might be permitted at residential developments of two and four bedrooms, which could

undermine the Council's commitment to encouraging more sustainable methods of travel.

- 5.8 Clarification was also sought on how the accessibility questionnaire should be applied when calculating any reduction in the number of any parking spaces that may be permitted (Cabinet on 19th March 2009, minute 397 refers).

Directors Comments

- 5.9 The table of parking standards has not been altered since the previous consultation. It should, however, be noted that the general level of provision is expressed as the maximum number of parking spaces for each category of use. The new policy will still enable more restrictive standards to be applied in areas with higher levels of public transport accessibility and development density.
- 5.10 The supporting text argues that it would be misleading to introduce a new standard for hospitals because many are now multi-occupancy sites. A standard based on the number of beds or outpatients would not give a true reflection of the complex range of uses that can be found at such sites. To tackle this, the text at page 30, paragraph XI in Appendix 1 to this report has been amended to make it clear that parking levels should be defined through comprehensive enforceable travel plans for the whole hospital site. Consequently, the proposed parking standards for the region could be supported.
- 5.11 Although the results from the accessibility questionnaire are intended to be more sensitive to local circumstances, the new approach to checking accessibility will still be complicated and time consuming. This is becoming more apparent through the proposal to refer responsibility to the sub-regions and the need for 4NW to undertake further work to develop a framework to determine whether sub-regional questionnaires adhere to the regional example.
- 5.12 The Council's existing Supplementary Planning Document 4 – Parking Standards does not fully reflect the approach now being proposed. For example, it does not follow a scoring approach to the assessment of each individual site and applies only two area accessibility categories, which it applies only to town centres uses.
- 5.13 The Area Accessibility Categories, Accessibility Questionnaire and the revised approach to parking will need to be incorporated into the Council's Local Development Framework, through the emerging Core Strategy Development Plan Document and a review of Supplementary Planning Document 4 – Parking Standards.

Recommendation 3

Draft Policy Revisions RT2 Managing Travel Demand – Support

Why – The approach proposed is likely to be more locally sensitive and would lend further support to initiatives already in place to support the implementation of the Merseyside Local Transport Plan.

Parking standards proposed in Table 8.1 – Support

Why – The standards as a whole appear to provide a comprehensive approach to the range and types of use most likely to require consideration.

Comments on the supporting text

The intended status of the proposed Accessibility Questionnaire is not clearly set out paragraph 29 to the supporting text. To carry statutory weight it should either be included in the revised RSS Policy or the Local Development Frameworks.

The proposal in paragraph 1 of Appendix 1 that would require 4NW to undertake further work on a framework to determine adherence to the regional questionnaire seems to complicate the process further. It is difficult to understand the need for a sub-regional questionnaire if it must adhere to one already prepared at regional level.

The Accessibility Questionnaire should be amended to enable all forms of public transport such as the Mersey Ferries to be taken into account when scoring the level of accessibility.

Further information should also be provided on the practical use of scores in the Accessibility Questionnaire for reducing the number of parking spaces that would normally be permitted at a particular site or type of use. There is, for example, no clear method for calculating how the number parking bays could be reduced in relation to the different results that could be achieved through the scoring mechanism.

6 Future Timetable

- 6.1 The timetable for the remaining stages in the preparation of the Partial Review is set out below. The only other opportunity for the Council to comment will be on any changes proposed by the Secretary of State following the public examination scheduled for May 2010.

Consultation on Submitted Draft RSS - until 19 th October 2009
Examination in Public - March 2010
Consultation on Secretary of State's Proposed Changes - 8 weeks from May 2010
Final Issue - December 2010

7 Financial Implications

- 7.1 There are no financial implications arising directly from this report.
- 7.2 The provision of sites for Gypsies and Travellers may have financial implications if the sites were to be provided and/or managed by the Council. There may also be financial implications for the provision of wider Council services.
- 7.3 The cost for the Council to provide a permanent residential facility for Gypsies and Travellers of the size being suggested in the Partial Review has been estimated to be in the order of £1.2 to £3.0 million, from initial calculations based on the experience of other authorities and national average costs. Costs are dependent upon local land values and it is, therefore, difficult to predict costs where site locations have not been

identified. These figures do not include provision for transit pitches. If required to be progressed, this scheme would need to be submitted for inclusion in the Council's Capital Programme.

- 7.4 Capital grants are available from CLG for up to 100% of the costs of acquiring land and developing suitable sites. However, the annual bidding rounds, which are usually announced in March each year, are very competitive with only 2 grants available per year for the North West area as a whole.
- 7.5 A review of the Council's Supplementary Planning Document – Parking Standards would cost in the order of £7,500, split over two financial years, which could be met from existing resources.

8 Staffing Implications

- 8.1 There are no staffing implications arising directly out of this report.
- 8.2 Staffing implications may arise from a future need to present the Council's case at the Public Examination into the Partial Review, which could have implications for progress on the preparation of the Council's own Core Strategy Development Plan Document.
- 8.3 The issue of provision of sites for Gypsies and Travellers may have staffing implications if the sites were to be provided and/or managed by the Council. The provision of sites for Gypsies and Travellers may also have staffing implications for the provision of wider Council services.
- 8.4 The requirement to undertake additional site specific assessments to satisfy the amendments proposed to RSS Policy RT2 will have staffing implications for the Technical Services Department. The need to review Supplementary Planning Guidance Document 4 – Parking Standards will have staffing implications for the Corporate Services Department.

9 Equal Opportunities Implications

- 9.1 The issue of provision for Gypsies and Travellers is subject to racial equality legislation.
- 9.2 Romany Gypsies and Irish Travellers have been specifically recognised by the courts as ethnic groups covered by the Race Relations Act 1976 and the Commission for Racial Equality recommends that all local authorities include subcategories for Gypsies and Irish Travellers within ethnic monitoring forms. There is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community.
- 9.3 The Regional Parking Standards will make specific provision for disabled people.

10 Community Safety Implications

- 10.1 There are no community safety implications arising directly out of this report.

11 Local Agenda 21 Implications

- 11.1 The issue of provision for Gypsies and Travellers and parking standards will have implications for Local Agenda 21.
- 11.2 The policies and proposals contained within the Partial Review have been subject to statutory appraisal processes including sustainability appraisal, strategic environmental assessment and Habitats Regulations Assessment.

12 Planning Implications

- 12.1 The policies and proposals contained within the Partial Review, once confirmed by the Secretary of State following public examination, will form part of the statutory Development Plan for Wirral and will be a material consideration in future planning decisions including the preparation of the Council's Local Development Framework.
- 12.2 Members will only have further opportunity to comment if there are any changes to submitted draft policies proposed by the Secretary of State following Public Examination in May 2010.
- 12.3 The issue of provision for Gypsies and Travellers will need to be included in the Council's Core Strategy Development Plan Document and considered as part of the emerging housing evidence base and the proposed site specific Allocations DPD.
- 12.4 The adoption of the revised Regional Parking Standards would require a review of the Council's Supplementary Planning Document – Parking Standards, last adopted in June 2007.

13 Anti-poverty Implications

- 13.1 There are no anti-poverty implications arising directly out of this report.

14 Human Rights Implications

- 14.1 The issue of provision for Gypsies and Travellers has human rights implications.
- 14.2 ODPM Circular 1/2006, paragraph 70, states that "The provisions of the European Convention on Human Rights should be considered as an integral part of local authorities decision making – including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission or taking enforcement action on the rights of the individuals concerned both Gypsies and Travellers and local residents and whether the action is necessary and proportionate in the circumstances."

15 Social Inclusion Implications

- 15.1 The issue of provision for Gypsies and Travellers has social inclusion implications in terms of decent homes for all, including access to health, environment, education and social services.

16 Local Member Support Implications

16.1 There are no specific Ward Member implications arising directly out of this report.

17 Background Papers

17.1 The Submitted Draft North West Plan Policies are attached as Appendix 1 to this report.

17.2 The existing Regional Spatial Strategy for the North West (September 2008) can be viewed at <http://www.go-nw.gov.uk/gonw/Planning/RegionalPlanning/?a=42496>

17.4 Regional Spatial Strategy – Partial Review – Options Consultation (Cabinet 26 June 2008, Minute 94 refers) can be viewed at http://www.wirral.gov.uk/minute/public/rsspartialreviewoptionscab26jun08_27609.pdf

17.5 Regional Spatial Strategy – Partial Review – Responses to Options Consultation (4NW, July 2008) can be viewed at <http://www.northwestplanpartialreview.co.uk/consultation-results/stage2.html>

17.6 Regional Spatial Strategy – Partial Review – Options Consultation (Cabinet 26 June 2008, Minute 94 refers) can be viewed at [http://democracy.wirral.gov.uk/Published/C00000121/M00000357/AI00003883/\\$CABCS090319REP2.docA.ps.pdf](http://democracy.wirral.gov.uk/Published/C00000121/M00000357/AI00003883/$CABCS090319REP2.docA.ps.pdf)

17.7 Regional Spatial Strategy – Partial Review – Responses to Draft Interim Policies Consultation (4NW March 2009) can be viewed at <http://www.northwestplanpartialreview.co.uk/consultation-results/stage3.html>

17.8 National planning policy Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites (CLG, February 2006) can be viewed at <http://www.communities.gov.uk/publications/planningandbuilding/circulargypsytraveller>

17.9 Designing Gypsy and Traveller Sites – Good Practice Guide (CLG, May 2008) can be viewed at <http://www.communities.gov.uk/documents/housing/pdf/designinggypsiesites.pdf>

17.10 Merseyside Gypsy and Traveller Accommodation Needs Assessment – Executive Summary (SHUSU, February 2008) can be viewed at http://www.nwrpb.org.uk/downloads/documents/feb_09/nwra_1235461381_Merseyside_GTAA_Executive_Summ.pdf

17.11 Merseyside Gypsy and Traveller Accommodation Needs Assessment – Full Report (SHUSU, February 2008) can be viewed at http://www.nwrpb.org.uk/downloads/documents/feb_09/nwra_1235461297_Merseyside_GTAA_Final_Report_.pdf

17.12 Supplementary Planning Document 4 – Parking Standards (Wirral Council, June 2007) can be viewed at <http://www.wirral.gov.uk/LGCL/100006/200074/856/SPD4Parking25Jun07.pdf>

RECOMMENDATION

That Recommendations 1, 2 and 3 set out within the Director Comments in this report form the basis of the Council's representations to the Secretary of State and the Panel for the Examination in Public.

J.Wilkie
Deputy Chief Executive/Director of Corporate Services

This report has been prepared by the Forward Planning Section who can be contacted on 691 8129.