

REPORT TO GYPSY TRAVELLER SUB-COMMITTEE – 13 FEBRUARY 2019

ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – CONSULTATION ON POLICY H5 – GYPSY/TRAVELLERS

1 Recommendations

The Committee is recommended to:

1.1 Comment on the proposed policy for Gypsy/Travellers.

2 Background

- 2.1 The Local Development Plan sets out the policies that will be used by the Council to help determine planning applications. Within the Aberdeenshire Local Development Plan, the Homes and Housing policy group aims to promote successful sustainable places through the provision of the 'right development in the right place' in accordance with Scottish Planning Policy.
- 2.2 The preparation of the Aberdeenshire Local Development Plan 2021 is ongoing and there is currently a public consultation period on the Main Issues Report that runs until 8 April 2019.
- 2.3 The Main Issues Report recognises minor changes to the existing Plan's policy on Gypsy/Travellers is required; a draft proposed policy has been produced as an interpretation of the changes. Members are invited to comment on the Main Issues Report and the draft proposed policy in appendix 1 and 2.
- 2.4 Of particular interest to the Committee is the policy position that need does not have to be demonstrated on sites proposed by Gypsy/Travellers. This aligns with national guidance and best practice published by PAS - 'Gypsy/Travellers and the Scottish Planning System: a guide for local authorities'.¹ The policy position on sites being within a 'reasonable' proximity to facilities and services may also be of interest to the Committee.
- 2.5 The existing Local Development Plan identified 4 specific sites for Gypsy/Traveller site provision which help to meet need in the long-term. A review of the site provision strategy will be taken to this Committee for consideration at its next meeting on 19 June 2018.
- 2.6 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

¹ <https://www.pas.org.uk/wp-content/uploads/2015/03/GypsyTravellers-and-the-Scottish-Planning-System-A-Guide-for-Local-Aut....pdf>

3. Scheme of Governance

- 3.1 This committee is able to consider this item because it relates to a function of the committee to develop and approve Council policies and practices in respect of a) addressing the accommodation needs which meets the needs, culture and lifestyle of Gypsy/Travellers and unauthorised encampments.

4. Implications and Risk

- 4.1 An equality impact assessment has been carried out as part of the development of the Local Development Plan. Members are asked to discuss any impacts on Gypsy/Travellers arising from the draft policy in appendix 1.
- 4.2 There are no resource implications arising from the recommendations in this report.
- 4.3 The following risks apply:
- ECSSR004 – Support Inclusive, Vibrant and Healthy Communities. The Gypsy/Traveller Officer Group meets regularly to receive feedback from Gypsy/Travellers and to ensure access to services. Regular monitoring of the action plan will mitigate risk.
- 4.4 A Town Centre Impact Assessment is not required as this does not have a differential impact on the Town Centre First Principle.

Stephen Archer, Director of Infrastructure Services

Report by Ally Macleod, Housing Manager (Strategy)
4 February 2019

APPENDIX 1

POLICY H5 IN THE LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT 2021

This policy relates to the additional criteria that have to be met to permit permanent or stopover sites for gypsies and travellers on either allocated or unallocated sites. For sites provided by public funding it is necessary for a need to be demonstrated for the facility. Sites proposed by members of the Gypsy/Traveller community for their own personal use, or on land allocated in the Plan for providing Gypsy/Traveller sites, do not have to demonstrate a need.

For these developments, the policy goes beyond Scottish Planning Policy, and it is assumed that these developments will meet a need. In all other cases, including the provision of sites for rent to third parties, a specific need for the site still requires to be proven. In addition, a secure site and essential services must be provided according to the nature of the site, including water connection, refuse facilities, and basic toilet facilities.

Planning Aid Scotland (PAS) produced Gypsy/Travellers and the Scottish Planning System' guides in April 2015. PAS Guide No.2 Section 5 provides detail on key aspects to consider when identifying suitable sites and paragraph 3 of Policy H5 takes forward this advice. Minor changes are proposed to the policy to recognise three principal types of Gypsy/Traveller site – permanent sites, transit sites and stopping places and the difference in facilities that are required for each site.

APPENDIX 2

POLICY H5 IN THE DRAFT PROPOSED LOCAL DEVELOPMENT PLAN 2021

Policy H5 ~~Gypsies and travellers~~ Travellers

H5.1 Specific ~~gypsy~~ Gypsy / ~~traveller~~ Traveller sites have been identified in the settlement statements to meet an identified need and to provide certainty to both ~~G~~gypsy/ ~~T~~travellers, and the settled community.

H5.2 ~~We will generally approve permanent sites, transit sites or stopping places for~~ ~~We will generally approve permanent or temporary halting sites for gypsies and~~ ~~Gypsy/ travellers~~ ~~Travellers~~ on sites allocated for that purpose in the ~~p~~Plan, or on unallocated sites where there is a proven need ~~subject to other policies~~. In either case, the applicant must demonstrate that the site would not appreciably detract from the character, appearance or amenity of the area. Developers of private ~~gypsy~~ Gypsy / ~~traveller~~ Traveller sites for their own use do not have to prove a specific need for their proposals but they will still need to meet the remaining policy tests.

H5.3 Proposals must also provide a secure environment and essential services (in the case of ~~halting sites~~ ~~transit sites or stopping places~~: water connection, refuse facilities and portable toilet), and allow reasonable access to employment, education and other community infrastructure, and the main road network. In the case of sites that are not intended solely for private use, applicants will need to demonstrate that the site will be properly managed.