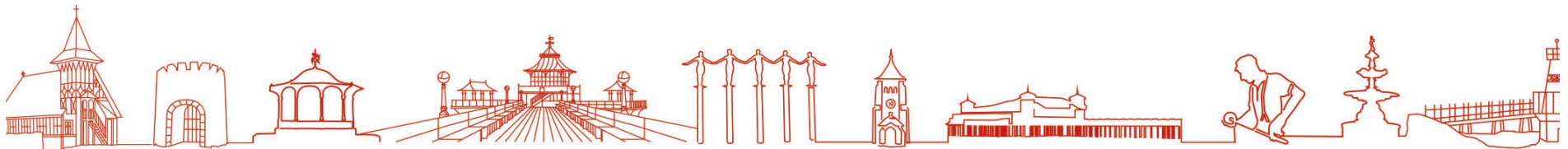


North Somerset Local Plan 2039

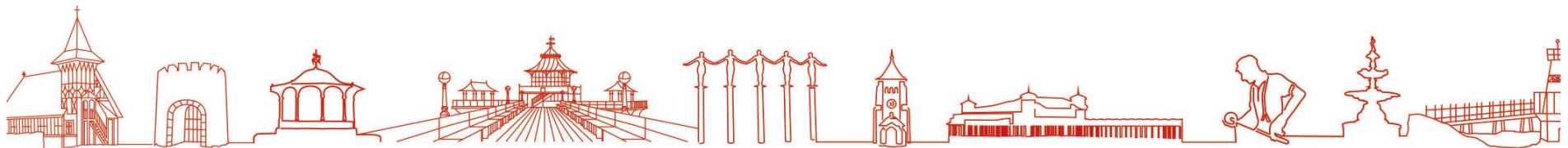
Gypsies, Travellers and Travelling Showpeople Background Paper

November 2023



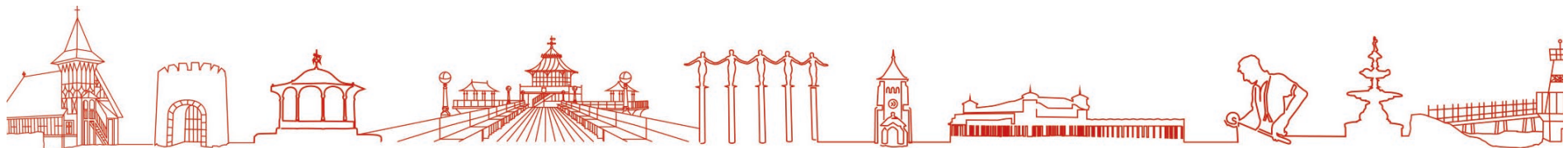
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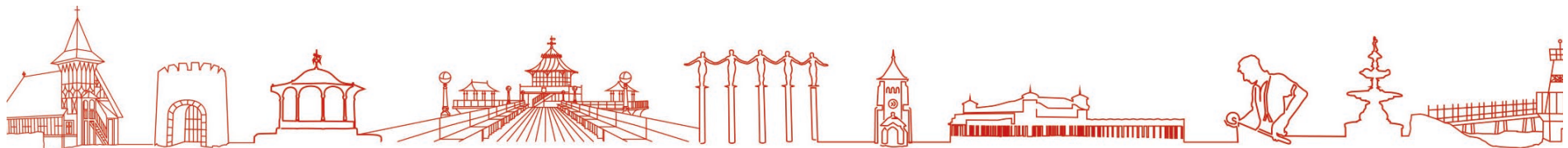


1. Introduction

- 1.1 Local plans are required to assess the accommodation needs for Gypsies, Travellers and Travelling Showpeople in their area and plan to meet that need.
- 1.2 Paragraph 62 of the NPPF states that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- 1.3 Planning policy for traveller sites (2015) paragraph 10 states that:
- “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 4
 - 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
 - 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”.



- 1.4 For sites to be deliverable footnote 4 of the PPTS states sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans. To be considered developable footnote 5 of the PPTS states that, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- 1.5 This paper sets out the process of identifying the need for gypsy, traveller and travelling showpeople in terms of pitches and plots over the plan period and how the local plan intends to accommodate that need.

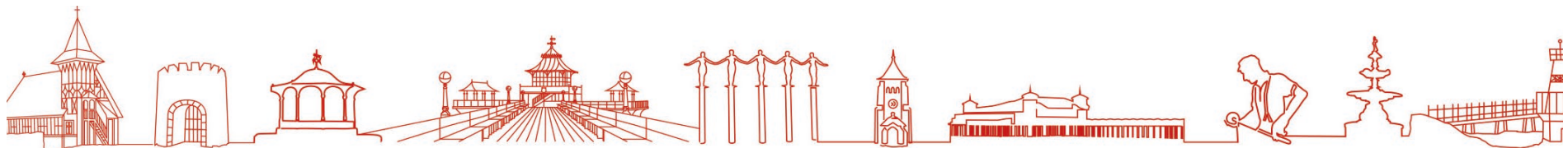


2. Gypsy and Traveller Accommodation Assessment.

- 2.1 A [Gypsy and Traveller Accommodation Assessment \(GTAA\)](#) was completed for North Somerset Council in June 2022 to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in North Somerset. The GTAA covered the period 2022 – 2042. It provides a credible evidence base which can be used to aid the implementation of Local Plan policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots.
- 2.2 A total of 96 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in North Somerset and 5 interviews or proxy interviews were completed with Travelling Showpeople. Despite all of the efforts that were made it was not possible to identify any households living in bricks and mortar to complete an interview with.
- 2.3 The review of the baseline data and any new fieldwork for the study was completed between June 2021 and January 2022, and the baseline date for the study is January 2022.
- 2.4 There were 50 Gypsy or Traveller households identified in North Somerset that met the planning definition; 12 undetermined households that may meet the planning definition; and 79 households that did not meet the planning definition.

Key findings of the GTAA (2022)

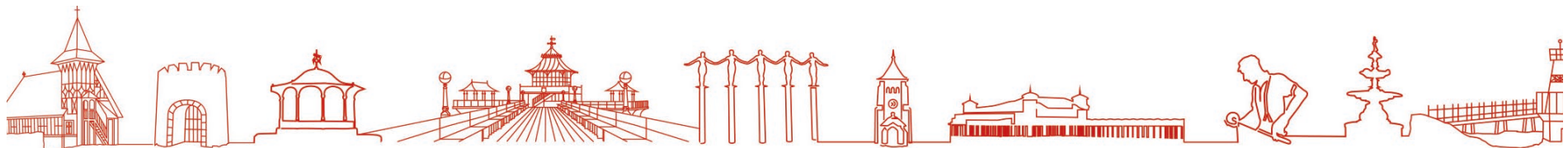
- 2.5 The key findings of the GTAA are:
- There is a need for **40 pitches for households that met the planning definition** for the GTAA period to 2042.
 - There is need for up to **9 pitches for undetermined households** for the GTAA period to 2042.
 - Whilst not currently a requirement to include in a GTAA, there is a need for **65 pitches for households that did not meet the planning definition** for the GTAA period to 2042.



- For Travelling Showpeople there is a need for **4 plots for households that met the planning definition** for the GTAA period to 2042.

High Court Judgement: Lisa Smith v The SoS for Housing Communities and Local Government and others (2021)

- 2.6 Planning policy for traveller sites (2015) changed the definition of Gypsy and Traveller for planning purposes to exclude those Gypsies and Travellers who had stopped travelling permanently due to age, ill health or disability and the PPTS states that for planning purposes the Local Plan is only required to meet the need of those people that meet the planning definition.
- 2.7 However, a recent high court judgement has brought into question whether this will remain the case in the future. Ms Smith was found by a Planning Inspector to fall outside the new definition as her family no longer travelled for work due to personal circumstance and was therefore unsuccessful in securing permanent planning permission for her pitch.
- 2.8 Ms Smith appealed to the High Court but was unsuccessful. She then appealed to the Court of Appeal who unanimously quashed the Planning Inspector's decision on the basis that the new definition was unlawful and discriminatory.
- 2.9 The full implications of the Lisa Smith case have not yet filtered through to changes in the planning definition. However, North Somerset Council intends to plan for the needs of all Gypsies, Travellers and Travelling Showpeople within the district regardless of whether they meet the planning definition.



3. Accommodation needs over the Local Plan period and how they will be met.

3.1 The overall need for Gypsy, Traveller and Travelling Showpeople accommodation over the Local Plan period is 103 Gypsy and traveller Pitches and 4 Travelling Showpeople plots. A range of options have been considered to meet this need. They include:

- **A Pitch Delivery Assessment** – The majority of the need stems from concealed/doubled up households and teenage children who will need a pitch of their own in the next 5 years. Consultants have undertaken a Pitch Delivery Assessment which will assess capacity on exiting sites for intensification/expansion. Details of this are set out below.
- **Call for sites** – A call for sites exercise was undertaken in April/May 2023 (see Appendix A for summary of results). Seven sites were submitted. All the sites are either in Flood Zone 3a or Green Belt. An assessment of the sites is set out below.
- **Strategic allocation** - Longer term need is intended to be met through provision of a site(s) as part of the Wolverhill Strategic Location.
- **Criteria-based policy** – Retention of the criteria-based policy which has been relatively successful in terms of delivering pitches to date.

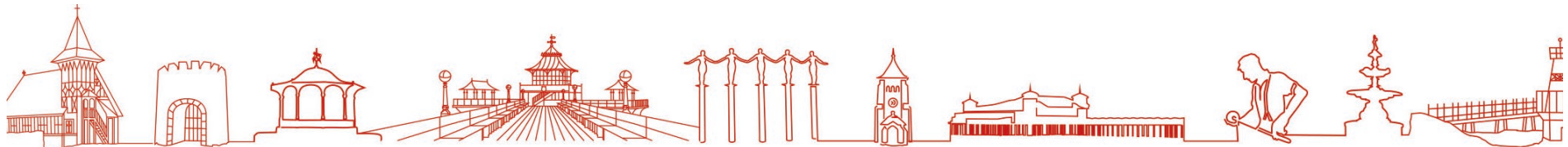
Pitch Delivery Assessment

3.2 The GTAA (paragraph 8.8) recommends that “need for households that met the PPTS planning definition is addressed through new pitch allocations and the intensification or expansion of existing sites. Given that a large proportion of identified need comes from households living on private sites it is likely that it will need to be addressed through the provision of private pitches or sites. In addition, the Council may need to consider new public pitches to meet need identified from public sites”.

3.3 In light of this recommendation the council commissioned the consultants to undertake a [Pitch Delivery Assessment](#) to assess capacity on existing sites for intensification/expansion.

Findings of the Pitch Delivery Assessment

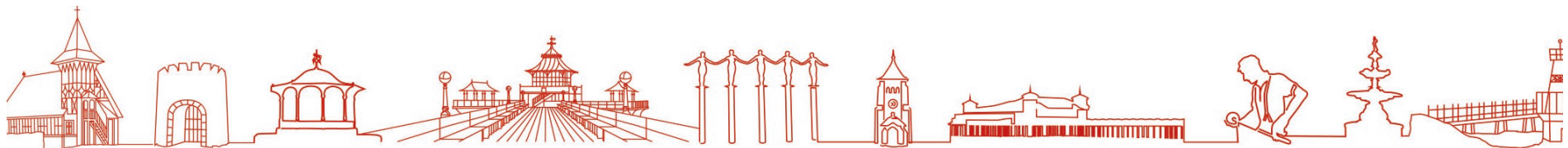
Current need (2022-2026):



- 3.4 The Pitch Delivery Assessment concluded that of those households that meet the planning definition there is a current need of 18 pitches, 12 of which can be provided as intensification/expansion of existing sites. There is no current need arising from Travelling Showpeople.
- 3.5 For those households that do not meet the planning definition there is a current need of 15 pitches, 14 of which can be met through the expansion/intensification of existing sites.
- 3.6 For undetermined households there is a current need of five pitches, four of which can be met through intensification and expansion of existing sites.
- 3.7 Therefore in terms of current need of 38 pitches, 30 pitches can be provided to meet this need.

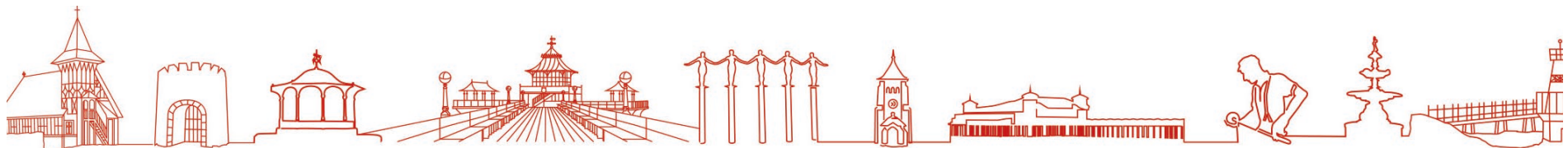
Future need (2026-2042):

- 3.8 In terms of future need for households that meet the planning definition a need for 22 Gypsy and Traveller pitches was identified as a result of need arising from teenagers requiring a pitch in the next 5 years, and new household formation. Further, there was a need for 4 Travelling Showmen plots as a result of need arising from teenagers requiring a pitch in the next 5 years. Of this need 12 pitches for Gypsies and Travellers can be met through intensification/expansion of existing sites and 2 plots for Travelling Showpeople can be met through the existing Travelling Showpeoples site.
- 3.9 For those households that do not meet the planning definition there is a future need of 46 pitches for Gypsies and Travellers (none for Travelling Showpeople) and of that need 11 pitches can be met through the intensification or expansion of existing sites.
- 3.10 For undetermined households there is a future need of three pitches, two of which can be met through intensification and expansion of existing sites.
- 3.11 Therefore in terms of future need out of an overall future need of 71 pitches for Gypsies and Travellers and 4 plots for Travelling Showpeople, 25 pitches and 2 plots can be provided as intensification/expansion of existing sites to meet this need.
- 3.12 The findings are summarised in the table below:



Planning Status	Current Need Identified	Future Need Identified	Total Need Identified	Current Need Met	Future Need Met	Total Need Met	Residual Need
Meet Planning Definition	18	26	44	12	14	26	18
Do not meet Planning Definition	15	46	61	14	11	25	36
Undetermined	5	3	8	4	2	6	2
TOTAL	38	75	113	30	27	57	56

3.13 On a number of sites the need can be met by regularising unauthorised sites or making temporary sites permanent. A large proportion of current and future need arises from the Moorland Park site. The owner of this site, through the pitch delivery assessment, has indicated that they would be able to expand the existing site onto land to the north to accommodate some of the need arising from the existing site. Additionally, the owners of the site at Heathfield Park indicated that they could accommodate the need arising from this site by expanding to the west. This site now has temporary planning consent for four pitches (23/P/1423/FUL).



Call for Sites

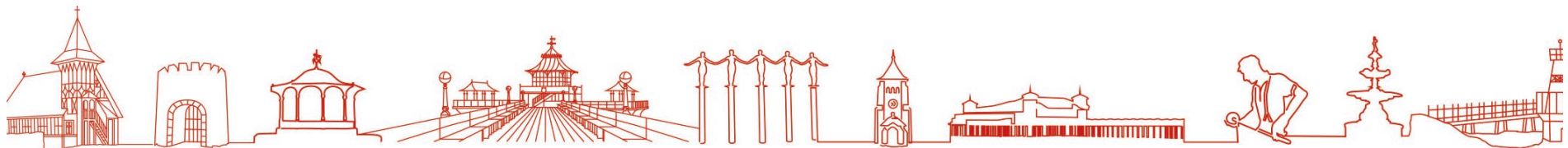
- 3.12 A call for sites process was undertaken in April/May 2023 where landowners are invited to put forward land which they consider to be suitable for assessment as a Gypsy and Traveller Site.
- 3.13 Seven sites were submitted for consideration. All of the sites submitted were in the Green Belt or Flood zone 3a. Appendix 1 sets out the sites submitted and an assessment of their suitability.
- 3.14 Of these sites one site (land to the north of Moorland Park Gypsy and Traveller Site), which was also identified through the Pitch Delivery Assessment, has been assessed as being suitable for taking forward for allocation as it meets the criteria for being deliverable and developable as set out in footnotes 4 and 5 of the PPTS.

Strategic allocation

- 3.15 Longer term need will be met through provision of a site(s) as part of the Wolverhill Strategic Location as set out in Policy LP1: Strategic Location: Wolverhill (north of Banwell). A site(s) is proposed to be identified as part of the wider master planning for this area.

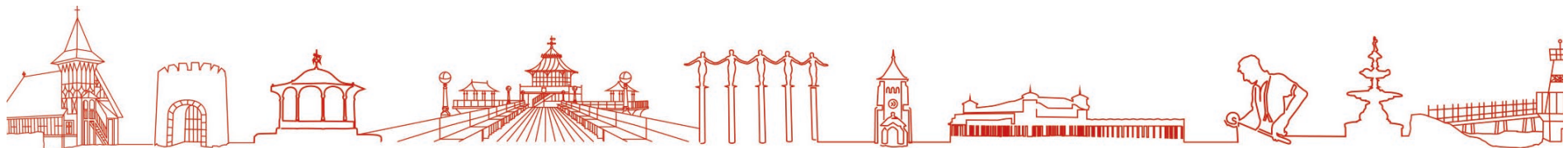
Criteria-based Policy

- 3.16 The Pre-submission Plan retains a criteria-based policy to guide proposals for new Gypsy, Traveller and Travelling Showpeople sites for sites that may come forward over the plan period. In the current local plan the criteria-based policy has been successful at delivering pitches and it is intended to continue with this approach.

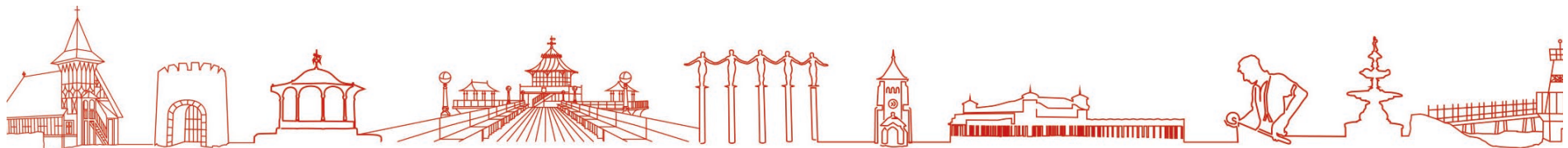


4. Flood risk and sequential test.

- 4.1 The two sites proposed for allocation in the Local Plan are both in flood zone 3a. National Planning Policy Framework (NPPF, 2023) annex 3 sets out the flood risk vulnerability classification. Caravans, mobile homes and park homes intended for permanent residential use are classified as highly vulnerable. Paragraph 13 (g) of Planning policy for travellers states “do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans”.
- 4.2 Table 2 in the Planning Practice Guidance on Flood Risk and Coastal Changes sets out flood risk vulnerability and flood zone ‘incompatibility’ showing where development should not be allowed and where exceptions are or are not required. The table shows that a highly vulnerable use in flood zone 3a should not be permitted.
- 4.3 The NPPF paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk to areas sequentially preferable in flood risk terms. The Sequential Test is a policy mechanism designed to ensure that before any development is directed to areas at greater risk, from any source, the availability of reasonably available alternative sites is considered. Through the Pitch Delivery Assessment and assessment of the sites submitted through the call for sites no reasonably available sites appropriate for a Gypsy and Traveller site we identified in areas with a lower risk of flooding.
- 4.4 As part of the Pitch Delivery Assessment all the existing sites in flood zone 3a were assessed in terms of the level of risk to flooding. All sites which were likely to flood to a depth of more than 0.5m (defended plus climate change) were discounted. Those sites where flooding would be less than 0.5m were taken forward for consideration on the basis that they had a lower level of risk if flooded and mitigation measures could be put in place to make any future pitches safe over their lifetime.
- 4.5 The provision of gypsy and traveller sites should be in locations which are going to meet the identified need. A large proportion of current and future need arises from the existing Moorland Park site located off the A370 between Congresbury and Hewish. The owner of this site, through the pitch delivery assessment, has indicated that they would be able to expand the existing site onto land to the north to accommodate some of the need arising from the existing site. Additionally, the owners of the existing site at Heathfield Park (which is adjacent to Moorland Park) indicated that they could accommodate the need arising from this site by expanding to the west.

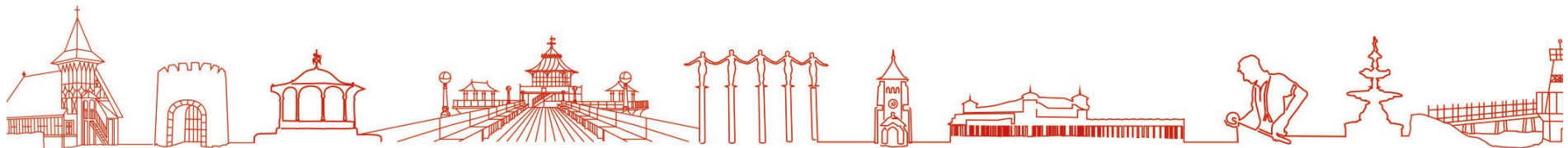


- 4.6 The level of need for Gypsy and Traveller pitches in North Somerset over the plan period is high and extremely challenging to meet. The expansion of the two existing sites will meet the current need and some future need. No other suitable, deliverable sites outside of the flood zone have been identified.
- 4.7 The exceptionally high level of need for new pitches coupled with the very limited options for meeting that need mean that expansion of existing sites (where the majority of the need is coming from) despite being in flood zone 3a is the most deliverable option to ensure that the needs of the Gypsy and Traveller community in North Somerset are met. Longer term need will be met through identifying sites as part of the strategic development at Wolverhill (north of Banwell).

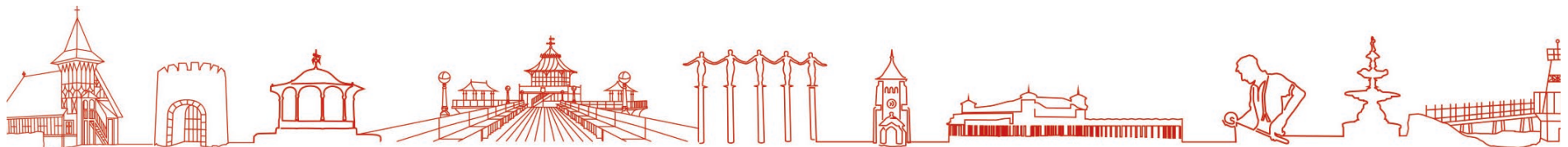
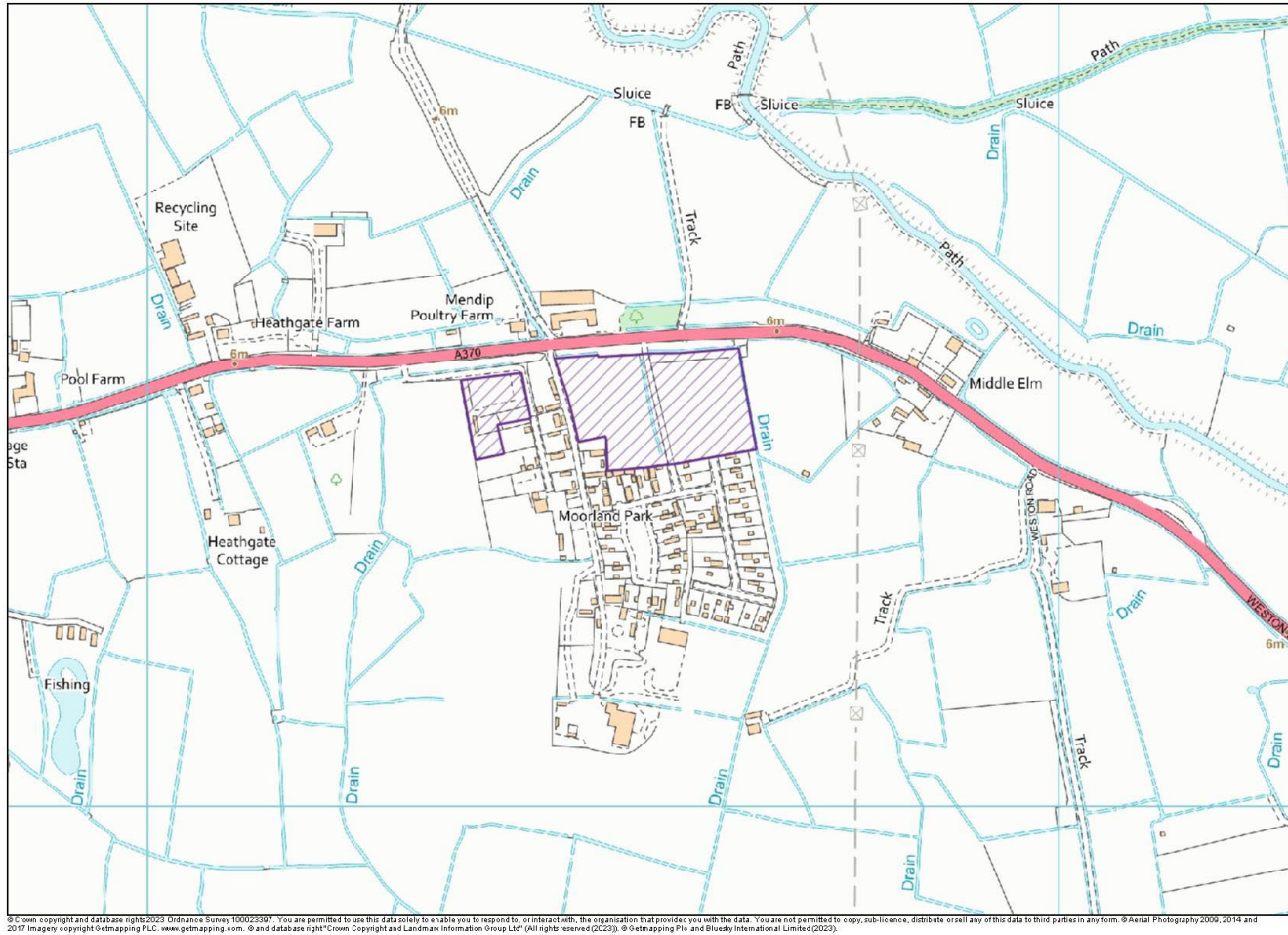


5. Conclusion.

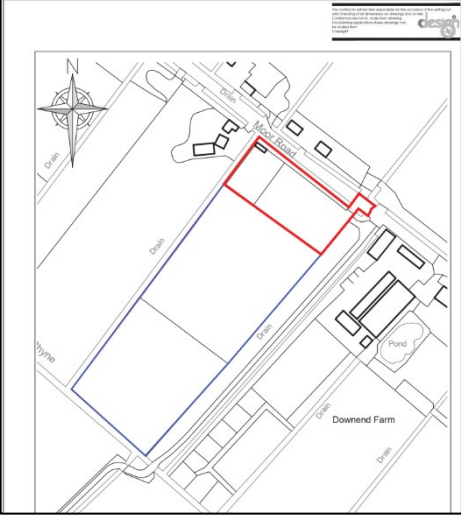
- 5.1 The North Somerset Gypsy and Traveller Accommodation Assessment (GTAA) (2022) identified the need for 114 additional residential pitches for Gypsies and Travellers and four additional plots for Travelling Showpeople within North Somerset up to 2042. Over the plan period this equates to 103 pitches and four plots. This is a significantly high level of need and extremely challenging to address given the specific site requirements for gypsy and traveller sites coupled with the constraints within North Somerset including Green Belt and flood zone. All of the existing gypsy and traveller sites within North Somerset are located in Green Belt or Flood Zone 3.
- 5.2 In the short to medium term this need stems from existing sites due to concealed/ doubled up households and teenage children who will need a pitch of their own. In order to meet this short to medium term need the pitch delivery assessment and call for sites process identified two potential deliverable and developable sites:
- Land north of Moorland Park proposed for 40 pitches.
 - Land west of Heathfield Park as shown on the map proposed for 4 pitches. This proposed site now had temporary planning consent for 4 pitches and can be considered deliverable under footnote 4 of the PPTS which state that 'sites with planning permission should be considered deliverable until permission expires'.
- 5.3 Both these sites are within flood Zone 3a, where it is preferable not to locate highly vulnerable uses. However, due to the high level of need for pitches within the district, the lack of preferable alternative sites to meet the short term need and the fact that both these sites are in areas which are less severe in flood risk terms, and are deliverable and developable, on balance it is considered that these sites provide the best solution for meeting the need for pitches in the short term.
- 5.4 The longer term need will be met through provision of a site(s) at Wolvershill Strategic Development Location which is an unconstrained area and new sites can be considered through the wider master planning process.
- 5.5 In terms of Travelling Showpeople there is currently one yard within North Somerset. Through the Pitch Delivery Assessment work the owners of the yard confirmed that they could meet any future need within the existing yard.

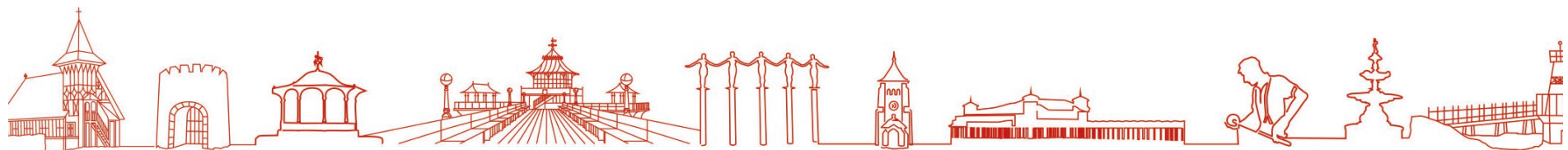


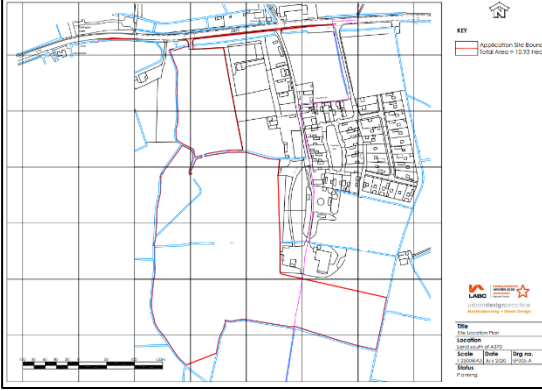

Appendix 1: Proposed allocations for Gypsy and Traveller Sites in the Pre-submission Plan

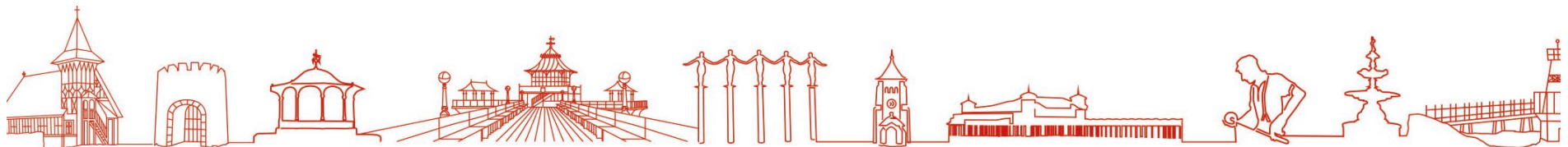




Appendix 2: Call for sites responses

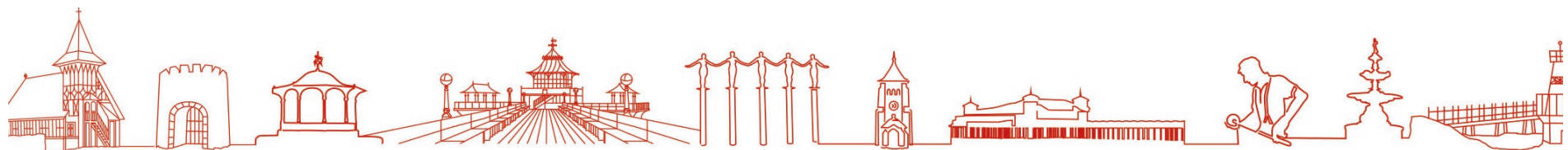
Address of site	Site size (ha)	Indicative capacity suggested by respondent	Current use	Adjacent Use	Constraints	Site location plan	Assessment of site
Kings Field, Moor Road, Banwell	0.19	Existing site could be sub-divided to provide two pitches, or extended south into equestrian paddock which is 0.8 ha.	Gypsy and Traveller pitch (temporary consent, expires 23rd June 2025, appeal ref: APP/D0121/W/21/3274284)	Equestrian, agricultural	Flood zone 3		This is an existing pitch which has temporary consent granted on appeal (APP/D0121/W/21/3274284). This site is located in open countryside off a narrow country lane which becomes a bridle way. The inspector acknowledged in their report that the site would result in reliance on a private vehicle, would cause harm to the character and appearance of the area and would be at risk of flooding. For these reasons expansion of this site is not considered suitable.

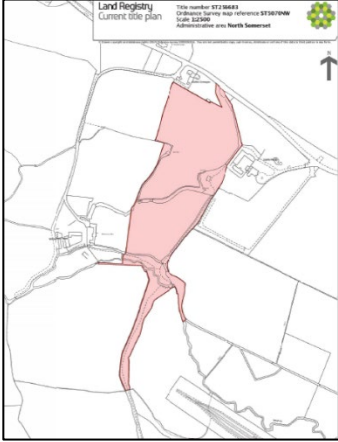
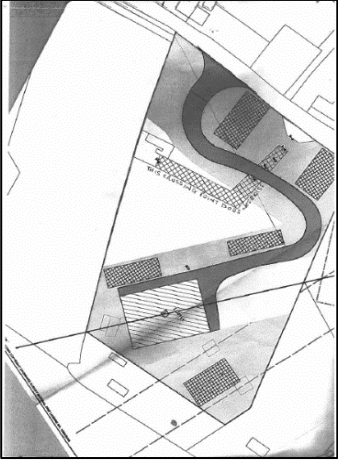


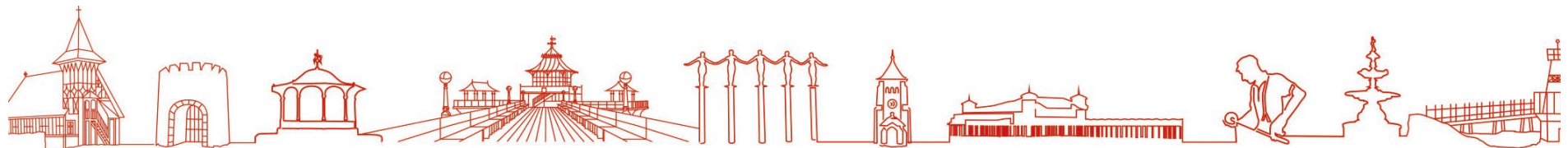
Address of site	Site size (ha)	Indicative capacity suggested by respondent	Current use	Adjacent Use	Constraints	Site location plan	Assessment of site
Land Adj to Heathfield Park, Hewish, Somerset,	10.93	100 pitches	Gypsy pony track	Gypsy and Traveller site	Flood zone 3		<p>This is a large site located of the A370 adjacent to two existing authorised sites, and one unauthorised site.</p> <p>The site size is too large to be considered suitable for a Gypsy and Traveller site, particularly as there are already established sites adjacent to this site, the expansion of which is a more suitable and deliverable option for meeting the identified need.</p>
Badgers Path Stables, Currells lane, Felton, Bristol	1.21	27 pitches	Equestrian stabling. Grazing.	Residential and Grazing.	Green Belt		<p>The site size is too large to be considered suitable for a Gypsy and Traveller site. It is located in the Green Belt adjacent to the village of Felton. Due to the scale of this site it is not considered suitable for further consideration as a Gypsy and Traveller Site.</p>



Address of site	Site size (ha)	Indicative capacity suggested by respondent	Current use	Adjacent Use	Constraints	Site location plan	Assessment of site
Land in Front of Moorland Park Gypsy and Traveller Site	2.2	Layout similar to the existing Moorland Park.	Rough Grazing land in front of Traveller Site in Hewish	Traveller Site	Flood Zone 3		Site considered to have potential as an allocation as it is adjacent to an existing site where a significant amount of need for new pitches exists. The site is in flood zone 3a.
BS24. Near M5 and Railway	No site identified	n/a	Animal Grazing	Solar Panels and Farming, Railway Tracks and M5 Motorway.	Flood Zone 3		No specific site boundary was identified with this submission – just a general area. Therefore, it was not possible to assess a site to consider as a Gypsy and Traveller Site.



Address of site	Site size (ha)	Indicative capacity suggested by respondent	Current use	Adjacent Use	Constraints	Site location plan	Assessment of site
Tynesfield Springs, Bristol Road, Wraxall	5	None suggested	Farming and private fishing lake.	Farm and former agricultural buildings	Green Belt		<p>The site size is too large to be considered suitable for a Gypsy and Traveller site. It is located in the countryside in the Green Belt. It is not located near a settlement and there is no convenient walking, cycling or public transport access to services and facilities. Due to the scale and location of this site it is not considered suitable for further consideration as a Gypsy and Traveller Site.</p>
Stone Edge Batch, Tickenham	1.2	None suggested	Construction site	private	Green Belt		<p>The site It is located in the countryside in the Green Belt. It is not located close to a settlement and there is no convenient walking, cycling or public transport access to services and facilities. Due to the location of this site it is not considered suitable for further consideration as a Gypsy and Traveller Site.</p>



Other responses:**Environment Agency**

Thank you for referring the Call for Sites, which was received on 3 April 2023.

The Environment Agency do not recommend sites for development; however, we would wish to comment on any identified future sites.

All sites should be in accordance with the National Planning Policy Framework, especially in considering flood risk in relation to mobile homes and caravans.

Please be aware that National Planning Guidance for flood risk vulnerability confirms caravans, mobile homes and park homes intended for permanent residential use are considered 'highly vulnerable'. Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan, are considered 'more vulnerable'.

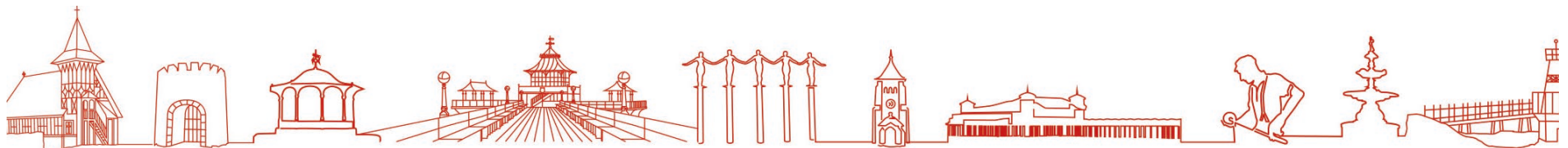
If you wish to discuss any of the above I can be contacted on the number below.

Please quote the Agency's reference on any future correspondence regarding this matter.

National Highways

Thank you for providing National Highways with the opportunity to comment on the Call for Sites exercise for the Gypsy and Travelling Communities Site Allocations. National Highways is responsible for operating, maintaining and improving the strategic road network (SRN), which in North Somerset comprises the M5 and M5 Junctions 19, 20 and 21 and it is in light of these responsibilities that our comments are made.

In line with the guidance within DfT Circular 01/2022 The Strategic Road Network and the Delivery of Sustainable Development, we would expect to see any proposed sites coming forward supported by a suitable assessment of traffic impact. We would also wish to see consideration given to prioritising the siting of any facilities in sustainable locations in or near existing settlements to ensure they have good accessibility to health and education facilities, and that there is adequate infrastructure in place prior to the occupation of such sites with regards to pedestrian routes, cycle ways and public transport facilities that offer alternative modes of transport to the private vehicle.



These comments do not prejudice any future responses that we may make on site specific matters, and National Highways requests that as potential sites are identified we continue to be engaged by the Council to help determine any potential impacts on the SRN.

Mendip Hills AONB Partnership:

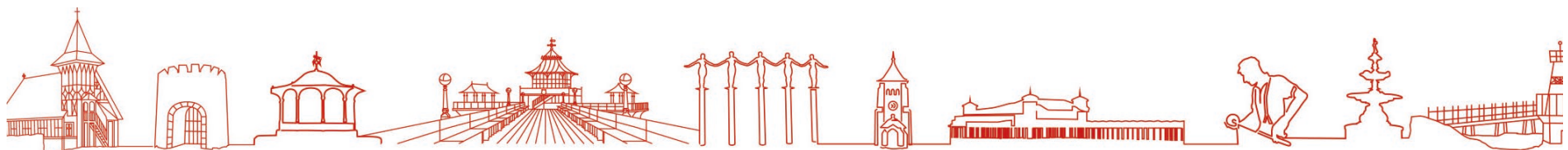
The Countryside and Rights of Way (CRoW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The Mendip Hills AONB Partnership produced the Mendip Hills AONB Management Plan 2019-2024 as required by the CRoW Act on behalf of the joint local authorities (adopted by North Somerset Council, Bath & North East Somerset Council, and the new Somerset Council (which was vested on April 1st 2023) and is a material consideration.

The Management Plan under paragraph 1.4 sets out a Statement of Significance of the special qualities of the Mendip Hills AONB that create the Mendip Hills sense of place and identity, and these include retaining dark skies and a sense of tranquillity, views from the Mendip Hills AONB and a landscape enjoyed by people for a range of quieter activities due to the tranquillity of the area. Paragraph 3.8.13 within the Management Plan highlights that;

‘Noise and activity arising from developments together with lighting can have an adverse impact on the areas of tranquillity and dark sky, and protected species including bats. Mapping of light pollution has shown that the area of dark skies in the Mendips is shrinking. The AONB Partnership Position Statement on Dark Skies seeks local authorities and others to minimise the impact of lighting.’

As set out in Natural England’s National Character Area (NCA) profile for the Mendip Hills (141), the area is ‘renowned for its tranquillity and inspirational qualities ...’ The NCA further recognises that ‘Light pollution from development threatens the extent of the recognised dark skies and out-of-character development is a continuing risk to the essential nature of the area.’ Within the NCA Statement of Environmental Opportunity under SEO1 it sets out ‘Safeguard inward and outward views and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, sense of remoteness and naturalness of the area’.

The National Planning Policy Framework 2021 (NPPF) highlights under paragraph 176 that ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the



highest status of protection in relation to these issues... The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid impacts on the designated areas'

Paragraph 185 of the NPPF further sets out that;

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from the new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life 65;
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

The recent DEFRA 25 Year Environment Plan sets out under paragraph 2.2.1 that 'Some of England's most beautiful landscapes and geodiversity are protected via a range of designations including National Parks and Areas of Outstanding Natural Beauty... Over the next 25 years we want to make sure they are not only conserved but enhanced.'

On behalf of the Mendip Hills AONB Partnership, we consider that small gypsy and traveller sites that are well located within settlement boundaries, or on brownfield sites with good links to necessary services would be favourable for future residents. Development sites in open country within the nationally designated protected landscape of the Mendip Hills are unlikely to be appropriate being contrary to the CRoW Act and planning policy as above.

