

To: Planning and Property Policy Board

8 November 2016

Report by: Director of Development and Housing Services

Heading: Gypsy/Traveller and Travelling Show-people Planning Advice Note

1. Summary

- 1.1. The meeting of the Planning & Property Policy Board on November 11th 2014 agreed to defend statutory appeals that had been submitted to the Court of Session in relation to the Renfrewshire Local Development Plan.
 - 1.2. An appeal submitted by Mr Stuart McGregor in relation to the provision of sites for Gypsy / Travellers was heard in the Court of Session on the 28 & 29 September 2016. In summary, having taken advice on the matter from Senior Counsel, it was agreed that to allow an appropriate assessment of the land use planning implications of Gypsy / Traveller proposals, a non-statutory planning framework should be prepared providing further guidance and advice within the context of the Adopted Renfrewshire Local Development Plan.
 - 1.3. This Planning Advice Note is attached at Appendix 1 for the Board's consideration.
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2. Recommendations

2.1 It is recommended that the Board:

- (i) Approves the Gypsy/Traveller and Travelling Show-people Planning Advice Note.
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3. Background

- 3.1. Members will recall that the Planning and Property Policy Board of November 11th 2014, agreed to defend Statutory Appeals in relation to the Renfrewshire Local Development Plan which were lodged in the Court of Session.
 - 3.2. A Hearing on one of the Appeals was held at the Court of Session on the 28th & 29th September 2016 in which the appellant, Mr Stuart McGregor sought to quash part of the Local Development Plan insofar as it related to a site at 5 East Fulton Holding, Clippens Road, Linwood.
 - 3.3. Senior Counsel acting on the Council's behalf considered that this remedy was not within the Power of the Court as this would require a change the Adopted Renfrewshire Local Development Plan proposals maps insofar as they relate to the Green Belt zoning at East Fulton Holding. Senior Counsel further maintained that it was not in the best interests of any party to quash the entire Renfrewshire Local Development Plan.
 - 3.4. This being the case, and as the preparation of the next Renfrewshire Local Development Plan is underway, it was agreed between the appellant and the Council that the most appropriate course of action was for the Council to prepare and approve a non statutory planning framework to provide guidance and advice for proposals related to Gypsy / Traveller developments and to ensure that such applications were directed towards the most appropriate locations in Renfrewshire and those that meet the objectives of the wider policy context set out in the Development Plan. The adoption of such guidance would avoid the need for further litigation.
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4 Next Steps

- 4.1 The Gypsy/Traveller and Travelling Show-people Planning Advice Note will be available on the Council's website at <http://www.renfrewshire.gov.uk/article/3041/Development-Planning-Guidance> and will be used by the Council to allow a full and appropriate consideration of the particular issues relating to Gypsy/Traveller and Travelling Show-people developments.
 - 4.2 The Court has asked for an update on the progress of the Planning Advice Note on Gypsy/Traveller developments in a further sitting of the Judges arranged for 22nd November 2016.
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Implications of the Report

1. **Financial** – None

2. **HR & Organisational Development** – None
3. **Community Planning – Jobs and the Economy** – The Development Plan is a key document in establishing a land use framework for supporting, encouraging and delivering economic development in Renfrewshire through investment and regeneration.
4. **Legal** – None
5. **Property/Assets** – None
6. **Information Technology** – None
7. **Equality & Human Rights**
The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None
9. **Procurement** – None
10. **Risk** – None
11. **Privacy Impact** - None

Appendix 1

Gypsy/Traveller Planning Advice Note

List of Background Papers

- (a) Gypsy/Travellers and the Scottish Planning System – A Guide for Gypsy/Travellers, Planning Aid for Scotland 2015;
- (b) Improving Gypsy/Traveller Sites – Guidance on Minimum Site Standards, and Site Tenants' Core Rights and Responsibilities, Scottish Government - May 2015;
- (c) Department for Communities and Local Government – Designing Gypsy and Traveller Sites, Good Practice Guide 2008.

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Planning Advice Note

Gypsy/Traveller and Travelling Show-people Development

This Planning Advice Note provides additional guidance in relation to the Renfrewshire Local Development Plan, with a specific focus on providing a framework for assessing proposals for Gypsy/Traveller and Travelling Show-people sites for the transient and settled community as well as to determine applications for small privately-owned sites for Gypsy/Travellers and Travelling Show-people *.

Early contact should be made with Renfrewshire Council to discuss proposals for Gypsy/Traveller and Travelling Show-people developments. It is also strongly recommended that early consultation with the Council is undertaken before purchasing land for development.

Renfrewshire Local Development Plan

The Renfrewshire Local Development Plan sets out the spatial strategy to facilitate investment and guide the future use of land in Renfrewshire. It provides a framework for decision making to ensure development and changes in land use are appropriate.

The Renfrewshire Local Development Plan identifies land to meet the need and demand for an all tenure housing supply across Renfrewshire. This includes ensuring provision for the housing needs and requirements of the Gypsy/Traveller settled community, in or adjacent to existing residential areas. It focuses on and seeks to deliver mixed communities, prioritising and encouraging development in existing built up areas within communities as well as protecting the natural environment in Renfrewshire.

The Renfrewshire Local Development Plan - New Development Supplementary Guidance which was adopted alongside the Plan in 2014 sets out the detailed development criteria for the assessment of proposals to ensure compliance with the overall strategy for Renfrewshire. It provides a Places Checklist that

forms the basis of good design advice which should be considered and reflected in development proposals.

All relevant policies, guidance and advice in the Renfrewshire Local Development Plan and the New Development Supplementary Guidance will be considered in determining a planning application. This policy framework along with the planning considerations outlined in this Planning Advice Note will help guide site development to the right locations.

Site Provision for Gypsy/Travellers and Travelling Show-people

Development sites for Gypsy/Traveller and Travelling Show-people that come forward during the Plan period will be assessed against the policy framework set out in the Renfrewshire Local Development Plan along with the following key planning considerations:

- **Residential environment**
Sites require to provide a good residential environment, amenity and setting.
Sites are required to complement and be compatible with the character and appearance of the surrounding area.
- **Density**
The number and nature of the pitches provided should be appropriate to the site size and general area;
- **Layout**
Where sites are to be occupied on a permanent basis, the siting/placing of caravans, chalets or other accommodation should ensure that prospective occupants have an acceptable level of residential amenity with regards to privacy and spacing;
- **Access**
A suitable means of access requires to be provided. The site should be well connected and/or is within a reasonable walking distance from services, education, community uses, health services, public transport and other facilities;

- **Services for the site**

The development makes provision for essential infrastructure such as water, sewerage disposal, electricity, lighting, refuse collection, internal roads as well as access for emergency vehicles. Provision of power through a sustainable means is encouraged;

- **Boundaries and landscaping**

Boundaries and landscaping around sites should be sympathetic to, and in keeping with, the surrounding area;

Parking and storage of material and/or equipment on the site should be satisfactorily accommodated and appropriately screened where required;

Planning Applications - Supporting Information

Early pre-application discussions with Renfrewshire Council's Development Management officers will clarify which of the information listed below will be required in support of a planning application for Gypsy/Traveller and Travelling Show-people developments:

- A location plan (1:1250 metric scale)
- A site/block plan (1:500 metric scale)
- Elevations
- Design and access statement
- A supporting statement
- Boundary treatment specification and details (where applicable)
- Details of any ancillary works or buildings proposed,
- Ancillary reports and assessments (where applicable)

Other Requirements

Other consents/licenses/permission may be required depending on the nature of the development. Contact should be made with Renfrewshire Council to discuss other requirements.

Contact us

Should you wish to discuss any of the information contained in this Planning Advice Note or would like to arrange a pre-application discussion with a Development Management officer, please contact:

email: dc@renfrewshire.gov.uk

phone: 0300 300 0144

fax: 0141 618 7935

visit or write to us at:

Development and Housing Services

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***Definition**

Gypsy/Travellers

For the purposes of this Planning Advice Note the term Gypsy/Travellers includes Romany Gypsies, European Roma, Scottish, Irish, English and Welsh Travellers as well as New Age/New Travellers.

Travelling Show-people

The term Travelling Show-people include members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.