

Aberdeen Planning Guidance 2023: Gypsy Traveller Sites (DRAFT)

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1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy H6 – Gypsy and Traveller Caravan Sites

1.2 Background

Gypsy and Traveller communities face some of the highest level of inequality, discrimination and prejudice in Scotland. The discrimination and difficulties experienced by Gypsy and Traveller communities is acknowledged within the Scottish Governments 'Race Equality Framework 2016 – 2030' and 'Housing to 2040' publications.

The term 'Gypsies / Travellers' includes Scottish Travellers, Irish Travellers, Roma/Romany, English or Welsh Travellers and those who identify as Gypsy Travellers / Scottish Gypsy Travellers. It excludes Occupational Travellers (Travelling Show People / Show Travellers or Circus People) and New Age / New Travellers. We recognise Gypsies / Travellers as a marginalised, vulnerable group who historically have experienced discrimination and disadvantage, and so we seek to balance the needs of the Gypsies / Travellers with those of the local settled community and businesses.

It is widely accepted that there is a national shortage of authorised sites for Gypsies / Travellers. This has led to an increasing incidence of unauthorised encampments and has sometimes created tensions between Gypsies / Travellers and the settled community. The supply of authorised sites, in appropriate locations, will help address the cycle of eviction that can be costly, and does not address the underlying need for a home. In 2009, Aberdeen City Council, Aberdeenshire Council and Moray Council jointly appointed Craigforth to undertake an accommodation needs assessment for Grampian. The research found that pitch provision in Aberdeen was adequate but

recommended providing one alternative permanent site in Aberdeen for six to eight pitches; one to two halting sites for high pressure areas, to be provided between Aberdeen and Aberdeenshire; and allowance for the development of private sites. Therefore, the successful delivery of Gypsy / Traveller Sites through the Local Development Plan is a key priority. This process provides equity between Gypsies / Travellers and the settled community because we follow the same process for other types of housing need and homelessness. By not providing for the identified need, Gypsies / Travellers may have to resort to unauthorised sites.

In the 2012 Aberdeen Local Development Plan, three temporary halting sites were identified within the Opportunity Sites at Newhills, Grandhome and Loirston. Each of these sites has an adopted Development Framework which includes the required temporary halting sites. These Opportunities Sites and the Policy H6 – Gypsy and Traveller Caravan Sites requirement for temporary halting sites remains in the current ALDP 2023.

Scottish Planning Policy, and as evidenced by Housing Needs and Demands Assessments, sets out details of specialist housing provision and other specific needs including Gypsy / Travellers. This sets out Council guidance for consideration of proposals for permanent sites, halting sites / transit sites and sites identified in Policy H6 – Gypsy and Traveller Caravan Sites. The key planning considerations in this guidance have been extracted from an Interim Site Design Guide prepared by the Scottish Government in conjunction with Local Authorities and Registered Social Landlords and in alignment with the key principles of 'Housing to 2040'.

1.3 Climate Change

Provision of housing in sustainable locations where residents can access health and education services in addition to employment opportunities can make a considerable contribution to the built environment's transition towards net zero. The contents of this guidance relate directly to UN Sustainable Goals: 3 – Good Health and Well-Being, 10: Reduced Inequalities, 11: Sustainable Cities and Communities and 12: Responsible Consumption and Production.

2. Aberdeen Planning Guidance

2.1 Permanent Sites - Location and Design

When looking for a site, Gypsies / Travellers should consider whether: there are any existing sites in the area (with planning permission) available to rent or buy; the Council know of a need for land and, if so, have they identified any sites that may be available.

If seeking to buy or develop a new site, there is a need to ensure that the site is suitable. Among key aspects to consider when identifying suitable locations are:

- Roads and access – safe and easy access is important. Sites should be in close proximity to the main road network but usually not right beside them.
- Water, sewage, electricity and digital connectivity. Sites need to be able to be supplied with all the essential services.
- Access to public services and amenities. Site should provide good access to public transport, schools, health services, shops and other community facilities.
- Communal recreation and play areas. Provision should be made taking into account proximity of roads and opportunity for natural supervision.
- Proportionate impact on residential amenity of neighbouring properties.
- Character and appearance. Site should be able to be made compatible with the character and appearance of the surrounding area.
- Ground conditions and site levels including flood risk.

When considering the above aspects, potential locations and likely impacts should generally be considered unacceptable if they would be unsuitable for other residential developments. Where possible, permanent sites should be developed near to existing housing to be able to access facilities and green spaces.

Site Size

The size of site should be appropriate for the location and have capacity for the accommodation and shared facilities. The need identified by the Housing Need and Demands Assessment should be taken into account. Gypsy / Travellers traditionally live in family groups. 15 – 20 pitches is commonly regarded as an appropriate maximum size. Larger sites can result in unused pitches. Where larger sites are developed or extensions to sites are being contemplated, local authorities should consider: the opinions of existing residents and surrounding community; possible impact of the site on community cohesion; access to services, fire safety and environmental sustainability for example.

Site Layout and Boundaries

While the site should integrate into the local environment there should be a clear site boundary striking a balance between security, privacy, ease of maintenance, residential amenity, fire safety and child safety. Informal green space and utilising natural features may assist with this. Poorly defined boundaries may lead to unauthorised encampments. It is important that residents feel safe and secure on site without feeling isolated or enclosed.

Designing the site requires balancing layout, size and number of pitches and associated facilities with the size of the site and natural features of the land whilst ensuring safe distances between units. It is important to factor in:

- Differentiation between communal space and individual pitches to ensure acoustic and visual privacy whilst also enabling family groups to live together.
- Maneuverability of the living accommodation both to the site and to the pitches.
- Safety of children – clear lines of sight for vehicular traffic, provision of play areas, pavements/paths and orientation of amenity blocks to overlook play areas for example.
- The use of fencing and gates - should not impact visibility at entrance/exit points and be implemented to maintain appropriate distancing between units.
- Site landscaping and provision of outdoor communal space for placemaking purposes.
- Where joint commercial and residential use is proposed it is important that the compatibility of uses with the surrounding land is considered.
- Site security and common lighting.
- Additional parking for residents and visitors addition to the pitch parking.

- Refuse collection – arrangements should be in keeping with those for the settled community.
- Electric vehicle charging.
- Mains electrical and water supply.

2.2 Permanent Sites - Accommodation

The majority of sites in Scotland are permanent with residents staying for the majority of the year. Seasonal sites should have the same provision as permanent sites as residents can be there for months at a time.

Pitch Size and Hardstanding

No site should contain only single pitches and it should be clear what the capacity of each pitch is in terms of vehicles, caravans and their contents. Every pitch must provide hard-standing or a solid base capable of tolerating the weight outlined in the capacity of the pitch. The hardstandings must be constructed to industry guidance current at time of construction. Paved areas and hardstandings larger than 50m² are subject to building standards.

Pitches should be:

- Clearly marked.
- Be a suitable size for the planned use.
- Allow adequate distance to be maintained between units to ensure compliance with fire safety requirements.
- Ensure a level of privacy and security for each household.
- Large enough to meet varying needs of families whilst providing flexibility to have visitors and meet future needs including accessibility.
- Designed for full wheelchair accessibility.

For residential mobile homes the base must extend over the whole area occupied by the mobile home to allow safe passage around the pitch by residents. These must be constructed to industry standards current at time of construction.

Providing accommodation with full wheelchair accessibility should be considered in accordance with identified need for a specific tenant.

Amenity Block

The intention is that amenity block provides accommodation that has the look and feel of a domestic property. However, as they are not designed to provide sleeping accommodation they are not classified as domestic properties for Building Standards purposes. If it is the intention for the amenity block to provide sleeping accommodation then it will be subject to Building Standards requirements. It is therefore important for this to be considered as part of the design and development process.

Requirements may depend on other provision on the sites. If the site is predominately to be comprised of mobile homes the amenity block may be smaller or not required at all. These should be designed with full wheelchair accessibility and include:

- Kitchen and bathroom facilities
- Flexible living space
- Storage space

2.3 Permanent Sites – Facilities and Amenities

Fire safety should be considered during the site design process to meet Building Standards regulations. For example the pitch layout will be subject to spacing requirements to meet fire safety measures.

Roads must:

- Not be less than 3.7 metres wide.
- Be constructed of hard durable materials and must be provided so that no mobile home or caravan is more than 45 metres from a road.
- Be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.

All entrance/exit points to the site must be a minimum of 3.5 metres wide, with minimum height clearance of 3.7 metres, for vehicular access and be accessible at any time. Emergency vehicles should not have to reverse more than 20 metres from the end of an access road and where any dead-end route exceeds this turning facilities should be provided.

The site should be designed to control the speed of vehicles and where appropriate signage or speed bumps should be provided. Suitable paths should be provided to allow safe pedestrian movement around the site and include drainage systems to remove surface water. Footpaths may be required to meet specific widths to comply with accessibility standards.

All underground drainage within the site servicing buildings and pitches will be subject to Building Standards regulations.

Access to internet and broadband services requires to be considered at site design stage. This is increasingly important as more services and education are delivered digitally. As a minimum:

- Potential for a private connection should be provided to each pitch/amenity block; and
- Free Wi-Fi should be provided in community meeting facilities if provided on site.

Play parks / communal outdoor space is required on sites where suitable provision is not available within reasonable walking distance from the site using safe routes.

Provision of office space will depend on particular circumstances of the site. If required it should be located close to the entrance.

2.4 Transit Sites

Temporary stopping and transit sites are not occupied all year round but may be made available at times of increased demand. The provision of temporary stopping and transit sites should be considered through the Housing Needs and Demands Assessment. Proximity to major road networks may be an important consideration

as these sites are likely to need to be situated closer to major transport links to facilitate travelling. It is not recommended that transit sites be provided alongside permanent sites. The size of transit sites should balance the need to keep travelling families together but ensure effective management, maintenance and require safety distances between caravans.

Amenities

As a minimum, on a transit or temporary stopping site, each pitch should have:

- an electric point;
- a toilet, portable if necessary;
- access to water for sanitation and laundry; and
- waste disposal facilities.

Any shared facilities should have fully segregated male and female toilet/shower facilities with hot and cold water supply.

2.5 Site Management

Successful Gypsy / Traveller sites should provide residents with a site to allow them the freedom to carry on their lifestyle. The site should:

- be in good repair;
- be clean and tidy;
- be quiet and peaceful;
- provide the opportunity for children to attend school;
- be close to health and other services; and,
- allow for social cohesion.

2.6 Sites identified in Policy H6 – Gypsy and Traveller Caravan Sites

Sites identified in Policy H6 – Gypsy and Traveller Caravan Sites will help to address shortages of site provision for Gypsies and Travellers. This provision is to be sought through negotiations to provide affordable housing within large new build developments. The contribution provided by each site equates, based on a density of 30 dwellings per hectare, to approximately 15 affordable units. Therefore, this provision would be subtracted from any affordable houses required to meet the provisions of Policy H5 – Affordable Housing of the Local Development Plan.

There is an expectation that the land identified for Gypsy and Traveller sites will be transferred to the Council or a Registered Social Landlord for the development and ongoing management. Consideration of whether the provision is for a halting site or permanent site should be made when identifying a suitable location and the criteria in Policy H6 Gypsy and Traveller Caravan Sites are met. For sites where the delivery is to be off-site it is expected that a commuted payment equivalent to 15 affordable units is made towards the provision of Gypsy and Traveller sites.

2.7 Guidance to Gypsies / Travellers making Planning Applications

Gypsies / Travellers have the same rights and responsibilities within the planning system as members of other communities. Planning permission is normally required for any changes of use of land. As with developments submitted by anyone the only times permission would not be required are:

- If the land has already been granted planning permission for a particular type of land use; OR
- The use of the land has been established over a period of time without valid planning enforcement action having been taken by the local authority. This time period is 4 years for a single dwelling house or building, engineering, mining or other similar physical works which do not represent a change of land use, or 10 years in all other instances.

Pre-Application Procedure

Pre-Application advice can be provided by the Development Management Team for a payable fee. An initial planning assessment of a proposal is undertaken by planning officers before an application is submitted. The

service is non-statutory and independent of the statutory Pre-Application Consultation (PAC) process for major and national developments. Pre-application advice will cover such matters as the principle of the use, access, layout, siting, and materials as well as the information likely to be required to accompany a formal planning application. It is important to note that not the service is not always required and guidance on the application process can be found on the Council's website.

Making a Planning Application

You should make your planning application and wait for planning consent before you go on the site. Entering a site without planning permission can be a breach of planning control under the Town and Country Planning (Scotland) Act 1997 and may be subject to enforcement action. When making your application you should provide as much background information, which may include:

- The efforts you have made to find a site;
- Why you have selected the particular site; and
- Details of all the people who plan to live on the site

Normally a Gypsy / Traveller site development will require a detailed planning application. As much detail as possible on the site, including layout, landscaping, access and number of caravans should be provided at the outset.

Note: Separate to the planning system; Building Standards may apply to proposed developments and a building warrant may be required prior to any work starting on site. Building Standards should be consulted to discuss the specific needs of each proposal.

What Happens Next

In the case of a Major Development the Council will normally make a determination within 4 months and for all other developments within 2 months. If you are refused permission, or the application has not been determined within the relevant time period, you may appeal to the Scottish Ministers. The Scottish Ministers may uphold or dismiss the appeal, or reverse or vary any part of the decision of the planning authority. This can include amending

a condition previously attached to the grant of consent. You must submit an appeal within six months of the initial application being refused. The Directorate for Planning and Environmental Appeal's website provides details on how to submit an appeal and how the appeal process works.

3. Summary of Policy

- There is a recognised shortage of authorised sites for Gypsy – Travellers in Scotland.
- Permanent sites are identified in the Local Development Plan.
- Planning permission is normally required for any changes of use to land.
- Pre application discussions can be undertaken with the Council – including the planning authority, building standards, housing and roads.
- Site selection for both permanent and transit sites should consider a range of issues including: site layout and design, access to services, integration with the settled community, suitable ground conditions, visual and acoustic privacy, boundaries and landscaping, emergency access, infrastructure requirements and provision, waste disposal and site security.

4. Definitions

Single pitch and amenity - enable at least one caravan and car or van/light commercial vehicle to fit on the pitch (current minimum standard)

Double pitch and amenity or larger - enable two caravans and two cars or vans/light commercial vehicles to fit on the pitch

Pitch and residential mobile home - be suitable for a residential mobile home plus a car and/or light commercial vehicle

Extended pitch and residential mobile home – including amenity and/or space for additional caravans and vehicles (more space is required for larger families, who for example, may need space for 3 caravans and 3 cars).

5. Further Reading

Scottish Governments Race Equality Framework 2016 – 2030, Scottish Government, March 2016

Housing to 2040, Scottish Government, March 2021

Improving the lives of Gypsy / Travellers: 2019 – 2021, Scottish Government and Convention of Scottish Local Authorities (COSLA), October 2019

Interim Site Design Guide for Gypsy/Traveller Sites in Scotland provided by Local Authorities and Registered Social Landlords, Scottish Government, December 2021