

Report to Cabinet

23 November 2017

By the Cabinet Member for Planning and Development

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

DRAFT GYPSY AND TRAVELLER SITE ALLOCATIONS DOCUMENT PREFERRED STRATEGY

Executive Summary

This report seeks approval for the publication of the 'Gypsy, Traveller and Travelling Showpeople draft Site Allocations Development Plan Document' for an eight week period of consultation, between 1 December 2017 and 26 January 2018 together with the accompanying Sustainability Appraisal documentation. This document does not form Council policy at this stage.

The draft document is an updated version of the 'Draft Gypsy and Traveller Site Allocations of Land Document Development Plan Document - Preferred Strategy' that was published for consultation in April this year. It has been necessary to prepare an updated document in light of the responses received on the earlier consultation and as a result of further technical work. A number of sites included in the April 2017 document are no longer available for Gypsy and Traveller use and a new site is proposed.

Recommendations

Cabinet is recommended that:

- i) The draft 'Gypsy, Traveller and Travelling Showpeople draft Site Allocations Development Plan Document and accompanying Sustainability Appraisal documentation be published for an 8 week period of consultation from 1 December 2017 to 26 January 2017.
- ii) The Cabinet Member for Planning and Development has delegated authority to agree minor editorial changes.

Reasons for Recommendations

- i) The recommendations are required to ensure that the statutory requirements in The Housing Act 2004 and Town and County Planning (Local Planning) England Regulations 2012 are met in terms of seeking to provide for Gypsy and Traveller pitches to meet the identified need and inviting public participation in the preparation of a new planning document for the District.
- ii) There is a need to allow for minor editorial changes. Any significant changes to the draft document would need to be reported back to Cabinet for approval before publication for consultation.

Background Papers

- Draft Gypsy and Traveller Site Allocations of Land Document Development Plan Document - Preferred Strategy, April 2017.
- Summary of representations on the Gypsy, Traveller and Travelling Showpeople Draft Site Allocation of Land Development Plan Document (DPD) April 2017.
- Gypsy, Traveller and Travelling Showpeople draft Site Allocations Development Plan Document, Sustainability Appraisal and Strategic Environmental Assessment 2017.
- Horsham District Planning Framework, November 2015.

Wards affected: All

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Background Information

1 Introduction and Background

- 1.1 This report seeks approval for the publication of the draft Gypsy, Traveller and Travelling Showpeople draft Site Allocations Development Plan Document for an eight week period of consultation, between 1 December 2017 and 26 January 2018 together with the accompanying Sustainability Appraisal documentation. This document does not form Council policy at this stage.
- 1.2 The draft document is an updated version of the Draft Gypsy and Traveller Site Allocations of Land Document (DPD) that was published for consultation in April this year. It has been necessary to prepare an updated document in light of the responses received on the earlier consultation and as a result of further technical work. A number of sites included in the April 2017 document are no longer available for Gypsy and Traveller use and a new site is proposed.

2 Relevant Council policy

- 2.1 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlining how their needs will be met.
- 2.2 In November 2015, the Local Plan for Horsham District, known as the Horsham District Planning Framework (HDPF) was adopted. This document now forms the overarching planning document for the Horsham district that lies outside the South Downs National Park. Within the HDPF, Chapter Eight sets out how the housing needs for Gypsies and Travellers will be met. This included the allocation of land for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011 – 2017 and a policy setting out the criteria by which any applications for non-allocated sites would be considered.
- 2.3 As the HDPF only provided allocations for Gypsy and Traveller sites until 2017, it was recognised in the Local Plan that further work would need to be undertaken to identify and monitor need and to provide for additional pitches beyond the initial five year planning period. It was envisaged that these sites would be identified in a Site Allocations Development Plan Document.

3 Details

- 3.1 In April 2017, the Council agreed to consult on the draft Gypsy, Traveller and Travelling Showpeople Site Allocation of Land Development Plan Document (DPD). This document set out the need for Gypsy and Traveller accommodation which had been identified in the District, and then set out a number of sites which were considered to have the potential to meet this need, together with a number of alternative sites which had also been considered. This document was published for a six week consultation between 21 April 2017 and 2 June 2017.
- 3.2 Responses were received on the draft documentation from 321 organisations or individuals, including statutory organisations such as WSCC, parish Councils, as well as local residents. The sites that received the highest volume of responses were - 104 representations on Smithers Rough, Rudgwick; 58 on Parson's Field

near Pulborough, and 58 on both the Fryern Park and 53 on the Hurston Lane sites in Storrington. A summary of these comments is attached at Appendix 1 and will be made available on the Council's website.

- 3.3 In response to the comments that were made to the Council's documentation, it was clear that further work would be necessary to demonstrate the delivery of some of the proposed sites in the document. This included establishing whether access could be achieved on land at Smithers Rough and Fryern Park and consideration of landscape impacts on other locations such as Parson's Field near Pulborough. As a result of this further work it has been demonstrated that whilst access can be achieved at the Smithers Rough site, the access and landscape issues at Fryern Park and Parson's Field cannot be resolved at this stage and are therefore no longer being proposed as potential Gypsy and Traveller sites in the draft document.
- 3.4 The response to the consultation also revealed significant access and environmental concerns regarding the proposed Hurston Lane site, which is adjacent to a waste water treatment works. This site cannot be progressed for Gypsy and Traveller accommodation. In a separate development, a certificate of Lawful Use was granted on land at Rowfold Nursery which had been allocated in the HDPF as a Gypsy and Traveller site, and the landowner has confirmed that this site is no longer available for this use.
- 3.5 The loss of these potential sites meant that the Council was no longer able to meet its identified need for Gypsy, Traveller and Travelling Showpeople accommodation. It was therefore necessary to undertake further work in order to identify additional sites. Extensive further site identification work has been undertaken, which has included discussions with landowners and agents and has resulted in one new site where the landowner is prepared to make it available for Gypsy and Traveller use. This site is the former Bromeliad Nursery, Billingshurst and has been assessed as being able to accommodate 15 pitches. It can be demonstrated that the site is available and potentially suitable for Gypsy and Traveller use and is therefore proposed to be included for consultation in the updated Site Allocations document.
- 3.7 In addition to the work that has been undertaken on site availability for Gypsy and Traveller accommodation, the assessment of the need for sites has also been kept under review, for example to take account of the outcome of any planning applications. In April 2017 the existing 'backlog' of sites needed (the number of Gypsy and Traveller sites which are needed to meet the needs today, without considering the future needs of these families) was 47 pitches. This includes pitches which are unauthorised, or are authorised but have a personal or temporary occupancy condition. Since April the backlog has been reduced because one unauthorised site now has full planning permission, and a further two unauthorised sites have been physically removed (at Rowfold Nursery, Billingshurst) and are no longer required. The backlog therefore now stands at 44 pitches.
- 3.8 In April 2017, the future number of pitches required for the next 15 years was assessed as a total of 46:
- 9 pitches in the next five years (2017 to 2022);
 - 19 pitches in years 6 to 10, (2022 to 2027); and a further
 - 18 pitches in the 11 – 15 year period (2027 to 2032).
- Since April, four new pitches have been authorised at Greenfield Farm in Barns Green (DC/16/2721). This therefore reduces the number of pitches required in the

1-5 year period to 5. The updated number of pitches required is set out in the table below. It can be seen that the total pitch requirement for the next 15 years is now reduced to 86 pitches.

Table 1: Total Pitches required over the next 15 year period

| Plan Period | Backlog | 1-5 years – (2017-2022) | 6-10 years – (2022-2027) | 11-15 years – (2027- 2032) |
|------------------------------------|----------------|------------------------------------|-------------------------------------|---|
| Pitches Required | 44 | 5 | 19 | 18 |
| Total Pitch Requirement | 86 | | | |

- 3.9 National planning policy confirms that LPAs should identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, *where possible*, for years 11 to 15. If the Horsham district was to only plan for the next 10 years to 2027, the total requirement for pitches would be **68** (a reduction from the previous April 2017 consultation document, which was 75 pitches).
- 3.10 In response to the changes in pitch provision outlined above since April; the comments received to the previous consultation, and further work on the individual sites, the draft Gypsy and Traveller Site Allocations Document has been updated and is structured as set out below. The full text of the draft document is attached to this report at Appendix 2.
- Part A sets the detail on the national and local context for providing accommodation for Gypsy and Traveller site provision. This includes the nationally set definitions of who is considered a Gypsy, Traveller or Travelling Showperson for the purposes of planning to meet the accommodation needs of these community groups.
 - Part B sets out the results of the updated Gypsy and Traveller accommodation needs assessment taking account of the outcome of planning applications since April 2017.
 - Part C sets out the process by which potential sites for allocation for Gypsy and Traveller pitches have been identified, taking account of the responses to the consultation, and sets out the updated preferred locations for the provision for Gypsy and Traveller accommodation. This section also outlines the alternative sites which have been considered.
- 3.11 At this stage the sites which are considered to have the greatest prospect of contributing to meeting the needs of Gypsies and Travellers are set out in the table below. The location of these sites is shown on the maps in the draft Site Allocations Document. It can be seen that the total number of pitches identified is 75, which allows for some flexibility over the **68** pitches that are required in the next 10 years.

| Site | Notes | Potential number of pitches |
|---|---|-----------------------------|
| Smithers Rough, Guildford Road, Rudgwick | Access can be achieved (in discussions with WSCC) and further work on layout indicates the site could support 15 pitches. Site identified in April 2017 for 10-12 pitches. | 15 pitches |
| Greenacres, Hillside Lane, Small Dole, Upper Beeding | Existing unauthorised site – allocated under policy 21 of the HDPF. Site identified in April 2017 for 12 pitches. | 12 pitches |
| Greenfield Farm, Valewood Lane, Barns Green, West Grinstead | Existing site. Pitches have personal occupancy conditions. It is proposed these are converted to ‘full’ Gypsy and Traveller pitches. One unauthorised pitch on the site has now been granted permission. Site identified in April 2017 for 6 pitches. | 5 pitches |
| Kingfisher Farm, West Chilton Lane, Itchingfield | Existing site with unauthorised pitches. (It is noted this site is subject to an ongoing appeal). Site identified in April 2017 for 11 pitches. | 11 pitches |
| Lane Top, Nutbourne, Pulborough | Three existing pitches have personal occupancy conditions. Allocated under policy 21 of the HDPF. Site identified in April 2017 for 3 pitches. | 3 pitches |
| Northside Farm, Burnthouse Lane, Rusper | Three pitches with personal occupancy conditions. It is proposed these are converted to ‘full’ Gypsy and Traveller pitches. Site identified in April 2017 for 3 pitches. | 3 pitches |

| | | |
|---|--|-------------------|
| Oakdene, Blackgate Lane, Codmore Hill, Pulborough | Four pitches under personal occupancy conditions. It is proposed these are converted to 'full' Gypsy and Traveller pitches. In addition it is considered the site could support an additional three new pitches. Site identified in April 2017 for 7 pitches. | 7 pitches |
| Southview, The Haven, Slinfold | Existing site with unauthorised pitches. Allocated under policy 21 of HDPF. Site identified in April 2017 for 4 pitches. | 4 pitches |
| Bromeliad Nursery, Marringdean Road, Billingshurst. | New site with potential for 15 pitches. | 15 pitches |
| TOTAL | | 75 pitches |

4 Next Steps

- 4.1 It is proposed to undertake an eight week consultation on the proposed approach set out in the preferred strategy documentation, in accordance with Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012. Given that a new site is proposed it is considered necessary to undertake a further Regulation 18 consultation rather than progressing to the Proposed Submission (Regulation 19) stage of plan preparation. It should be noted that at this stage, **these proposals are solely for consultation and do not form Council policy.**
- 4.2 It is proposed that the eight week consultation commences on Friday 1 December 2017 until Friday 26 January 2017. This representation period will provide stakeholders and the general public with the opportunity to set out their views on the document to the Council and what potential changes they would wish to see made to the draft Development Plan document.
- 4.3 The consultation will be run in accordance with the Council's Statement of Community Involvement, which was adopted in February 2017.
- 4.4 Representations that are submitted will be summarised and suggested changes will be considered by a future meeting of the Council. This could include evidence updates or further work on proposed sites or consideration of new land/sites that could be proposed to the Council as part of the consultation.
- 4.5 The comments made on this document will be incorporated into a Proposed Submission version of the Development Plan Document, which will need to be agreed by the Council for a minimum six week consultation under Regulation 19 of the Town And Country (Local Planning) (England) Regulations 2012. After this period for representations, all comments made, will be submitted to the Planning Inspectorate together with the draft plan and any proposed modifications for

independent examination. At this stage it is anticipated that the Proposed Submission consultation will be held in late spring and early summer of 2018, with the Examination of the plan in autumn 2018. It is currently envisaged that the document would be adopted in late 2018 or early 2019, depending on the timescales set by the Planning Inspectorate.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The proposed content of this document was discussed at the Planning and Development Policy Development Advisory Group on 9 November 2017. Members of the group supported the proposed approach to publish a draft site allocations document for consultation.

6 Other Courses of Action Considered but Rejected

- 6.1 One course of action that could be pursued is to continue to allow the consideration of sites for Gypsy, Travellers and Travelling Showpeople under the criteria set out in policy 23 of the Horsham District Planning Framework. However, this would not provide any certainty to either the Gypsy and Traveller community or the settled community as to the likely location of future sites. In addition, there is potential that other more suitable sites may not come forward using this approach as there would be no detailed assessment of all potential site options.
- 6.2 A second course of action that could be considered would be to seek to ensure that existing allocations in the HDPF together with any other temporary planning permissions or personal occupancy conditions are regularised in the shorter term. The remaining needs arising from the families could then be addressed in the forthcoming local plan review. It is however considered that this option would not adequately address the accommodation needs of all Gypsy, Traveller and Travelling Showpeople in the shorter term, with the allocation of land as part of the Local Plan review increasing the delay in bringing forward sites. This option would also provide some degree of uncertainty to both the travelling and settled community in the shorter term.

7 Resource Consequences

- 7.1 There are no direct financial consequences arising from this report in addition to those which have already been identified, which are the normal staff and publication costs associated with the publication of this document for consultation. In the longer term, the progression of the site allocation document may have a financial and resource benefit to the Council, as an identified supply of Gypsy and Traveller sites will reduce time spent considering applications for 'ad-hoc' Gypsy and Traveller sites, and in time spent at planning appeals which may arise on these cases.

8 Legal Consequences

- 8.1 As set out in paragraph 2.1, The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and to outline how their needs will be met. It is considered that the production of this document will assist in meeting this requirement. This document will also meet the Council's stated intention to produce

a Site Allocations document, as set out in the Councils adopted Local Plan (the Horsham District Planning Framework). A Sustainability Appraisal, incorporating a Strategic Environmental Assessment and Equalities Impact Assessment has also been undertaken and will be published with the draft Gypsy, Traveller and Travelling Showpeople draft Site Allocations Development Plan Document.

- 8.2 If agreed for consultation, the consultation will need to be undertaken in accordance with the Town And Country Planning (Local Planning) (England) Regulations 2012, and in particular Regulation 18. In addition a Sustainability Appraisal incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 has been undertaken as part of this work.

9 Risk Assessment

- 9.1 With the preparation of any Development Plan Document, there is a risk that the process could be subject to a Judicial Review on the adoption of the plan. By following the required legal processes as set out in the relevant legislation the risk of a successful challenge is considered to be low.

10 Other Considerations

- 10.1 Unregulated and unauthorised encampments present a potential for community tensions between the travelling and settled communities. Provision of sufficient approved pitches to meet the identified need would reduce such sites.
- 10.2 Under Article 8 of the Human Rights Act, everyone has the right to a home. The provision of land for Gypsy and Traveller accommodation will ensure that this need is met for all sections of the community in Horsham District.
- 10.3 Romany Gypsies and Irish Travellers are recognised in law as a distinct ethnic group and are legally protected from discrimination under the Equalities Act 2010. Local authorities are required to provide accommodation to meet the needs of Gypsies and Travellers. This report addresses the accommodation needs for this group. In addition, the equality impacts of the proposals have been assessed together with the sustainability impacts through the Sustainability Appraisal incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 that has been undertaken as part of this work. This work will ensure that the document mitigates any adverse social, economic or environmental impacts as far as possible.