

Report title	Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document
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Department	Planning, Economy and Built Environment
Exempt?	No
Exemption type	n/a
Reasons for exemption	n/a

Purpose of report:

- To resolve

Synopsis of report: The purpose of this report is to update Members on the progress made in relation to the development of a new draft Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople for the pitches and plots allocated in the Runnymede 2030 Local Plan.

Following a period of public consultation in Autumn 2021, and the issuing of the Court of Appeal judgement *Smith v. SoS for Levelling Up, Housing and Communities* that was issued on 31st October 2022, the document has been amended. Given the scale of the amendments which have been made, and given that the document is now proposed to be adopted as a Supplementary Planning Document, a further round of public consultation is proposed prior to the adoption of the document. The key changes are summarised in the body of the report.

This report seeks approval from the Planning Committee to carry out public consultation on the amended draft Allocation Scheme Supplementary Planning Document (SPD) for a period of 6 weeks. A copy of the amended draft SPD is attached at Appendix A.

Recommendation(s): The Planning Committee is recommended to:

- i) **APPROVE** the draft Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document for public consultation for a period of six weeks between Wednesday 5th June to Wednesday 17th July 2024.

1. Context and background of report

- 1.1 The adopted Runnymede 2030 Local Plan allocates 10 plots for Travelling Showmen at the Longcross Garden Village and 35 new pitches across 9 housing allocation sites (this includes the retention of 2 existing unauthorised pitches). The provision of

new permanent pitches and plots in the Borough is part of the Council's wider strategy contained in the Local Plan to meet the identified accommodation needs of Gypsies, Travellers and Travelling Showpeople.

- 1.2 Local Plan Policy SL22: Meeting the Needs of Gypsies, Travellers and Travelling Showpeople states the following:

Where traveller pitches are required to be provided on sites allocated through this Local Plan, the Council will secure their delivery through the imposition of appropriate planning conditions or obligations attached to any planning approval granted. Those obligations will include an appropriate management agreement including measures to secure:

- Phasing of site delivery and trigger points to secure early delivery, proportionate to the site delivery;*
- Measures to ensure the site is secured in perpetuity for Gypsies, Travellers or Travelling Showpeople (in accordance with the relevant definition from the Planning Policy for Traveller Sites, or any replacement guidance) as appropriate;*
- A policy for Allocation (to preserve access for those with local connection); and,*
- Further to Policy SL20, consideration of delivery of a proportion of the pitches or plots at below market rate, as affordable housing, based on evidence of need as set out in the Council's latest GTAA and viability at the time of the application. This consideration applies to both the provision of pitches or plots on site and in cases where provision is proposed off site.*

- 1.3 The amended draft Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document at Appendix A (hereafter referred to as the Allocation Scheme SPD) has therefore been produced to build upon and provide more detailed advice on how this part of the policy should be interpreted and applied.

- 1.4 For the avoidance of doubt, the Allocation Scheme SPD ONLY relates to the pitches and plots specifically allocated through the Runnymede 2030 Local Plan through policies SD9 (Longcross Garden Village), SL6 (Pycroft Road), SL7 (Thorpe Lea Road North), SL8 (Thorpe Lea Road West), SL10 (Virginia Water South), SL11 (Parcel B, Vet Labs site), SL12 (Ottershaw East), SL14 (Parcel A, Chertsey Bittams), SL15 (Parcel B, Chertsey Bittams) and SL16 (Parcel C, Chertsey Bittams).

- 1.5 The draft Allocation Scheme was first considered at the Infrastructure and Economic Development Working Party on 15th March 2021 and the Housing and Enablement Working Party on 21st July 2021 before being brought before the Planning Committee on 1st September 2021. A period of public consultation then occurred in Autumn 2021. In Autumn 2021, all Members were invited to a briefing session with officers to discuss the Allocation Scheme in more detail, and the Infrastructure and Economic Development Working Party discussed potential revisions to the Scheme at a meeting held on 23rd February 2022.

- 1.6 As the Allocation Scheme has been prepared, it has been amended at various stages following:

- Consideration of the comments made by Members at the meetings listed above;
- Consideration of the comments made through the public consultation in Autumn 2021;
- The change to the definition of Gypsies and Travellers for planning purposes as contained in the Planning Policy for Traveller Sites (PPTS) in December 2023 as a

result of the Court of Appeal judgement Smith v. SoS for Levelling Up, Housing and Communities in October 2022.

- 1.7 The changes made to the content of the document are summarised in section 2 of this report.

2. Report and, where applicable, options considered and recommended

- 1.8 The most significant change which has occurred since the Allocation Scheme was last brought before the Planning Committee is that it is now proposed to be adopted as a Supplementary Planning Document. The reason for this change in approach is to give the document a greater status in the decision taking process. Whilst SPDs do not form part of the Development Plan, they are material considerations in decision taking. Should the Allocation Scheme not be adopted as SPD, it would be a guidance document, but one to which a more limited amount of weight could be afforded.
- 1.9 Now that the document is proposed to be progressed as an SPD, in line with Part 5, Regulation 12 of the Town and County Planning (Local Planning (England) Regulations 2012 (as amended), a Statement of Consultation has been produced. This is because the regulation quoted above states that,

'Before a local planning authority adopt a supplementary planning document it must—

(a) prepare a statement setting out—

(i) the persons the local planning authority consulted when preparing the supplementary planning document;

(ii) a summary of the main issues raised by those persons; and

(iii) how those issues have been addressed in the supplementary planning document;

and

(b) for the purpose of seeking representations under regulation 13, make copies of that statement and the supplementary planning document available in accordance with regulation 35 together with details of—

(i) the date by which representations must be made (being not less than 4 weeks from the date the local planning authority complies with this paragraph), and

(ii) the address to which they must be sent'.

- 1.10 The Statement of Consultation can be viewed at Appendix B. Within this document, all the comments made during the first round of consultation on the Allocation Scheme can be viewed alongside the officer responses.
- 1.11 The key changes made to the contents of the document since it last came before this committee can be summarised as follows:
- Introduction added to set out information related to the public consultation;
 - Format of the document has been changed with chapters 3-6 being amended to more closely tie to the relevant bullet points within the relevant part of Policy SL22 to ensure that the guidance being provided is closely related to the Policy itself. The information within the previous 2021 version of the Allocation Scheme has been reordered accordingly;
 - in line with the amended definition of a traveller for planning purposes, text regarding the prioritisation of the allocated pitches and plots for those who have a nomadic way of life has been removed;

- The section on 'Setting the price for pitches and plots' has been deleted. This originally suggested that a methodology for valuing pitches and plots would be embedded in S106 agreements. However the contents of the wider Allocation Scheme now reflects the model clauses being inserted in the S106 agreements which require a Gypsy and Traveller/Travelling Showmen Scheme to be submitted by the applicant. This is expected to include further information on how developers intend to value the pitches and plots;
- References to the Housing Department administering the Allocation Scheme have been replaced with the Planning Policy Team given that the document is now proposed to be a Supplementary Planning Document. The Housing Department may however still be asked to provide specialist advice, for example, in relation to applying the local connection criteria in some cases based on their considerable experience in this area;
- The Affordable Housing chapter has been amended to refer readers to the Council's adopted Housing Allocation Scheme for more information on the shortlisting, offering, viewing and letting of any affordable pitches;
- The appeals and review chapter has been amended to amend the appeal and review grounds to reflect the wider change in the definition of a traveller;
- In determining eligibility of Travelling Showmen applicants for any affordable plots which may come forward, it has been confirmed that any fairground rides/equipment would be excluded from the assessment of their assets.
- The residence test in the Local Connection Test has been amended to ensure that a bespoke test is introduced for homeless applicants.
- The position on sub letting the allocated pitches and plots has been set out.

- 1.12 The following chapters remain largely unchanged: background information, evidence required in support of an application, data protection and privacy, equal opportunities and monitoring, complaints, fraud, and review of this scheme.
- 1.13 The revised document can be viewed at Appendix A.
- 1.14 The Council's adopted Statement of Community Involvement (SCI) describes how legislation currently requires the Council to consult on planning policy documents for certain minimum statutory periods. For SPDs, the minimum period for public consultation is 4 weeks. However, the duration of public consultation may also be extended at the discretion of the Council. Given that the travelling community is often considered a hard to reach group where additional measures may be needed to promote the consultation to secure feedback, it is proposed that the consultation period be extended to 6 weeks. Extending the consultation period will result in a slight delay to the adoption of the SPD, however, and the Committee has the option to revert to the 4-week minimum period if this is a concern. However, officers believe a 6-week period will allow the local community more time to prepare their responses and result in a higher response rate.
- 1.15 In accordance with the Regulations, hard copy consultation documents will be made available for the public to view in public libraries and at the Civic Centre during normal opening hours. Consultation material will also be published on the Council's website. A bespoke consultation webpage will be created on the Planning Policy pages, and a hyperlink to this page will be provided on the Council's 'Consultations and surveys' webpage.
- 1.16 Promotion of the consultation will take the following forms, with clear guidance on how to submit comments:
- promotion on the Council's homepage news banner;
 - promotion on the Council's social media channels;

- email to Councillors, local Residents Associations/community groups and neighbouring authorities;
- email or letter to those registered on the Planning Policy and Strategy Database;
- promotion in the Council's residents and climate change e-newsletter;
- Sending the details of the consultation to all traveller sites within the Borough and all planning agents known to represent the Gypsy and Traveller community;
- Engaging with the Showmen's Guild of Great Britain and the Surrey Gypsy Traveller Communities Forum.

1.17 The consultation material will include a Statement of Consultation, in accordance with Regulations, detailing the people and groups the Council consulted when preparing the SPD, a summary of the main issues raised, and how those issues have been addressed in the SPD. Details must also be provided setting out the date by which representations must be made, and the address to which they must be sent. The Statement of Consultation is attached to this report at Appendix B.

3. Policy framework implications

3.1 Supplementary Planning Documents (SPD) do not form part of the Development Plan for Runnymede but are material considerations in decision taking. This SPD, once adopted, will support the Runnymede 2030 Local Plan vision that, 'Runnymede will see healthier and safer communities which benefit from improved life chances and reduced inequalities achieved through the creation of inclusive places delivering a range of housing including for those with specialist needs and the necessary infrastructure to support sustainable communities'.

3.2 The adoption of this SPD would also support a number of Local Plan objectives, most notably objectives 1 and 2 which state:

Objective 1: To protect and improve the health and well-being of the population, reduce health inequalities and improve the quality of people's lives through developing healthier and safer communities and improving life chances;

Objective 2: To support the delivery of at least 7507 high quality additional homes in Runnymede in the period 2015-2030 (an average of 500 homes a year) including the delivery of affordable housing, starter homes, housing for those with specialist needs and plots for those who wish to build their own home;

4. Resource and Financial implications

4.1 Production of the draft Allocation Scheme SPD has occurred in house under the existing budgets of the Planning Policy and Housing teams. The cost of consultation on the draft Allocation Scheme SPD will also be covered by the existing Planning Policy budget for the current financial year.

4.2 The Gypsy and Traveller Allocation Scheme SPD, once adopted, will be administered by the Council's Planning Policy Team. Given the number of pitches and plots allocated in the adopted Local Plan, it is considered that additional resource will not be required. Any appeals against the Council's decision on the eligibility of applicants to acquire an allocated pitch/plot would be determined by the Corporate Head of Planning, Environment and Built Environment.

4.3 Fraud checks will be carried out on all completed eligibility questionnaires. The Planning Policy Team is currently exploring whether it is able to use the existing

arrangements for fraud checks which are used by the Council's Housing Department. Any potential costs associated with the use of this Fraud Service will need to be drawn from the Planning Policy budget.

- 4.4 Monitoring of the allocated sites and enforcement against any identified breaches in the future could have financial and resource implications for the Council, especially for the Planning Enforcement team. It is possible that supplementary revenue estimates could be required, particularly if legal proceedings need to be commenced.

5. Legal implications

- 5.1 Officers are not aware of any legal implications as a result of the adoption of this SPD. Following adoption however, Members should be aware that in accordance with Regulation 11(2)(c) & (d) of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended), any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly and, in any event, not later than 3 months after the date on which the SPD is adopted.
- 5.2 However, in this regard, the SPD has been drafted paying close regard to national planning policy and guidance, and the Regulations, which clearly describe the function and role of SPDs. The draft SPD does not introduce new policy requirements and instead focuses on providing detailed guidance to aid implementation of existing 2030 Local Plan policy requirements. This is considered to reduce the risk of legal challenge once adopted.

6. Equality implications

- 6.1 The Council has a Public Sector Duty under the Equalities Act 2020 to have due regard to the need to:

A) Eliminate unlawful discrimination, harassment or victimisation;

B) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;

C) Foster good relations between those who share a relevant characteristic and persons who do not share those characteristics;

in relation to the 9 'Protected Characteristics' stated within the Act.

- 6.2 A full Equalities Assessment has been produced which considers the equalities implications associated with the SPD in detail and assesses the likely impacts of introducing the SPD on each protected characteristic. The Assessment has been updated to include consideration of the Smith v. SoS for Levelling Up, Housing and Communities judgement, and the subsequent change to the definition of Gypsies and Travellers for planning purposes as contained in the Planning Policy for Traveller Sites. The Equalities Assessment identifies potentially positive impacts on the protected characteristics of disability, age, gender reassignment, pregnancy/maternity, race and religion/belief, and neutral impacts on the protected characteristics of marriage/civil partnership, sex and sexual orientation.
- 6.3 The Equalities Assessment is attached at Appendix C.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 A detailed Sustainability Appraisal (SA) was carried out upon the Runnymede 2030 Local Plan. The draft Allocation Scheme SPD is supplementary to the Local Plan and therefore does not require a separate SA.
- 7.2 The SPD has however undergone Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening. That screening has concluded that there will be no likely significant effects on designated habitats or any other significant environmental effects as a result of the guidance included in the SPD.
- 7.3 Officers have sent the screening to the three statutory bodies (Environment Agency, Historic England and Natural England), in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004. At the time of writing, officers are awaiting confirmation from these 3 consultees in terms of whether they support the Council's conclusions. The screening report can be viewed at Appendix D.

8. Risk Implications

- 8.1 There is a risk of legal challenge associated with the production and adoption of SPDs. This is considered in the Legal Implications text at section 5. For the reasons set out in paragraph 5.2 in particular, the risk of a successful legal challenge on adoption of the Allocation Scheme SPD is considered to be low.

9. Other implications

- 9.1 The Planning Policy Team recognises that care must be taken when handling personal data when representations are received during consultation processes. Responses received during the period of public consultation will not be published in full. Instead summaries will be produced for the Planning Committee setting out key points raised alongside officer responses. Personal information which could identify individuals will not be included. Where representations are received on behalf of consultees/other organisation, the consultee/organisation name will be set out in the summary document produced, but personal information will not be included.
- 9.2 A Data Privacy Impact Assessment will to be produced to support the production of the eligibility forms that will need to be prepared following the adoption of the SPD so that the Council can ensure that individuals/households seeking to acquire one of the allocated pitches/plots meet the criteria set out in Policy SL22 of the adopted Local Plan and as further elaborated on in the Allocations Scheme SPD. These eligibility forms will not be launched until the Data Privacy Impact Assessment has been approved by the Data Protection Officer.

10. Timetable for Implementation

- 10.1 Once the public consultation period closes on 17 July 2024, representations will be analysed and any necessary amendments will be made to the draft SPD. The outcomes of the consultation will be described in an updated Statement of Consultation, and presented alongside a final version of the Allocation Scheme SPD which will be brought back to this Committee to consider for adoption. Depending on the volume of responses received and extent of amendments necessary, it is anticipated that a report will be presented to Committee in early Autumn.

11. Conclusions

11.1 Officers recommend that the draft Allocation Scheme SPD is approved for public consultation for a period of 6 weeks.

12. Background papers

[Planning Committee agenda, 1st September 2021, item 7](#)

13. Appendices

- Appendix A-draft Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople SPD (November 2022)
- Appendix B- Statement of Consultation
- Appendix C-Equalities Assessment
- Appendix D-SEA/HRA screening