

# Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople

## Supplementary Planning Document

~~May~~ December 2024

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## 1. INTRODUCTION

- 1.1 The national Planning Practice Guidance states that Supplementary Planning Documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-taking. They should not add unnecessarily to the financial burdens on development.
- 1.2 This Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document (SPD) (otherwise known as 'Allocation Scheme SPD') has been developed with this in mind. The document contains guidance to support the implementation of Policy SL22 of the adopted Runnymede 2030 Local Plan which is concerned with meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople (referred to hereafter as Travellers). Specifically, it seeks to provide further clarity on how the part of the policy on page 110 of the Local Plan, which is concerned with the provision of new pitches and plots on sites allocated through the Local Plan, should be applied.
- 1.3 The Supplementary Planning Document was adopted on 18<sup>th</sup> December 2024 with implementation from 6<sup>th</sup> January 2025 and is a material consideration in relation to planning applications and planning appeals determined from this latter date.

~~This draft Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople: Supplementary Planning Document (SPD) (otherwise known as 'Allocation Scheme SPD') contains guidance to support the implementation of Policy SL22 of the adopted Runnymede 2030 Local Plan which is concerned with meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople (referred to hereafter as Travellers). Specifically, it seeks to provide further clarity on how the part of the policy on page 100 of the Local Plan, which is concerned with the provision of new pitches and plots on sites allocated through the Local Plan, should be applied.~~

~~Once adopted, this SPD will be a material consideration in the Council's determination of planning applications which come forward on the relevant allocated sites.~~

~~This draft SPD is open for public consultation from Wednesday 5<sup>th</sup> June to Wednesday 17<sup>th</sup> July 2024. Any comments should preferably be returned by e-mail to [planningpolicy@runnymede.gov.uk](mailto:planningpolicy@runnymede.gov.uk) or alternatively can be posted to:-~~

~~The Planning Policy Team  
Runnymede Borough Council  
Runnymede Civic Centre  
Station Road  
Addlestone  
Surrey, KT15 2AH~~

~~All representations made during the course of the consultation must be made in writing and arrive by the close of the consultation period. Anonymous representations will not be accepted. Any comments that could be construed as derogatory towards any particular individual or group will not be recorded or considered.~~

~~Copies of comments received during the course of the consultation, or a summary of them, will be made available for the public to view on the Council's website. Comments therefore cannot be treated as confidential. Personal details will be redacted prior to publishing. Data will be processed and held in accordance with the Data Protection Act 2018.~~

~~If you have any queries or require any further information, please call the Council's Customer Services team on 01932 838383 or email [planningpolicy@runnymede.gov.uk](mailto:planningpolicy@runnymede.gov.uk).~~

## 2. BACKGROUND

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

2.2 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.*

2.3 This SPD seeks to provide further guidance on how this part of the policy should be interpreted. It seeks to clarify the 'policy for allocation' as described in bullet point 3, and provide other helpful information to assist with the implementation of other parts of the policy.

2.4 For the avoidance of doubt, the Allocation Scheme **ONLY** relates to the pitches and plots specifically allocated through the Runnymede 2030 Local Plan on the following sites:

Policy reference	Site address	No. of allocated pitches/plots
SD9	Longcross Garden Village	10 plots
SL6	Pycroft Road, Chertsey	5 pitches
SL7	Thorpe Lea Road North	2 pitches*
SL8	Thorpe Lea Road West	3 pitches
SL10	Virginia Water South	2 pitches
SL11	Parcel B, Vet Labs Site, Addlestone	2 pitches
SL12	Ottershaw East, Ottershaw	2 pitches
SL14	Parcel A, Chertsey Bittams, Chertsey	5 pitches
SL15	Parcel B, Chertsey Bittams, Chertsey	2 pitches
SL16	Parcel C, Chertsey Bittams, Chertsey	12 pitches*

\*number includes the retention of an existing unauthorised pitch on the site

2.5 Chapters 3 to 6 of this SPD provide further guidance in relation to each bullet point from Policy SL22 in turn (as described at paragraph 2.2. above). Chapter 7 to 14 provide more general information.

**3. ~~MEASURES TO ENSURE THE SITE IS SECURED~~ SECURING SITES IN PERPETUITY FOR GYPSIES, TRAVELLERS OR AND TRAVELLING SHOWPEOPLE ~~(IN ACCORDANCE WITH THE RELEVANT DEFINITION FROM THE PLANNING POLICY FOR TRAVELLER SITES, OR ANY REPLACEMENT GUIDANCE) AS APPROPRIATE~~**

3.1 Given that the allocated pitches/plots are restricted exclusively for the use of the Gypsy/Traveller/Showpeople men communities, a planning condition will be attached to the relevant planning consents for the allocated sites to ensure that they cannot be occupied by any other types of household. ~~non-travellers~~. Model wording for this condition is set out as follows:

*The X gypsy and traveller pitches/travelling showpersons plots shall not be occupied by any person other than gypsies and travellers/travelling showpersons as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or the equivalent in replacement national policy).*

3.2 Beyond this, in line with Policy SL22, individuals interested in acquiring/renting one of the allocated pitches or plots will need to demonstrate that they (or a permanent member of their household) meet the planning definition of a Gypsy, Traveller or Travelling Showperson (as contained in the Planning Policy for Traveller Sites (PPTS), or any replacement guidance).

3.3 At the time of producing this Allocation Scheme, the definitions contained in the PPTS are as follows:

1. *For the purposes of this planning policy “gypsies and travellers” means:*

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

2. *In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

*a) whether they previously led a nomadic habit of life*

*b) the reasons for ceasing their nomadic habit of life*

*c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

3. *For the purposes of this planning policy, “travelling showpeople” means:*

*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 or permanently, but excludes Gypsies and Travellers as defined above.*

- 3.4 An eligibility form will be produced by the Council for those who are interested in acquiring one of the allocated pitches/plots. This form will be designed to gather information to help the Council assess whether individuals/households meet one of the above definitions.
- 3.5 Any individuals identifying as Travelling Showpeople or Circus People will be asked on their eligibility form to confirm whether they are a member of any of the following organisations:
- The Showmen’s Guild of Great Britain
  - The Society of Independent Roundabout Proprietors
  - The Association of Independent Showmen
  - The Association of Circus Proprietors
  - The Amusement Catering Equipment Society
- ~~3.6 Those completing the eligibility form will be asked to agree to the sharing of the relevant information from their form (limited to their name, membership number and any details of fayres attended) to any of the above listed organisations which they confirm they are a member for verification purposes.~~
- 3.7 When a household provisionally agrees to purchase or rent one of the allocated pitches or plots provided through the Runnymede 2030 Local Plan, the developer/land owner will be expected to give the Council the opportunity to verify that at least one member of the household meets **one of** the relevant definitions of a Gypsy and Traveller/Travelling Showman as contained in the PPTS at that point in time to avoid a breach of the planning condition attached to the relevant planning consent which will restrict the occupation of the pitches/plots for these groups. If the household has not previously done so, they will be asked to complete the Council’s eligibility form so that this verification can be carried out.

### **Marketing of the pitches/plots**

- 3.8 As part of any S106 agreement on a site containing allocated pitches or plots for Gypsies, Travellers or Travelling Showpeople, developers/landowners will be required to produce a Gypsy and Traveller/Travelling **Showpeople Showmen** Scheme. The Gypsy and Traveller/Travelling **Showpeople Showmen** Scheme will be defined in the S106. The definition is likely to be similar to the following:

A Gypsy and Traveller/Travelling **Showpeople Showmen** Scheme means a scheme to be submitted to and approved in writing by Runnymede Council dealing with the following:

- the delivery of the X (non-transit type) pitches/**plots** on the Gypsy and Traveller Pitches Land/**Travelling Showpeople Plots Land**;
- the marketing of the Gypsy and Traveller Pitches Land/**Travelling Showpeople Plots Land** for a minimum period of X years; and,
- the disposal of the Gypsy and Traveller Pitches Land/**Travelling Showpeople Plots Land**.

- 3.9 It will be expected that such Schemes will consider matters such as the following as good practice:

- Providing marketing details of any allocated pitches/plots to Friends, Families and Travellers and the Surrey Gypsy Traveller Communities Forum as a matter of course so details can be circulated to their members.
- Providing marketing details to the Council.
- In addition to the above, providing details of any plots being marketed to the Showmen's Guild of Great Britain (London and Home Counties section) so details can be circulated to their members, and to other groups who represent Travelling Showpeople ~~Showmen~~ and Circus People.
- Details of how the land owner/developer will keep accurate records of how each pitch/plot has been advertised (including details of any online promotions or advertising through certain bodies, and at what price).
- Details of how the land owner/developer will keep accurate records of the numbers of viewings (and when), feedback given, and details of any offers received along with an explanation provided if offers were not accepted.
- Details of how the land owner/developer will ensure they have a clear and transparent process for the valuation of the pitches/plots.
- Details of the process to be followed, and factors that the land owner/developer will take into account in implementing price reductions as necessary to maximise the chances of disposing of the pitches and plots.
- confirmation of how prospective purchasers will be made aware of the restrictions on the occupation of the pitches/plots to inform future re sales/sub lets.

3.10 A dispute resolution clause will be contained in the S106 agreements for each of the allocated sites and this will confirm the process that will be followed if there is a dispute about whether a pitch/plot has been marketed in line with the Gypsy and Traveller/Travelling Showpeople ~~Showmen~~ Allocation Scheme and advertised at a fair market price.

3.11 Model wording in S106 agreements is likely to require the following of the developer/landowner:

*'To submit the Gypsy and Traveller/Travelling Showpeople ~~Showmen~~ Scheme to Runnymede Borough Council for approval (such approval shall be in writing and shall not be unreasonably withheld or delayed) prior to Occupation of the first Residential Unit and not to occupy the first residential unit unless and until the Gypsy and Traveller/Travelling Showmen Scheme has been approved by Runnymede Borough Council in writing'*

*'From the date the Gypsy and Traveller Pitches/Travelling Showpeople ~~Showmen~~ Plot Land has been practically completed, in accordance with paragraph X.X of this Schedule, to market and maintain until disposed (and dispose of (as the case may be)) the Gypsy and Traveller Pitches Land in accordance with the Gypsy and Traveller Scheme'.*

*'From the date the Gypsy and Traveller Pitches/Travelling Showpeople ~~Showmen~~ Plots Land is practically complete, in accordance with paragraph X.X of this Schedule, the Owner shall be entitled to procure the transfer to and future marketing, disposal (as applicable), and maintenance of the Gypsy and Traveller Pitches/Travelling Showpeople ~~Showmen~~ Plots Land by a management body (such body shall be approved by Runnymede Borough Council in advance of its appointment by the Owner, such approval not to be unreasonably withheld or*

delayed) in accordance with the approved Gypsy and Traveller/Travelling Showpeople Showmen Scheme.

- 3.12 The S106 agreements will clearly set out the period of marketing required by the landowner/developer.

#### **Alternative uses**

- 3.13 The S106s will also set out alternative arrangements for the disposal of the pitches/plots should marketing for the specified period not result in all of the allocated pitches and plots being taken up by members of the travelling community, following the application of the cascade arrangements described in paragraphs 4.5-4.6 of this SPD ~~with a local connection to the Borough~~. This is likely to first involve offering the pitches/plots to the Council to acquire. If the Council at this point does not wish to acquire the pitches/plots, using the land for an alternative purpose may be considered acceptable by the Council.

#### **Sales, sub letting and resales**

- 3.14 Both households who wish to purchase an allocated pitch/plot being sold on the open market to reside on themselves (whether an initial sale or re sale), and those who wish to purchase a pitch/plot to sub let will be eligible to acquire them. In line with Policy SL22 of the Local Plan, the relevant factors for the Council in each case will be whether the households who will be occupying an allocated pitch/plot can demonstrate that they are members of the Gypsy/Traveller/Showpeople Showmen communities and whether they are able to demonstrate a local connection to the Borough (where required, in line with the cascade arrangements set out in paragraphs 4.5 and 4.6).
- 3.15 If anyone involved in the purchase or rental of one of the allocated pitches and plots needs to check whether they meet the Council's eligibility criteria, they should contact [planningpolicy@runnymede.gov.uk](mailto:planningpolicy@runnymede.gov.uk) for more information. The eligibility form will also be available to fill in on the Council's website.

#### 4. THE COUNCIL'S POLICY FOR ALLOCATION (TO PRESERVE ACCESS FOR THOSE WITH A LOCAL CONNECTION)

4.1 Allocated pitches and plots will be preserved for those with a local connection to the Borough as required by Policy SL22 of the Runnymede 2030 Local Plan where reasonably achievable. To be immediately eligible to purchase or rent one of the pitches or plots allocated through the Local Plan (whether a market or affordable product), an individual must demonstrate that they meet at least one of the following criteria:

##### a) Residence

- You or a ~~permanent~~ member of your household family\* live in the Borough of Runnymede and have done so for at least three of the past five consecutive years or six out of the last 12 months if an individual is homeless<sup>1</sup>, or;
- You or a ~~permanent~~ member of your household family\* have resided on a site(s) within the Borough of Runnymede which you have used as winter quarters for at least three out of the past five consecutive years (~~SHOWMEN~~ TRAVELLING SHOWPEOPLE ONLY).

##### b) Employment<sup>2</sup>

- You or a ~~permanent~~ adult member of your household family\* are currently employed within the administrative boundary of Runnymede Borough Council and have been for at least three of the past five consecutive years, or;
- You or a ~~permanent~~ adult member of your household family\* have regularly traded at fairs, shows and events within the administrative boundary of Runnymede Borough Council for at least three of the past five consecutive years (~~SHOWMEN~~ TRAVELLING SHOWPEOPLE ONLY), or;
- You or a ~~permanent~~ adult member of your household family\* have regularly carried out paid employment as part of self-employment within the administrative boundary of Runnymede Borough Council for at least three of the past five consecutive years.

##### c) Residence through a family member, with ~~unique~~ health / welfare need

- You or a ~~permanent~~ member of your household family have an ongoing unique/exceptional health and/or welfare reason to live in Runnymede. This is based on a specific health or welfare service or support which only exists in Runnymede and cannot be accessed elsewhere, and which can be evidenced by professionals supporting the household currently.

\*this is limited to parents, grandparents, siblings and children. This would include step and half relatives.

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<sup>1</sup> The definition of homeless for the purpose of this Allocation Scheme can be viewed at paragraphs 6.6-6.8 of this document.

<sup>2</sup> Work should not be of a marginal or ancillary nature and whilst every case will be considered on its own merits, generally it will be expected that individuals can demonstrate that they work for at least 16 hours per week or are making some other significant community contribution, such as unpaid or voluntary work equivalent in terms of hours to paid work.

- 4.2 When a prospective purchaser or tenant is required to demonstrate employment or residence links to the Borough for at least 3 of the last 5 years, periods of employment or residence need not be consecutive to allow for nomadic lifestyles.
- 4.3 ~~In this context, unique/exceptional means that the care/support need is unique to a specific health service in the Borough of Runnymede, and cannot be provided anywhere else, including where the individual currently lives. Exceptional and~~ In relation to specific health/welfare needs, this needs to be based on a specific health or welfare service or support in the Borough of Runnymede which cannot be provided anywhere else, including where the individual currently lives. ~~care~~ It will have to be evidenced by health professionals currently engaged with the individual and will be assessed by the Independent Medical Advisor. Support from friends or relatives living in the Borough will not be taken into account ~~is not a ground for exceptional need~~ if support is already, or can be achieved where the individual currently resides, whether through professional / statutory services, or informal support which may involve travelling. ~~This ground is meant for exceptional and unique circumstances only.~~ The Council will not pay for any medical reports or other evidence. It is the responsibility of the person completing the eligibility form to provide such evidence in all cases.
- 4.4 For the avoidance of doubt, for the basis of this Allocation Scheme SPD, a permanent member of the household means someone who can evidence that they reside with the person completing the eligibility form on a full time basis and have done so for at least the last 12 months consecutively.
- 4.5 Section 106 agreements will include cascade arrangements which will kick in if, after a reasonable period of marketing the allocated pitches and plots, it is demonstrated to the satisfaction of the Council that it has not been possible to secure a purchaser/tenant who meets the definition of a gypsy/traveller or travelling showperson as set out in the PPTS and who can also demonstrate a location connection to the Borough. At this point, the Council will allow the pitches and plots to be disposed of to the following categories of travellers in the order set out:
- 1-Traveller households who do not meet the PPTS definition, but who have a need for culturally appropriate accommodation. Can demonstrate a local connection to the borough;  
2-Traveller households who meet the PPTS definition, but who do not benefit from a local connection to the borough;  
3-Traveller households who do not meet the PPTS definition but who have a need for culturally appropriate accommodation. Cannot demonstrate a local connection to the borough.
- 4.6 For the additional categories within the cascade, a reasonable period of marketing will be required before moving on to the next category
- 4.7 'Reasonable' in this context will generally be taken to mean 12 months, unless otherwise agreed in writing by the Local Planning Authority.

- 4.8 If after submitting an eligibility form for one of the allocated pitches/plots, an individual's/household's circumstances change, they will need to contact the Council's Planning Policy team as it could affect their eligibility for a pitch/plot.
- 4.9 The Council's Housing Solutions team will seek to provide advice and/or assistance to any party who applies through the Allocation Scheme SPD and who has an emergency need for housing.

## 5. PHASING OF SITE DELIVERY AND TRIGGER POINTS TO SECURE EARLY DELIVERY, PROPORTIONATE TO THE SITE DELIVERY

- 5.1 As a general point, the timing of the delivery of the pitches and plots on the allocated sites (whether market or affordable) is largely controlled by the relevant developers. It may be at the time of an interested party submitting their eligibility form in response to this Allocation Scheme SPD, that none of the pitches or plots have yet been delivered or are due to be delivered imminently. The Runnymede 2030 Local Plan covers the period up to 2030, and as such, at the time of publishing this Allocation Scheme there are approximately 6 years of the plan period remaining over which pitches and plots on the allocated sites could be delivered. Policy SL22 of the Local Plan does however require that where traveller pitches are required to be provided on sites allocated through the Local Plan, that early delivery of pitches will be secured, proportionate to the wider site delivery (i.e. taking into account the number of residential units which are to be delivered across the allocation as a whole, but with the expectation that the pitches will be delivered in one of the earlier phases of development).
- 5.2 In this regard, as part of any S106 agreement prepared for a site containing allocated pitches or plots for Gypsies, Travellers or Travelling Showpeople, it will be confirmed when the completion of the pitches will be expected in relation to the delivery of the wider site. Model clauses are likely to be proposed along the following lines:

*'To lay out and practically complete the Gypsy and Traveller Pitches Land in accordance with the planning permission and the Gypsy and Traveller/Travelling ~~Showmen~~ Showpeople Scheme prior to ~~occupation~~ completion of the XXth residential unit'*

*'Not to occupy the XXth residential unit unless and until the Gypsy and Traveller Pitches/Travelling ~~Showmen~~ Showpeople Plot Land has been laid out and practically completed in accordance with the Planning Permission and Gypsy and Traveller/Travelling Showpeople Allocation Scheme.'*

## 6. AFFORDABLE PITCHES AND PLOTS

- 6.1 If interested parties do not have sufficient funds to purchase a private pitch or plot, they are still able to complete the eligibility questionnaire and express an interest in an affordable pitch/plot as it is possible that Registered Providers, including the Council, could acquire the allocated pitches/plots as affordable products (most likely social or affordable rented pitches/plots).
- 6.2 If eligible, an applicant's details will be kept on a waiting list and consideration will be given to them if any affordable pitches and/or plots are proposed by the developers of the allocated sites. There will be a section within the eligibility form where interested parties can indicate an interest in an affordable pitch.
- 6.3 In principle, the Council is supportive of the delivery of affordable pitches on the allocated sites. Where affordable pitches are delivered, this will count towards the total affordable housing requirement for the allocated site as required by Local Plan Policy SL20: Affordable Housing.

### **Prioritisation of eligible individuals/households for affordable pitches and plots**

- 6.4 If affordable pitches do become available on any of the allocated sites, the Council will assess which of the following banding criteria applies to each individual/household who is found to be eligible for a pitch/plot following application of the cascade arrangements set out in chapter 4 ~~on both the grounds of meeting the definition of a Gypsy and Traveller/Travelling Showperson and having a local connection to Runnymede~~. In the banding criteria set out below, band 1 indicates those who will be attributed the highest level of banding within their priority category, and band 5 indicates those considered to be in the lowest need.
- 6.5 Where more than one individual/household has the same level of priority, the individual/household who joined the waiting list first will be given the higher overall level of priority for a pitch/plot.

### **BAND 1-Homeless households**

- 6.6 Reg 175(2) of the Housing Act 1996 (as amended) deals with homelessness and threatened homelessness, stating that, a person is homeless if he has accommodation but—(b)it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it. Under Section 166A(3) of the Housing Act 1996, the Council should give 'Reasonable Preference' to people with high levels of assessed housing need including all homeless people as defined in Part VII of the Housing Act 1996, including people who are intentionally homeless and those who are in priority need.
- 6.7 The Council is aware of Gypsies and Travellers who have previously passed through the Borough or resorted to land within the Borough to site their caravans and who have stated that they have no lawful location to place or reside in their caravan. Such individuals are considered to meet the definition of a homeless household and would be prioritised for an

affordable pitch/plot if they meet the wider eligibility criteria set out in this Allocation Scheme.

- 6.8 It is considered that the definition of homelessness would also be met by Gypsies and Travellers who reside on unauthorised sites in the Borough, or who reside on sites in the Borough which only benefit from a temporary planning consent, where this temporary period is approaching its end and the household has no lawful place to go. Again, such households would be prioritised for an affordable pitch/plot if they meet the other eligibility criteria described in this document.

#### **BAND 2-Overcrowding**

- 6.9 This category of prioritisation applies in the following scenarios:

a) The individual/household has been assessed as statutorily overcrowded by the Council's Private Sector Housing Officer, provided that any overcrowding is not a result of deliberate actions or failure to adhere to housing advice. Assessments on properties located outside of the Borough of Runnymede will not be taken into account as it is for the local authority in which the property/mobile home is located to take appropriate action.

b) Where a household is statutorily overcrowded (see clauses 324-326 of the Housing Act 1985<sup>3</sup>).

#### **BAND 3- individuals/households living in unsatisfactory housing (including mobile homes) lacking basic facilities**

- 6.10 This category of prioritisation applies to the following:

a) Individuals/households without access at all to any of the following facilities:

-Kitchen

-Bathroom

-Inside WC

-Hot or cold water supplies

b) Individuals/households who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s. 33 of the Housing Act 2004.

#### **BAND 4-Medical or disability**

- 6.11 This category of prioritisation applies where an individual's/household's housing is unsuitable for medical reasons, or due to their disability, but whose housing conditions directly contribute to causing serious ill health which could be rectified through securing an affordable pitch/plot through this Allocation Scheme.

- Supporting evidence will be required from relevant and qualified health professionals and is the responsibility of the individual/household to provide. It must be current,

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<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1985/68/part/X/crossheading/definition-of-overcrowding>

relevant and specific to the individual applying or a member of their permanent household's condition. The Council will not request or pay for any supporting evidence.

- The Council will consider all recommendations from health professionals but will make the final decision as to the assessment of an application.
- Supporting evidence must be less than 6 months old at the time of any request submitted.

#### **BAND 5-Welfare & Hardship**

6.12 This category of prioritisation applies where an individual's/household's current accommodation is causing hardship and a move is required in order to receive care or support.

- This needs to be exceptional whereby the health care is unique to a specific health service in the Borough of Runnymede and cannot be provided anywhere else including in the area where the applicant currently lives.
- Support from friends or relatives living in the Borough is not a ground for welfare if support is already or can be achieved in the current Borough the individual/household resides in, whether through professional services or informal support which may involve travelling.
- Exceptional and specific health care will have to be evidenced by health professionals currently engaged with the individual/household and will be assessed by the Council's Independent Medical Advisor.
- Individuals/households who need to move due to domestic abuse / actual violence or threats of violence / extreme harassment / intimidation / hate crime. This may include where a move is necessary to protect a witness to criminal acts. Evidence may be sought from professionals engaged with the applicant. Extreme violence or harassment will be verified through the Police and / or other agencies as appropriate.
- This ground is meant for exceptional and unique circumstances only.

#### **BAND 6-All other eligible individuals/households.**

6.13 This banding will be applied to all other individuals/households to whom the above circumstances (in categories 1, 2, 3, 4 and 5) do not apply.

6.14 This banding will also apply to individuals/households that were originally assessed to have a higher banding, but who have failed to view 2 affordable pitches/plots that they were offered the chance to acquire in the last 12 months without reasonable cause and as assessed by the Council.

#### **Acquiring an affordable pitch or plot**

6.15 If the Council or another Registered Provider (RP) acquires any of the allocated pitches/plots for retention as a form of affordable housing, once the transfer of ownership has been completed, the pitch/plot will be allocated, either directly by the Council (if the Council is the owner), or, if a pitch/plot is acquired by another RP, 100% of the nominations will be expected

to be given to the Council. It is the responsibility of the applicant to satisfy themselves at the point of viewing a property that the property is suitable to meet their needs.

- 6.16 The Council's Housing Allocation Scheme which can be viewed on the website provides the Council's policy on allocating affordable housing and this would be applied (as relevant) to any allocated pitches and plots.

## 7. EVIDENCE REQUIRED IN SUPPORT OF A COMPLETED ELIGIBILITY FORM

- 7.1 The burden is on the individual to satisfy the Council with appropriate information and evidence that s/he is potentially eligible for an allocated pitch/plot in Runnymede. This chapter summarizes the types of information that will be required to support a person's eligibility form. The supporting information will also be set out within the eligibility form itself.

### **General requirements to prove identity (all individuals/households)**

- 7.2 All individuals completing the eligibility form will be asked to provide one of the following to confirm their identity generally: Copy of passport, driving license, birth certificate, identity card or suitable equivalent.
- 7.3 All people completing the form will also be required to demonstrate that they have the right to enter and stay in the UK; this complies with [Immigration Rules part 1: leave to enter or stay in the UK - Immigration Rules - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules).

### **Local connection (all individuals/households)**

- 7.4 The following lists provide suggestions for the types of evidence that may be required in support of an individual's/household's claim that they have a local connection to the Borough:

#### Connection for employment purposes

- current payslips, the most recent P60 and/or bank statements to support local connection qualification through employment.
- a self-employed person (including those individuals trading at fairs, shows and events), will need to provide the Council with evidence of an on-going viable venture.
- Historic (at least 12 months old) and current P45 or Payslip demonstrating the individual's (or for the permanent adult member of the household **family** who is seeking to demonstrate the employment link) address(es) of employment.
- Self-employment supporting statement; the person completing the eligibility form will be given the opportunity to provide any evidence that they feel is relevant in support.

#### Connection through living in the Borough

- Historic and potentially current utility bills demonstrating name and home address(es) of the individual or the relevant member of the household **family** seeking to demonstrate a local connection to the Borough on the grounds of residence.

#### Unique or exceptional health/welfare need

- Supporting evidence from relevant and qualified health professionals which is current (less than 6 months old), relevant and specific to the person completing the eligibility form or a member of their permanent household's condition, who is seeking to demonstrate a local connection on this ground.

### **Additional requirements for those seeking an affordable pitch or plot**

- 7.5 All prospective new tenants for any affordable pitches/plots will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Income Support, Housing Benefit, Council Tax Benefit (and successor Universal Credit), verification of income and savings will be required prior to applicants being offered accommodation.
- 7.6 Where, at the point of verification, an applicant's net income (or combined income) is greater than the income and / or savings limits as set out below, then an applicant(s) will not be eligible to access any affordable products on offer.
- 7.7 In order for applicants to be eligible for an affordable pitch/plot they will need to demonstrate that:
- They do not have assets (beyond their mobile home and/or touring caravan (and fairground rides/equipment in the case of Travelling ~~Showmen~~ Showpeople)) or savings that exceed £16,000, and
  - They earn less than ~~£30,000~~ £35,000 per annum if they are a single person household, £40,000 if they are a couple, and household or £50,000 if they are a family (any household with a child).
- 7.8 Applicants may need to provide:
- Current payslips, the most recent P60 and bank statements for all working members of the household.
- 7.9 It should be noted that for affordable pitches/plots, the earnings and savings thresholds set out above are linked to the Council's Housing Allocations Policy and will be amended if rates within that Policy change.
- 7.10 In addition to the above, all applicants applying for an affordable pitch/plot must provide satisfactory evidence of past and current residences for themselves and all permanent household members for the past 5 years. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant fails to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 7.11 Specifically, applicants will need to provide details of their current address and a 5-year address history (including details of any periods living on the roadside/no fixed abode), providing details of why previous periods of occupation came to an end.

## 8. GENERAL POINTS RELATED TO ALLOCATED PITCHES/PLOTS

- 8.1 Groups of Travellers can seek to acquire more than one pitch or plot on an allocated site for their own occupation as long as all individual households are assessed by the Council to be eligible to acquire them at the time of their offer on an allocated pitch/plot.
- 8.2 The Council will retain lists of interested parties and also those who have been assessed as eligible/potentially eligible to acquire a pitch in line with the requirements of Policy SL22 of the Runnymede 2030 Local Plan. When pitches/plots become available to purchase, details will be communicated with the people on both lists when/if the developer/land owner/management body for an allocated site passes the Council the marketing details. In the first instance, this would only be to those households who meet one of the definitions of a traveller contained in the PPTS and who can demonstrate a local connection to the Borough. It will be the responsibility of the people on these lists to contact the developers directly to find out more information about the pitches/plots for rent or sale and to arrange a viewing.
- 8.3 For pitches which are for sale or rent on the open market, other than agreeing whether or not a household meets the eligibility criteria set out in this document, the Council will not be involved in the sale/rental process. It will be for the relevant land owner/ developer/management body to decide which of the eligible households the pitches and plots are sold or rented to.
- 8.4 Travelling Showpeople ~~Showmen~~ will be able to purchase/rent the pitches allocated for Gypsies and Travellers. However Travelling Showpeople ~~Showmen~~ should be aware that the pitches allocated in the Local Plan are expected to be smaller in nature (in the region of 500sqm) and are allocated for residential use only.

## 9. DATA PROTECTION AND PRIVACY

- 9.1 Data collected from individuals in their eligibility forms for the allocated pitches and plots in the Borough will be processed in line with the Data Protection Act 2018. For the purpose of the Act, Runnymede Borough Council is the “Data Controller” and so is responsible for the information held.
- 9.2 Individuals, when completing the eligibility form with the intention of acquiring one of the pitches or plots on one of the allocated sites will be required to agree that the Council can share relevant information they have provided with relevant agencies and departments, both within and outside of the Council, in order to process, assess, and verify their eligibility form, and subsequently determine if they are eligible for a pitch/plot. The Council may also need to request information from these agencies and departments. This may include information held by credit reference agencies, current or former landlords, government departments, health and/or social care providers and/or a representative agency for Gypsies, Travellers and Travelling Showpeople including the Showmen’s Guild of Great Britain [and the Surrey Gypsy Traveller Communities Forum](#).
- 9.3 Sensitive personal data such as racial or ethnic origin, criminal offences (including alleged offences) and physical and mental disabilities are required to be recorded under the Equal Opportunities Monitoring statute. Any data provided may be disclosed in accordance with the Freedom of Information Act, although all data will be anonymised.
- 9.4 Outside of the permissions given to the Council as described in paragraphs 9.1 and 9.2, the disclosure of information included on the eligibility form to a third party is prohibited except on a “need to know” basis in the following circumstances:
- For the purpose of fraud detection, the prevention of crime and the promotion of community safety.
  - Where disclosure is a legal requirement.
- 9.5 The personal data of all individuals/households who are found to be eligible, [or potentially eligible](#), for a pitch/plot (when assessed against the criteria in chapters 3 and 4 of this document) will be held by the Council until all of the allocated pitches/plots have been initially disposed of. Once all the pitches/plots have been sold/occupied initially, [the data held will be disposed of](#). ~~any interested parties remaining will be retained on the Council’s waiting list for future sales or re lets. Those on the waiting list will be contacted annually to ask if they would like to remain on the list, and if so, whether any of their details have changed.~~
- 9.6 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.

## **10. EQUAL OPPORTUNITIES AND MONITORING**

- 10.1 The Council is committed to the principle of equal opportunities in the delivery of all its services. Individuals completing the eligibility form will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require other special services as a result of visual impairment, hearing difficulties, low levels of literacy/illiteracy or for another reason.
- 10.2 Confidential interview facilities are provided at the Civic Offices. There is full access to the Civic Offices for wheelchair users. Home interview services are available for those who are elderly or who experience mobility difficulties or have other vulnerabilities.
- 10.3 The Council will seek to ensure that the allocation scheme set out in this SPD is being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation, disability, gender reassignment, pregnancy/maternity and religion. The information provided will be kept confidential and treated with respect.
- 10.4 All people completing the eligibility questionnaire will be asked to provide equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of the completed form. However, such information will help the Council monitor the number and types of equality groups seeking a pitch/plot and therefore all filling out the form will be strongly advised to provide this information. Equalities records will be monitored regularly to ensure pitches/plots are being allocated fairly.
- 10.5 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 10.6 An Equalities Impact Assessment has been completed on the entirety of this scheme and can be viewed on request.

## 11. APPEALS AND REVIEWS

- 11.1 All individuals/households completing the eligibility questionnaire have the right to request general information about the decision made on their eligibility. Everyone who completes the form will be informed in writing of the Council's decision on whether they meet the eligibility criteria for the allocated pitches and plots as set out in Policy SL22 of the Runnymede 2030 Local Plan, and as further described in this Allocation Scheme SPD. The written notification will give clear grounds for the decision which will be based on the relevant facts of the case. Individuals will be informed of their right to request a review of the decision.
- 11.2 The appeal and review process is open to individuals who wish to challenge:
- The Council's decision on whether they meet the planning definition of a Gypsy, Traveller or Travelling Showman contained in the Planning Policy for Traveller Sites (or any subsequent replacement policy published by the Government).
  - The Council's decision in terms of whether they have a local connection to the Borough (in line with chapter 4 of this Allocation Scheme SPD).
  - The Council's decision on whether they are a Gypsy or Traveller household (non PPTS definition).
  - The banding and priority they have been assigned (this relates to affordable pitches only. See chapter 6 for further information).
- 11.3 The appeal and review process is also open to those who feel unduly discriminated by the Allocation process.

### Review process

#### Pre-review stage:

- 11.4 Individuals who are unhappy with a decision made under this Allocation Scheme should in the first instance contact the Council's Planning Policy Team and explain why they think that the decision is unreasonable. At this time, the Officer will explain in more detail why an assessment has been made. If the individual remains dissatisfied, they can progress to the formal review stage.

#### Review process:

- 11.5 Individuals can submit a review request within 21 days of the date of the original decision. This review will be conducted by an officer senior to the decision maker. The review request should usually be in writing and outline clearly what the individual's reasons for a review are, and what outcome they are seeking. The individual will usually be notified of the outcome within 56 days of the Council receiving the review request. In exceptional cases, the Council may need more time to consider a review, and the individual will be notified of this as early as possible.
- 11.6 Individuals will be invited to submit any further evidence to support their review request, and the Council may seek any further information that it requires to make a decision, including advice from medical or other specialist advisors.

## 12. COMPLAINTS

- 12.1 The Council has a formal complaints procedure. Individuals can use the complaints procedure if they believe:
- Something has been done badly or incorrectly in the service delivery;
  - If something has not been done that should have been done;
  - If the service has not been delivered in accordance with policies and procedures;
  - If they have been treated in an impolite or discourteous manner.
- 12.2 All individuals who make a complaint will be treated fairly and objectively. A written reply to any complaint received will be sent out within the timescales set out in the Council's Complaints Procedure, copies of which are available on the Council's website ([www.runnymede.gov.uk](http://www.runnymede.gov.uk)).

### **13. FRAUD (AFFORDABLE PITCHES/PLOTS ONLY)**

13.1 The Council will refer all completed eligibility forms for affordable pitches/plots through their Fraud Services team if there is any reason to suspect fraud and/or deception and this may lead to prosecution.

#### **False or misleading information**

13.2 Gypsy and Traveller pitches and plots are in short supply in the Borough. The pitches and plots being offered through this Allocation Scheme will provide a much-valued opportunity for settled accommodation for those who qualify for it.

13.3 Therefore, the Council will take a strong approach to dealing with fraudulent eligibility forms and false information.

13.4 Under Section 2 and Section 3 of the Fraud Act 2006, an individual, or someone acting on their behalf, commits an offence if:

- They knowingly or recklessly give false information, or
- They knowingly withhold information that the Council has reasonably required the individual to give.

13.5 Individuals who are found to have given false information on their eligibility form for the allocated pitches and plots, or in response to a request for further information in support of this assessment, or during review proceeding, will not be able to have their eligibility determined. This will impact on an individual's ability to acquire an allocated pitch or plot.

13.6 Individuals will be given 21 days to provide information showing that they are eligible for a pitch/plot. If they do not reply within this time, or they reply but the Council decides that they are not eligible they will be notified accordingly.

13.7 If the Council decides that a person has given false information or withheld information on their eligibility form, it will take one or more of the following actions:

- a) Remove the individual from Council's list of eligible parties.
- b) Not allow the individual to re-apply for one of the allocated pitches or plots for an indefinite period.
- c) Instigate criminal proceedings (affordable pitches/plots only).

13.8 The individual will be informed in writing of the Council's decision and action taken.

#### **14. REVIEW OF THIS SCHEME**

- 14.1 This Scheme will be the subject of regular review, and where the Scheme requires changes which are minor in nature (for example to respond to best practice), or where the changes are required urgently for legal reasons, or changes in government policy and / or legislation, these changes will be approved by the Chair / Vice Chair of the Planning Committee.
- 14.2 A Specific trigger to review the Allocation Scheme would be if the definitions of a Gypsy, Traveller and / or Travelling Showman change for the purpose of planning.
- 14.3 Subject to the urgency of the change, as per paragraph 14.1 above, any major change required to the Scheme will be subject to full public consultation.
- 14.4 All changes to this Scheme will be noted within the Version Control on page 1 of this Scheme, and an updated Scheme document will be uploaded to the Council's website.