

<b>Report title</b>	<b>Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople Supplementary Planning Document. For adoption</b>
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<b>Department</b>	Planning Policy
<b>Exempt?</b>	No
<b>Exemption type</b>	Not applicable
<b>Reasons for exemption</b>	Not applicable

**Purpose of report:**

- **To resolve**

**Synopsis of report:**

This purpose of this report is to seek Planning Committee approval to adopt the revised Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople Supplementary Planning Document (SPD) (hereafter referred to as the Allocation Scheme SPD) in accordance with the Town and Country Planning (Local Planning) Regulations 2012 ('the Regulations'), following formal public consultation and consequential changes to the document.

The purpose of the SPD is to provide 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.

Once adopted, the SPD will become a material consideration in determining relevant planning applications and appeals, so that decisions can be made which help achieve Local Plan objectives.

**Recommendation(s):**

**That the Planning Committee:**

- i) **AGREES** the responses to the representations received (as set out in Appendix 1 to this report within the 'Consultation Statement');
- ii) **APPROVES** the revised Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople Supplementary Planning Document (SPD) (attached at Appendix 2 to this report) for adoption, with an implementation date of 6<sup>th</sup> January 2024; and

- iii) **AGREES that delegated authority be given to the Corporate Head of Planning, Economy and the Built Environment, in consultation with the Chair and Vice Chair of the Planning Committee, to approve any final minor editorial changes to the Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople SPD prior to implementation.**

## 1. Context and background of report

1.1 The adopted Runnymede 2030 Local Plan allocates 10 plots for Travelling Showpeople at the Longcross Garden Village and 35 new pitches across 9 housing allocation sites for gypsies and travellers (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 travellers.

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 A Supplementary Planning Document (SPD) has been prepared to build upon and provide more detailed advice on how this part of the policy should be interpreted and applied.

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

1.4 This report presents a revised Allocation Scheme SPD, having been subject to public consultation for a period of 8 weeks, from Wednesday 5 June to Wednesday 31 July 2024 (double the minimum statutory period). A copy of the recommended revised Allocation Scheme SPD is attached at Appendix 2 to this report, with proposed new text shown red and underlined, and text proposed for deletion shown struck through.

1.5 The consultation was promoted widely in accordance with guidance in the Council's Statement of Community Involvement, and a total of eight representations were received. These can be broadly categorised as follows:

- 2 national organisations
- 2 local authorities

- 2 individuals
- 1 local group
- 1 private sector company

1.6 In accordance with the relevant Regulations, a Statement of Consultation at Appendix 1 to this report sets out the persons the local planning authority consulted when preparing the SPD; a summary of the main issues raised by those persons; and how those issues have been addressed in the SPD. Appendix 1 (in its Appendix C) summarises how the SPD has been revised to address the matters raised during the course of the consultation. In the region of 40 comments were made by the representors, on a variety of points.

1.7 The revised Allocation Scheme SPD is attached at Appendix 2 to this report. The main changes which have been made to the document are as follows:

- **Cover Page**-Date of SPD amended from May to December 2024
- **Contents page**-The name of Chapter 3 has been shortened for conciseness.
- **Chapter 1-Introduction:** Amended to remove text regarding the period of consultation, to confirm the intended adoption and implementation dates of the SPD, and to confirm the status of the SPD in decision taking once it comes into force.
- **Chapter 2-Background:** One sentence and one extra word added to provide clarification.
- **Chapter 3-Securing sites in perpetuity for gypsies, travellers and travelling showpeople:** Chapter title shortened, minor wording changes to opening paragraph, and model wording added for planning condition used to restrict the occupation of allocated pitches to gypsies, travellers and travelling showpeople. One paragraph of text deleted to avoid duplication with wording already contained in chapter 9. Two additional sentences added to refer the reader to the newly proposed cascade arrangements in chapter 4.
- **Chapter 4-The Council's policy for allocation (to preserve access for those with a local connection):** Local connection criteria for residence and employment amended to ensure that they are sufficiently tailored to support the traditional ways of life of the travelling community. In particular, removal of the terms 'permanent' and 'consecutive', and replacement of the word 'household' with 'family' to facilitate extended family links. Relevant explanatory text also added. A cascade agreement is also recommended for inclusion in future S106s (and is therefore referred to in this chapter of the SPD) to confirm that when, following a reasonable period of marketing, pitches cannot be disposed of to gypsy and traveller households who meet the definition in the Planning Policy for Traveller Sites (PPTS) and have a local connection to the borough, that the pitches will be able to be disposed of/occupied by traveller households who do not meet the PPTS definition, but are ethnic gypsies and travellers who are able to demonstrate a local connection to the borough. This would be followed by travellers who are unable to meet the local connection criteria (with PPTS definition travellers being given priority in line with policy SL22). This will help ensure that the pitches are less likely to be lost to alternative uses given the acute need for them in Runnymede. Some additional text has also been added to the definition of employment, and the reference to health and welfare needs needing to be 'unique' has been deleted. This is following discussions with the Council's Housing Department, to ensure consistency with proposed amendments to the Council's Housing Allocation Scheme.
- **Chapter 5-phasing and trigger points:** No proposed amendments.

- **Chapter 6-Affordable pitches and plots:** One sentence added to confirm that where affordable pitches are delivered, this will count towards the total affordable housing requirement for the allocated site. A small amount of additional text has also been added to refer to the cascade arrangements in chapter 4
- **Chapter 7-Evidence required in support of an eligibility form:** Two wording changes proposed to tie in with amendments to the local connection criteria in chapter 4 ('household' to 'family'). Earnings thresholds also amended in para 7.7 following discussions with the Council's Housing Department, to ensure consistency with proposed amendments to the Council's Housing Allocation Scheme.
- **Chapter 8-General points related to allocated pitches/plots:** Minor textual amendments made to paragraph 8.2 to tie in with the proposed cascade arrangements in chapter 4.
- **Chapter 9-Data Protection and privacy:** The Surrey Gypsy Traveller Communities Forum has been added as a possible organisation that the Council may request consent from applicants to engage with to aid the verification of information in eligibility forms. Some minor textual additions have been made to para 9.5 and the text regardless the Council's proposed retention of people's details for future relets and sales has been deleted.
- **Chapter 10-Equal Opportunities and monitoring:** No proposed amendments.
- **Chapter 11-Appeals and Reviews:** One additional appeal ground has been added for those who wish to challenge the Council's decision in terms of whether households meet the non PPTS definition of a traveller.
- **Chapter 12-Complaints:** No proposed amendments.
- **Chapter 13-Fraud:** Clarification that fraud checks will only be carried out for affordable pitches and plots.
- **Chapter 14- Review of this Scheme:** No proposed amendments.
- **Throughout document-**References to Travelling Showmen amended to Travelling Showpeople to be consistent with the Planning Policy for Traveller Sites.

1.8 In relation to the cascade arrangements proposed in chapter 4, these have been drafted to help differentiate between the PPTS and non PPTS definitions of a gypsy and traveller. The Council is required by the NPPF to assess the needs of and positively plan for the groups with specialist accommodation needs, including the needs of gypsies and travellers, who are an ethnic group who traditionally live in caravans. Many gypsies and travellers have a cultural aversion to living in bricks and mortar accommodation. The PPTS however only picks up a subset of the wider gypsy and traveller community, which is those who have, at some point, travelled for economic purposes, even if this travelling has ceased temporarily or permanently. The needs for culturally appropriate accommodation for gypsies and travellers is still required to be assessed and planned for by Local Authorities under paragraph 63 of the NPPF. The cascade arrangements seek to confirm how the Council will prioritise the allocation of pitches.

1.9 Having considered the representations received and the officer responses, it is recommended that the Planning Committee approves the revised Allocation Scheme SPD for adoption and subsequent implementation on 6<sup>th</sup> January 2025. This will allow the SPD to be taken into account as a material consideration in the determination of all relevant planning applications and appeals from the point of adoption. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), officers would make the adopted SPD

and an adoption statement<sup>1</sup> available on the Council website as soon as reasonably practicable upon adoption (in this case by 6<sup>th</sup> January 2025). A copy of the adoption statement would also be sent to any person who has asked to be notified of the adoption of the SPD.

- 1.10 An alternative option would be for members to choose not to adopt the SPD and rely upon the current Local Plan policies along with the NPPF and PPTS, without any supplementary guidance. However, this would leave more leeway for an inconsistent interpretation of certain matters, particularly in relation to matters such as 'local connection' as referred to in policy SL22. Therefore, this option is not recommended.

### **3. Policy framework implications**

- 1.11 Supplementary Planning Documents (SPDs) do not form part of the development plan for Runnymede, but once adopted, are a material consideration in decision-making. Once adopted, the Allocation Scheme SPD will support the Council's Corporate Business Plan (2022-2026) themes related to Economic Development (objective 5 refers to, 'addressing issues of relative deprivation in particular the lack of affordable housing and poor access to public services for some communities to improve life chances for these residents') and Health and Wellbeing (objectives 1 and 2 which relate to the creation of healthy homes and healthy communities which are considered particularly relevant).

- 1.12 Although the SPD will not form part of the development plan for the area, it will support Runnymede 2030 Local Plan objectives 1 and 2 by reducing health inequalities and improving the quality of people's lives through developing healthier and safer communities and improving life chances, and supporting the delivery of additional homes in Runnymede, including the delivery of housing for those with specialist needs.

- 1.13 In this regard, the SPD also supports paragraphs 60 and 63 of the NPPF which state that, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed... The overall aim should be to meet as much of an area's identified housing need as possible...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include...travellers'*.

### **4. Resource implications/Value for Money**

- 1.14 The costs associated with this work have been met using existing budgetary provision allocated to the Planning and Legal Services teams.

- 1.15 The SPD has been written by the Planning Policy Team, drawing on in-house legal expertise and feedback from the Development Management Team and Housing Department, as well as elected members and stakeholders following their contributions and comments during the preparation of the SPD.

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<sup>1</sup> The Regulations define 'adoption statement' as a statement specifying the date on which the SPD was adopted; any modifications made to take account of any representations made in relation to the SPD or any other relevant matters; that 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 the decision; and that any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

- 1.16 It is considered that value for money has been achieved producing this SPD by drawing on internal resources rather than external consultants.

## 5. Legal implications

- 1.17 The Allocation Scheme SPD has been prepared and made subject to public consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ('the Regulations').
- 1.18 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 Allocation Scheme SPD does not introduce new policy requirements and instead focuses on providing detailed guidance to aid implementation of existing 2030 Local Plan policy requirements, particularly those contained in Policy SL22 of the Runnymede 2030 Local Plan. This is considered to reduce the risk of legal challenge once adopted.
- 1.19 Sections 6 and 7 below also describe the legal requirements associated with equality, and with protecting the Borough's natural environment.
- 1.20 Members have asked officers to seek further advice on the mechanisms available to ensure the allocated pitches and plots continue to be occupied by gypsies, travellers and travelling showpeople, prioritising those with a local connection, in the long term. Having discussed this matter with Legal Services the following three options have been discussed:
- 1.21 **Planning Conditions:** Considered to be the most straightforward way of restricting the occupation of a pitch/plot so it can only be resided on by individuals who meet the definition of a gypsy, traveller or travelling showperson as contained in the Planning Policy for Traveller Sites. Where breaches of planning control occur, the Local Planning Authority is able to serve a Breach of Condition Notice which is a straightforward, quick and cost effective way to enforce against non compliance. However whilst conditions are frequently used to secure personal permissions for traveller pitches/plots, the use of a condition to secure local connection is not considered appropriate as officers consider that it would be too complex to draft a condition which is sufficiently precise.
- Planning Obligations:** Secured through a legal agreement, planning obligations are considered the most appropriate mechanism to secure compliance with local connection criteria. However, planning obligations can only be enforced via an injunction. This form of remediation is costly, and for minor breaches this approach may not be cost effective i.e. 'a sledgehammer to crack a nut'.
- Restrictive covenants:** These tend to be used to restrict the use of land in a property rather than a planning context. A planning obligation is considered to achieve the same result. Like planning obligations, restrictive covenants are also enforced by injunction.
- 1.22 Officers are therefore of the view that the current approach of restricting occupation of allocated pitches/plots to travellers by use of condition and dealing with other more nuanced matters by planning obligations remains the best approach. Whether it is expedient to enforce breaches of planning control where they occur will be considered on a case by case basis by the Planning Enforcement Team.

## 6. Equality implications

- 6.1 The Council has a legal duty to comply with equalities legislation and to assess the likely impact (positive or negative) that a plan, strategy, policy, project or service may have upon protected groups. A full Equalities Assessment has been produced to support the preparation of the SPD. This has been shared with the Council's Equalities Group. Further amendments to the Equalities Assessment have been made following the consultation period to incorporate feedback received and the Council's response.
- 6.2 The overall conclusions of the Equalities Assessment remain unchanged in that the SPD, as amended, is anticipated to have 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 can be viewed at Appendix 3 to this report. A draft was made publicly available for comment during the public consultation on the SPD for the full eight weeks.

## **7. Environmental/Sustainability/Biodiversity implications**

- 1.23 A detailed Sustainability Appraisal (SA) was carried out for the Runnymede 2030 Local Plan. The Allocation Scheme SPD is supplementary to the Local Plan and therefore does not require a separate SA. The SPD has however undergone Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, in accordance with the requirements of Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 105 of the Conservation of Habitats & Species Regulations 2017 respectively.
- 1.24 The SEA/HRA screening statement and determination is attached at Appendix 4 of this report. This concludes, in consultation with the three statutory bodies (Historic England, Natural England and the Environment Agency) that no SEA or full Appropriate Assessment is needed as the SPD elaborates on existing policy only. The screening report was made available during the public consultation on the SPD.

## **8. Risk Implications**

- 1.25 There is a risk of legal challenge associated with the production and adoption of SPDs. This is considered under Section 5 of this report – 'Legal implications'. 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.
- 1.26 The Levelling-up and Regeneration Act 2023 (LURA) received Royal Assent on the 26 October 2023. The Act introduces changes to the plan-making system, including that local planning authorities will no longer be able to produce SPDs. However, secondary legislation will need to be issued in order for this and many other measures in the Act to come into effect. Whilst there is a risk that the SPD replacement measure could be enacted before the Allocation Scheme SPD is adopted and implemented, officers consider the risk of this happening to be low.
- 1.27 It was the intention of the previous Government's that any adopted SPDs would remain in force until planning authorities adopt a new-style Local Plan, at which point SPDs will automatically cease to have effect. The position of the new Government is awaited, however, assuming the position remains unchanged, the Allocation Scheme

SPD would therefore provide useful guidance until August 2028, when the Council is anticipated to adopt a new-style Local Plan.

## **9. Other implications**

- 9.1 The Planning Policy Team recognises that care must be taken when handling personal data after representations have been received during consultation processes. Responses received during the period of public consultation have not been published in full. Instead, summaries have been produced for the Planning Committee via the Statement of Consultation at Appendix 1 to this report, setting out key points raised alongside officer responses. Personal information which could identify individuals has not been included.

## **10. Timetable for Implementation**

- 1.28 Should the Committee approve the SPD for adoption, and after any final editing, the SPD will be published in readiness for implementation on 6<sup>th</sup> January 2025 alongside the adoption and consultation statements. Training for planning officers and elected members will be provided as required.
- 1.29 The SPD will then be applied to the determination of all relevant planning applications from the point of implementation.

## **11. Conclusions**

- 1.30 The Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople SPD has been prepared to support the implementation of a discreet part of Policy SL22 of the Runnymede 2030 Local Plan which is concerned with the pitches and plots that have been allocated for travellers over the plan period. The SPD seeks to provide greater certainty and clarity for both applicants and decision-takers about how the policy will be applied, particularly in relation to the local connection criteria, and the bandings that will be applied for any affordable pitches/plots which come forward. Guidance on other matters is also provided.
- 1.31 Subject to Planning Committee approval, the SPD will be formally adopted and implemented; being used to determine relevant planning applications from the point of implementation. Applicants and promoters will be advised of the SPD through pre-application and planning application processes as appropriate.

## **12. Background papers**

- Draft Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople SPD: Approval for public consultation. Considered by the Planning Committee on 29 May 2024: ([Public Pack](#))[Agenda Document for Planning Committee, 29/05/2024 18:30](#) (Agenda item 8)

## **13. Appendices**

- Appendix 1 – Statement of Consultation (November 2024)
- Appendix 2 - Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople Supplementary Planning Document (SPD) (November 2024)
- Appendix 3 – Equality Assessment (November 2024)
- Appendix 4 – SEA/HRA Screening Report & Determination (November 2024)