

**Gypsy and Traveller Allocation Scheme (Planning Policy and Economic Development Services, Georgina Pacey)**

**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 subsequent discussions with Counsel, the Allocation Scheme is now proposed to be progressed as a Supplementary Planning Document (SPD). To follow the relevant processes for the preparation of SPD as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), a further round of public consultation is proposed prior to the adoption of the document.

This report seeks approval from the Planning Committee to carry out public consultation on the amended draft allocation scheme for a period of 5 weeks. A copy of the amended draft SPD is attached at Appendix A. A number of amendments have been made to the SPD since it last came before the Planning Committee. The key changes are summarised in the body of the report.

**Recommendation(s):** The Planning Committee is recommended to **RESOLVE** 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 five weeks between Wednesday 16<sup>th</sup> November and Wednesday 21<sup>st</sup> December 2022.**

**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 allocation scheme at appendix A 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 Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople Allocation Scheme: SPD (hereafter referred to as 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 considered at the Infrastructure and Economic Development Working Party on 15<sup>th</sup> March 2021 and the Housing and Enablement Working Party on 21<sup>st</sup> July 2021 before being brought to this Committee. Since the Planning Committee meeting of 1<sup>st</sup> September 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 23<sup>rd</sup> February 2022.
- 1.6 Following the consideration of the comments made by Members at the meetings listed above, the comments made through the public consultation and the comments made by Counsel, a number of amendments have been made to the Allocation Scheme. The key changes are summarised in paragraph 1.8 below. In addition, 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 also now 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'.*

- 1.7 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 SPD can be viewed alongside the officer responses.
- 1.8 The key changes made to the SPD since it was last considered by the Planning Committee are listed as follows:
- Title page amended to confirm that the document is proposed to be a Supplementary Planning Document. More information on this point and the details of the second round of consultation proposed can be found in chapter 1;
  - Provision of further information around how the Council will prioritise applicants for the pitches and plots (chapters 3, 4 and 6);
  - Insertion of new text confirming some of the possible clauses that will be included in the S106s for the allocated sites, including in relation to the production of a Gypsy and Traveller Scheme by the relevant landowner/developer for each of the allocated sites (chapters 3 and 4);
  - Inclusion of information on the future sub letting of pitches and plots post their initial occupation (chapter 3);
  - Insertion of more information on how site owners/developers should determine if an applicant is eligible for a pitch/plot (chapter 5);
  - Inclusion of a new chapter (Chapter 7) to set out the allocation process for any affordable pitches and plots, if they are acquired and controlled by Runnymede Borough Council (includes information relating to shortlisting, offering, viewing and letting of properties, bypassing of applicants, viewings and offers and failure to view;
  - Inclusion on further information on the evidence required in support of an application (chapter 8), particularly for any affordable pitches and plots;
  - Clarification on when an applicant will be able to appeal the Council's decision on eligibility (chapter 11).
- 1.9 A number of other minor changes are also included in the document. All proposed changes can be viewed in the document at Appendix A.

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

- 2.1 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.
- 2.2 Each of the other key amendments made to the document have been set out below with a summary of the reasoning behind each provided:
- 2.3 Provision of further information around how the Council will prioritise applicants (chapters 3, 4 and 6): Information is now contained in the SPD confirming the two categories of applicants who will be eligible to acquire the allocated pitches and plots (whether affordable or market products). These are:

Priority A-applicants who meet the planning definition of a Gypsy, Traveller or Travelling Showman in line with the PPTS (or any subsequent replacement national planning policy) and who have a local connection to the Borough;

Priority B- Applicants who have a local connection to the Borough and are Gypsies, Travellers or Travelling Showmen but who do not meet the Planning definition contained in the PPTS (or any subsequent replacement national planning policy) by reason of the fact that they have ceased to travel permanently.

- 2.4 The SPD also confirms when Priority B applicants will be eligible to acquire allocated pitches/plots.
- 2.5 There is no 'Priority C' category proposed which would allow any other Traveller outside of categories A and B to acquire one of the allocated pitches and plots, including Travellers who do not have a local connection to the Borough. This is because Policy SL22 is clear that the pitches and plots on the allocated sites should be preserved for those with a local connection.
- 2.6 Policy SL22 of the Local Plan sets out the level of need for pitches and plots in the Borough over the Plan period. This need is based on the needs of those who meet the planning definition of a Gypsy, Traveller or Travelling Showperson as contained in the Planning Policy for Traveller Sites (2015). Pitches and plots acquired by Priority A applicants would help reduce these identified needs over the plan period. However, the Council's Gypsy and Traveller Accommodation Assessment (GTAA) also includes an assessment of the accommodation needs of Traveller households that do not meet the planning definition. This assessment is included for illustrative purposes to provide the Council with information on levels of need and to help meet requirements set out in the Housing and Planning Act (2016).
- 2.7 The GTAA states that, *'it is evident that whilst the needs of the 38 households who do not meet the planning definition will represent only a very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in place to properly address these needs – especially as many identified as Romany Gypsies and may claim that the Council should meet their housing needs through culturally appropriate housing'*. Overall, over the Plan period, there is a need for an additional 45 pitches for Gypsies and Travellers and 1-2 plots for Travelling Showpeople who do not meet the planning definition. Pitches and plots acquired by Priority B applicants would help reduce these needs for culturally appropriate housing for this group.
- 2.8 Insertion of new text confirming possible clauses that will be included in the S106s for the allocated sites, including in relation to the production of a Gypsy and Traveller Scheme by the relevant landowner/developer for each of the allocated sites (chapters 3 and 4); The SPD confirms that for each of the allocated sites, the landowner/ developer will be required to produce a Gypsy and Traveller Scheme which will need to be submitted to and approved in writing by the Council and which deals with the following:
  - The delivery of the Gypsy and Traveller Pitches on the Gypsy & Traveller Land;
  - The valuation and marketing of the Gypsy & Traveller Pitches;
  - The disposal and future re sale/sub-letting of the Gypsy & Traveller Pitches; and
  - The maintenance of the Gypsy & Traveller Pitches;
- 2.9 Further information is included in chapter 4 on the type of information that a developer/future owner will be expected to provide to the Council if they are seeking to sell their pitch/plot to a priority B applicant. This includes comprehensive details of their marketing of the pitch/plot at a fair market price. The SPD sets out that the S106 agreements for the allocated sites will include a dispute resolution clause which confirms the process that will be followed if there is a dispute about whether a pitch/plot has been advertised at a fair market price.

- 2.10 Inclusion of information on the future sub-letting of pitches and plots post their initial occupation (chapter 3); The SPD confirms that if a Traveller household acquires a pitch/plot and then decides to sub-let it to another Traveller household, the Council will need to confirm in writing that the prospective occupier is eligible to reside on the pitch/plot when assessed against the criteria in the Allocation Scheme SPD.
- 2.11 Insertion of more information on how site owners/developers should determine if an applicant is eligible for a pitch/plot (chapter 5); This confirms that details of the allocated pitches and plots, once available, should be passed by the developers of the allocated sites to the Council. This will enable the Council to make the eligible applicants, that it holds the details of on its waiting list, aware that pitches are available for purchase. Chapter 5 also confirms that developers can find their own prospective buyers for the pitches and plots. However, in the latter scenario, before a sale is agreed, the prospective buyer found by the developer would need to contact the Council to have their eligibility verified. The Council will need to confirm that an applicant/potential purchaser not on their waiting list is eligible to acquire one of the allocated pitches/plots in writing before the sale/rental of the pitch or plot could be formally agreed.
- 2.12 Chapter 5 also now confirms that 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 offers on the allocated pitches/plots.
- 2.13 Inclusion of a new chapter (Chapter 7) to set out the allocation process for any affordable pitches and plots acquired and controlled by Runnymede Borough Council (includes information relating to shortlisting, offering, viewing and letting of properties, bypassing of applicants, viewings and offers and failure to view; The contents of this chapter largely mirrors the approach taken by the Council when letting social housing in the Borough, and as set out in the Council's Housing Allocation Scheme. At the time of producing this report, the Council is not proposing to acquire any of the pitches/plots as affordable products, however this chapter is included to cover this scenario for completeness.
- 2.14 Inclusion of further information on the evidence required in support of an application (chapter 8), especially for any affordable pitches; Text included following discussions with the Housing department to set out their evidence requirements for affordable products.
- 2.15 Clarification on when an applicant will be able to appeal the Council's decision (chapter 11). Confirms that the appeal and review process is open to the following individuals:
- 1-An applicant who wishes to challenge the level of priority they have been assigned (chapter 4);  
This will be because an applicant wishes to challenge one or both of the following:
    - The Council's decision on whether they meet the planning definition of a Gypsy, Traveller or Travelling Showperson as 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.
  - 2-An applicant who wishes to challenge the banding they have been assigned (chapter 6). This is only relevant for affordable pitches.

### 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. The SPD supports the 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. **Financial and Resource 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 Housing Allocations team within the Housing Department. The Corporate Head of Housing has confirmed that no additional resource will be required to administer the application process (including the appeal process), carry out future eligibility checks and maintain and review the waiting list.
- 4.3 Monitoring of the allocated sites and enforcement against any identified breaches in the future could however have financial and resource implications for the Council, especially 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 Runnymede Parking Guidance 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.

### 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 Equalities Assessment identifies potentially positive impacts on the protected characteristics of disability, gender reassignment, pregnancy/maternity, race and religion/belief, potentially negative impacts on the protected characteristic of age, 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 Runnymede Pitch and Plot Allocation Scheme for Gypsies, Travellers and Travelling Showpeople 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. **Timetable for Implementation**

8.1 If approval is given by the Planning Committee to consult on the draft Allocation Scheme SPD, the public consultation will take place for a 5 week period between Wednesday 16<sup>th</sup> November to Wednesday 21<sup>st</sup> December 2022. Following the period of public consultation, all comments received will be reviewed, with the Allocation Scheme SPD amended as appropriate. It is anticipated that the final Allocation Scheme SPD will be taken back to Planning Committee for adoption during the first quarter of 2023.

## 10. **Conclusions**

10.1 Officers recommend that the draft Allocation Scheme SPD is approved for public consultation for a period of 5 weeks.

(To Resolve)

**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