

## THE GYPSY AND TRAVELLER PLAN - UPDATE

### LOCAL DEVELOPMENT FRAMEWORK ADVISORY GROUP - 9 October 2012

Report of the: Community and Planning Director

Status: For Information

Key Decision: No

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#### Executive Summary

The planning policy team is preparing a consultation draft of the Gypsy and Traveller Plan which will allocate sites to meet the identified need in the District. It is important to plan to meet this need, as without the identification of suitable sites, the Council will find it hard to resist new proposals for sites across the District, regardless of their location, as strategic provision will not have been identified. The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment March 2012 found a need to allocate 40 pitches from 2012-2016 and an indicative need for a further 32 pitches from 2017 to 2026. An assessment of the existing sites with temporary permission and unauthorised sites indicates that 29 of these pitches could be allocated. Another 12 pitches may be forthcoming through extensions to existing sites and the allocation of new sites. Further investigation of these sites will be carried out before the final allocations are put forward. It is anticipated that the public consultation exercise will be in January /February 2013.

This report supports the Key Aim of green environment and safe and caring communities of the Community Plan

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**Portfolio Holder** Cllr. Mrs Jill Davison

**Head of Service** Alan Dyer

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#### Recommendation to the LDF Advisory Group

It be RESOLVED that the report be noted

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**Reason for recommendation:** To enable the Council to progress the Gypsy and Traveller Plan in accordance with the Local Development Scheme.

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#### Introduction

1. National Planning Policy for Traveller Sites states that local authorities should 'set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of

travellers in their area, working collaboratively with neighbouring local planning authorities’.

2. The Council undertook a new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTAA) which was completed in March 2012. The study found a need for 40 pitches over the period 2012-2016 (when applying the planning definition tests of travelling) and an indicative need for a further 32 pitches over the period 2017 to 2026 (a total of 72 over the period 2012-2026). Members will be aware that the findings of the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment now form the basis for the preparation of the Gypsy and Traveller Plan

### **The Gypsy and Traveller Plan.**

3. It is very important to make sufficient provision to meet the identified need in the District. Without the identification of suitable sites, the Council will find it hard to resist new proposals for sites across the District, regardless of their location, as strategic provision will not have been identified. The Gypsy and Traveller Plan will allow the Council, in conjunction with stakeholders, to identify the most suitable locations for sites. Without this document, even if planning applications for unsuitable sites are refused, they may be allowed on appeal, due to the lack of a Development Plan Document identifying the provision of sites.
4. The planning policy team is currently preparing a consultation draft of the Plan. This work has been focused around the assessment of the existing temporary and unauthorised sites, in order to identify whether any are appropriate locations for permanent pitches, and on identifying new potential sites for allocation.
5. In August a “call for sites” was carried out. This involved contacting Gypsy and Travellers living in the District, Gypsy and Traveller organisations and all those who registered an interest in the issue through consultations on the LDF. Parish and Town Councils were also contacted for their views on any potential sites within their areas.

### **Identification of Sites for allocation**

#### Non-Green Belt locations

6. National guidance states that Gypsy and Traveller development is inappropriate in the Green Belt. However in a highly constrained District such as Sevenoaks it cannot be assumed that suitable deliverable non-Green Belt sites will come forward, as gypsies and travellers are likely to be outbid by other land uses. Analysis carried out shows that there is no history of gypsy and traveller sites being developed in non-Green Belt locations and no non-Green Belt sites have previously been put forward in previous consultations. Given that this situation is unlikely to change consideration has to be given to Green Belt locations.

#### Temporary Sites

7. Core Strategy Policy SP6 and the National Planning Policy for Traveller Sites are the starting point for considering whether sites are suitable for permanent permission and allocation. This means:

- giving preference, where possible, to non-Green Belt locations; (see above)
- ensuring that development would not have significant adverse landscape or biodiversity impact;
- ensuring that the site is not located in an area liable to flood;
- ensuring that safe and convenient vehicular/pedestrian access can be provided to the site;
- ensuring that the scale of the site is appropriate;
- seeking to locate sites within or close to existing settlements with a range of services and facilities and access to public transport.

8. Currently in the District there are 25 pitches on 10 sites which have temporary permissions. See Table below. The Appendix contains a proforma for each of these sites. These give details of each site, an assessment of the constraints affecting each site and an initial consideration against Core Strategy Policy SP6 Provision for Gypsies and Travellers and Travelling Showpeople.

Site	No. of pitches counted	Temporary Planning permissions
Knockholt Station, Halstead	3	expires December 2014
Eagle's Farm, West Kingsdown	2	expires February 2013
Hill Top Farm, Farningham	5	expired March 2012
Land SW Broomhill, Swanley	2	expires December 2012
Bournewood Brickworks, Crockenhill	1	expires January 2012 Appeal in progress
Robertson's Nursery, Swanley	1	expired June 2012
Seven Acre Farm, Edenbridge	6	expires September 2013
Hollywood Gardens, West Kingsdown	1	expires May 2013
The Mobile Home, Hextable	1	expires October 2013
Land south of déjà vu, Swanley	3	expires December 2014
<b>Total</b>	<b>25</b>	

9. Following on from work done for the GTTA, an analysis of strategic considerations has also been carried out. As a result the following categories have been identified in order to classify the sites.

- 1 Green Belt and well located (within 1km of a settlement in the Settlement Hierarchy) and with no other significant constraints /issues.
- 2a Green Belt and well located (within 1km of settlement in the Settlement Hierarchy) but with potential constraints/issues
- 2b Green Belt and well located (within 1km of settlement in the Settlement Hierarchy) but with significant constraints/issues

- 3a Green Belt and poorly located (beyond 1km from the settlement in the Settlement Hierarchy and with no or potential constraints/issues
- 3b Green Belt and poorly located beyond (1km from the settlement in the Settlement Hierarchy) and with significant constraints/issues
- Well located is deemed to be within 1km of a settlement in the Settlement Hierarchy
- Poorly located is deemed to be beyond 1km from the settlement in the Settlement Hierarchy
- Potential constraints/issues are identified as those relating to Listed Buildings, SSSI, Conservation Areas, AONB AQMA Buffer Zones and where any potential harm can usually be mitigated.
- Significant constraints/issues are those where mitigation is less straight forward i.e. flood risk or Air Quality Management

10. The 25 temporary pitches fall into the following categories. For the 2 pitches where there are significant constraints/issues this relates to air quality as the sites are in AQMA.

Categories.	No of pitches
GB well located with no other significant constraints/issues Category 1	7
GB well located with potential constraints/issues Category 2(a)	13
GB well located with significant constraints/issues Category 2(b)	2
GB poorly located and with no or only potential constraints/issues Category 3(a)	3
GB poorly located with significant constraints/issues Category 3(b)	
Total	25

Unauthorised Developments/Sites without Planning permission

11. A desk top study has been carried out on these sites. However site visits and further investigation with regard to access/highways and environmental health issues is required before any comments can be made on their suitability for allocation. The 3 sites listed below appear to have potential. Allocation of these sites would add an additional 4 pitches.

Unauthorised Developments/Sites without Planning permission	No. of potential pitches	Potential Category
Fordwood Farm, New Street Road, Hodsoll Street, Ash	1	GB well located with potential constraints/issues Category 2(a)
Land Adjoining Eynsford Railway Station, Station Road	2	Green Belt and well located with no other high level constraints/ issues. (1)
Brands Hatch Garage, Fawkham	1	GB well located with potential constraints/issues Category 2(a)

#### Sites promoted via the call for sites

12. This has resulted in a number of formal and informal responses seeking extensions to 2 existing sites and the suggestion of 2 new sites. As with the unauthorised sites, the suitability of these sites will require further study and more detailed discussion with site owners before any proposals can be formulated. These sites however, have the potential to provide 8-12 additional pitches.

Site	Potential No of Pitches	Potential Category
Knockholt Station, Halstead	4	Green Belt and poorly located but with no or only potential constraints/issues (3a)
Eagles Farm, Crowhurst Lane, West Kingsdown	2	GB well located with potential constraints/issues Category 2(a)
Chevening Lane, Knockholt	2	Green Belt and well located but with significant issues/constraints (2b)
Valley Farm, Carters Hill, Underriver	4	Green Belt and poorly located but with no or only potential constraints/issues (3a)

13. Therefore the 40 permanent sites required to 2016 may come from the following:

Temporary sites converted to permanent	25
Un-authorised sites/sites with lapsed permission converted to permanent	4
Sites promoted by Gypsy site owners/occupiers	12
<b>Total</b>	<b>41</b>
Requirement for permanent sites	40

14. If all these sites were to be allocated there would be a surplus of 1 pitch to 2016. It must be recognised however, that a much more detailed assessment of the

potential of the sites promoted through the consultation, must be carried out. This may result in a decrease in the pitches identified.

### **The Duty to Cooperate**

15. The duty to cooperate with other local authorities in planning for gypsy and travellers sites is required by para 9(c) of the Government's Planning Policy for Traveller Sites. Officers from Tunbridge Wells, Sevenoaks, Maidstone, Ashford and Tonbridge & Malling met in July 2012, to share ideas and best practice about whether, when and how Council's might demonstrate co-operation on this matter. The most important issues identified were the need to share information about whether individual authorities are proposing to meet all of their need within their own boundaries; whether they are proposing not to meet it and justify why; or whether they are seeking redistribution. If they are seeking redistribution, the duty to co-operate becomes most relevant.
16. There was general consensus that the starting point will be to seek to accommodate the identified need in each district within the district boundary. It should be noted that any significant redistribution of our identified need to other Districts is unlikely to be achievable. However, some districts indicated that Members would expect the issue of redistribution to be explored before committing to meeting the full need. This was the first meeting on the duty to co-operate and further meetings will be held in the process of site allocation. In addition this issue will be raised at the Kent Planning Officers Group (KPOG) and contact made with adjoining non-Kent Authorities.

### **Next Steps**

17. The next stage is to carry out the more detailed assessment of the sites including site visits and where appropriate enter into discussions with site owners.
18. It is intended that a consultation draft of The Gypsy and Traveller Plan will be published for consultation early in 2013. The draft plan will be reported back to the LDFAG in early January followed by reports to Environment Select Committee (15 January 2013) and Cabinet in early February 2013. This will set out the site allocations required to meet the identified need. At the present time these sites will primarily be provided by allocating temporary sites.

### **Key Implications**

#### Financial

19. Budgetary provision has been made for the cost involved in preparing and consulting on Gypsy and Traveller Plan.

#### Legal, Human Rights

20. The information contained in this report, will not unlawfully infringe the human rights of property owners or occupiers.

### Community Impact and Outcomes, Equality and Sustainability

21. The document provides information regarding the application of existing policy. A Sustainability Appraisal and an Equality Impact Assessment are being carried out during the preparation of the plan.
22. The Sustainability Appraisal will ensure that the decision-making process takes into account the Government's key objective of Sustainable Development. The purpose of this document is to appraise a number of alternative approaches to the Site Allocations.
23. The Equalities Impact Assessment will ensure that the decision-making process takes into account equalities issues. The EQIA assesses if there is anything in the document that could discriminate or put anyone at a disadvantage, particularly in relation to hard to reach groups, such as gypsies and travellers.

### **Risk Assessment Statement**

24. The preparation of The Gypsy and Traveller Plan is required to meet National Guidance. Failure to prepare the Plan will result in ad hoc applications be approved. The document is being developed in accordance with the national, regional and local plan policies.

**Sources of Information:** Gypsy, Traveller and Travelling Showpeople  
Accommodation Assessment (GTTAA) March 2012.

**Appendices:** Site Proformas

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