

## **GYPSY AND TRAVELLER PLAN: SITE OPTIONS - CONSULTATION RESPONSES AND ADDITIONAL SITES AND PITCHES PROMOTED**

**Cabinet – 11 September 2014**

Report of: Chief Planning Officer

Status: For Decision

Also considered by: Local Planning and Environment Advisory Committee – 3 September 2014

Key Decision: Yes

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### **Executive Summary:**

This report outlines why the Council is preparing a Gypsy and Traveller Plan and progress to date. It reports back on the recent site options consultation, where over 900 comments were received, and outlines alternative sites proposed through the call for sites. It also considers the removal of two sites previously considered through the site options consultation, at Mesne Way, Shoreham and Fort Halstead. Finally, the report outlines the next steps to progress the Plan towards examination and adoption.

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**This report supports the Key Aim of** Caring Communities and Green Environment from the Community Plan

**Portfolio Holder** Cllr. Piper

**Contact Officer(s)** Steve Craddock Ext.7315, Hannah Gooden Ext. 7178

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### **Recommendation to Local Planning and Environment Advisory Committee:**

That the recommendation to Cabinet is endorsed.

### **Recommendation to Cabinet:**

- a) That the site options previously consulted on in the Gypsy and Traveller Plan: Site Options consultation at Land South of Mesne Way, Shoreham, and Land at Fort Halstead are ruled out of further consideration in the Gypsy and Traveller Plan.
  - b) That the Council continues to investigate sites promoted to it through the recent call for sites and prepares a supplementary site options consultation, to be considered by LPEAC and agreed by Cabinet prior to publication, to provide an opportunity for interested parties to comment on potentially suitable alternative site options.
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**Reason for recommendation:**

To make progress on the preparation of the Gypsy and Traveller Plan in accordance with the Local Development Scheme.

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**Introduction and Background**

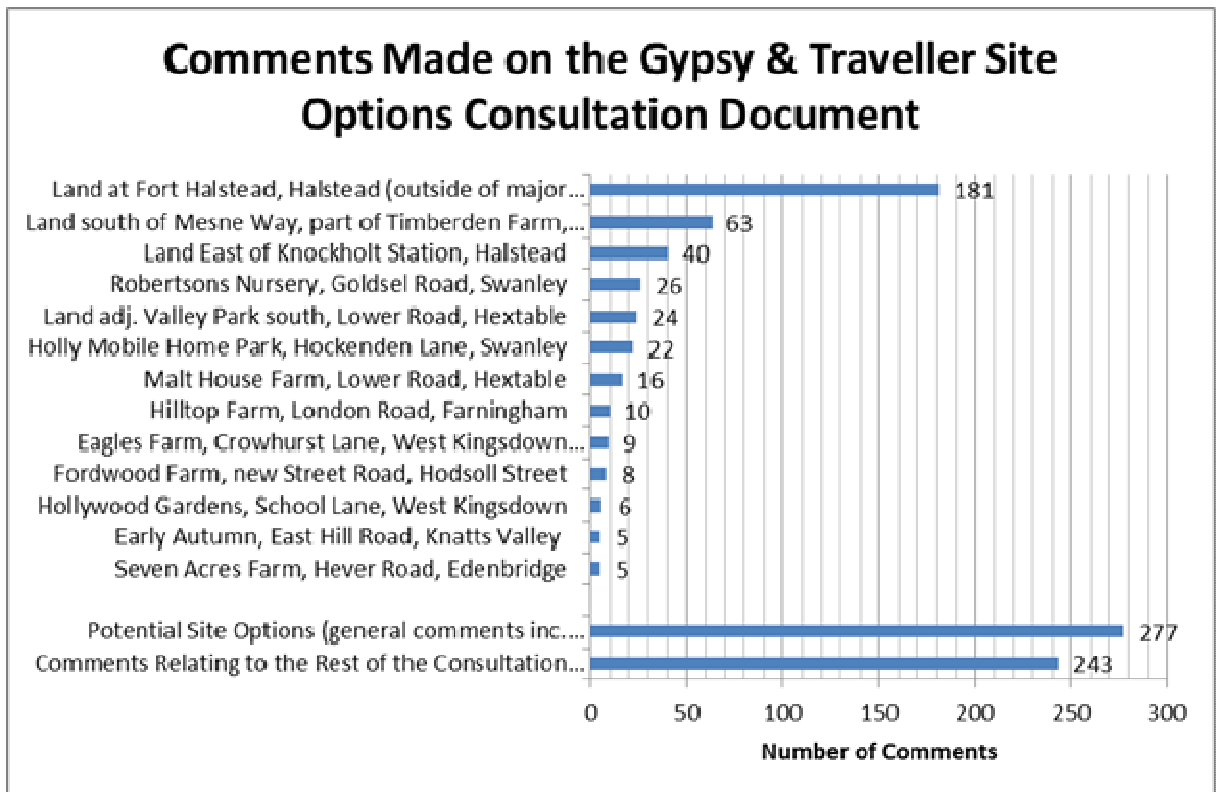
- 1 National planning policy (set out in Planning Policy for Traveller Sites) sets out how local authorities should plan to meet Gypsy and Traveller accommodation. It requires that, in preparing a Local Plan, local authorities should 'set pitch targets for gypsies and travellers... which address the likely permanent and transit site accommodation needs of travellers in their area'. Local authorities are required to 'identify, and update annually, a supply of deliverable sites sufficient to provide five years' worth of sites against their locally set targets'. Where local authorities are not able to demonstrate a 5 year supply, Planning Policy for Traveller Sites states that this should be a significant material consideration in any subsequent planning decision. Councils should ideally provide a margin beyond their identified site need, as with mainstream housing, in order to provide flexibility in case certain sites do not come forward.
- 2 Therefore, without a Plan in place, the Council will struggle on appeal to resist unsuitable sites, because it has not made sufficient provision to meet the identified need. The Council has indeed lost several appeals in this regard. Having a Gypsy and Traveller Plan in place will allow the Council to make strategic decisions about where gypsy and traveller sites should be located, rather than have to reactively respond to ad hoc applications and encampments. The Council's most recently agreed (by Cabinet) Local Development Scheme (the timetable for preparing planning policy documents), therefore, proposes that a Gypsy and Traveller Plan be prepared.
- 3 The Council commissioned a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTAA) in March 2012, jointly with Maidstone, in order to provide economy savings. The study was carried out by the Salford Housing & Urban Studies Unit at the University of Salford, who are market leaders in producing this form of evidence base. They have produced GTTAA for many Councils in Kent (including Maidstone, Dartford, Tonbridge & Malling, Canterbury, Dover, Shepway and Thanet), as well as many authorities across the country. Salford also prepared the GTTAA for Solihull Borough Council, who have recently had their Gypsy and Traveller Plan examined, with very little debate reported on their evidence base document.
- 4 The Council's GTTAA study identified a need for 40 pitches to be delivered over the period 2012-2016 (when applying the planning definition tests of Gypsy and Travellers) and a subsequent need for a further 32 pitches over the period 2017 to 2026 (a total of 72 over the period 2012-2026). The GTTAA was based on information from key stakeholders (KCC, SDC and Kent Police, for example) and a survey of 86 Gypsy, Traveller and Travelling Showpeople households currently residing in Sevenoaks. Respondents were invited to comment on the GTTAA during the recent consultation and the key points raised are considered below.

- 5 Cabinet resolved to publish a Gypsy and Traveller Plan: Site Options consultation document on 10 April 2014. The consultation on the document ran between 23 May 2014 and 4 July 2014. The opportunity for interested parties to suggest additional site options ran until 18 July 2014. The consultation document included 71 pitch options to meet the identified need (one permanent pitch has been granted since the GTTAA). The Site Options consultation document itself made it clear that was an 'early' consultation stage, that the consultation was on 'potential site options' and that the document could be given very little weight in the planning process at this stage.
- 6 The report that LPEAC and Cabinet considered on the Site Options consultation proposed that the Gypsy and Traveller Plan would next be considered by Members in October/November 2014. Both LPEAC and Cabinet in July expressed a desire to bring forward the consideration of the responses to the consultation document, the additional/alternative sites proposed and the way forward with the document, and to consider this report in September.

### **Response to Site Options Consultation**

- 7 During the consultation, there were a total of 419 registered respondents. A number of respondents made representations to more than one of the consultation questions. The total number of individual comments submitted to the consultation was 935 registered comments. These responses and summaries are set out in Appendix A. 19 representations were not accepted as they were deemed to be libellous, offensive or abusive. These comments were returned with an explanation for why the Council was not able to accept them.
- 8 A total of thirteen site options were consulted upon. Out of the thirteen sites, there were three sites that attracted the most comments. These were land at Fort Halstead, Halstead (181 comments), land south of Mesne Way, Timberden Farm, Shoreham (63 comments) and land east of Knockholt Station, Knockholt (40 comments). It is important to note that petitions have been registered as making 1 comment and the largest petition received by some distance was the 'Save our Beautiful Shoreham' (SOBS) petition, which received over 3,500 signatories. The organisers of the SOBS petition organised themselves to comment in this way to save the Council time and money processing that number of individual comments. In any event, recommendations have (and will continue to be) made on sites on the basis of the planning arguments put forward rather than the number of comments submitted. Please see the **bar chart** below which outlines the number of comments on each site.
- 9 A number of responses were submitted anonymously or without the contact details that the Council would usually expect and others were submitted after the relevant consultation deadline (4 July or 18 July). Some of the late responses were submitted by members of the Gypsy and Traveller community, as part of the interviews that were conducted by Kent County Council's Community Engagement team. Late responses were also submitted (and still expected) from neighbouring authorities, as part of the Duty to Cooperate. The regulations concerning the preparation of local plan documents provide flexibility for the Council to decide how it wishes to consult in the early stages of plan preparation and generally an approach of 'continuous engagement' is taken by local authorities outside of more formal consultation periods. Late and anonymous comments have been

presented in Appendix B and Members can decide what weight they wish to place on them.



Note: Mesne Way, Shoreham figures excludes 3571 signature petition

- 10 The Council will respond to all of the individual comments raised during this consultation when it agrees the plan that it will submit for examination. A summary of the key issues raised and an initial response is presented in Appendix C.

### Weighting of Criteria

- 11 Adopted Core Strategy Policy SP6 (Provision for Gypsies and Travellers and Travelling Showpeople) sets out a number of criteria against which potential sites are assessed. As part of the recent consultation, we asked whether we should introduce weighting against the different criteria. A summary of the main consultation responses on this question is set out below:

- Criteria should be weighted, potentially against national policy
- Consideration of additional criteria relating to drainage and sewerage network
- Importance of criteria related to pressure on local infrastructure / schools
- Importance of criteria related to impact of development on the Green Belt and AONB

- 12 On reflection, the introduction of a rigid weighting for each criteria does not seem appropriate or sufficiently flexible to assess the merits of each site. However,

certain criteria have an impact on human health (e.g. flooding and, in extreme cases, noise and air quality) and therefore should be given the highest priority.

- 13 In addition, certain biodiversity and heritage assets (e.g. SSSIs, Listed Buildings) are afforded significant protection under national policy/legislation and therefore any potential impacts on these assets should be given greater weight than other criteria. With other national designations, such as AONB, national planning policy allows for development to be considered, subject to such factors as need, opportunities to develop elsewhere and the impacts of the development (para 116 of the NPPF). Both the NPPF and Planning Policy for Traveller Sites (para 15) allows for limited alterations to Green Belt boundaries in exceptional circumstances.
- 14 Site availability is the key factor in considering the deliverability of a site, and it is suggested that this should be considered before any other criteria are assessed, as a site that is not available can not be taken forward.
- 15 Therefore, the following sequential approach is recommended in terms of site assessment and weighting of the criteria:
- Is the site available?
  - Is the site subject to any constraints that impact upon human health (e.g. flood zone and, in extreme cases, noise or air quality impacts)?
  - Does the site impact upon any designated biodiversity, landscape or heritage assets?
  - Assessment of the site against other constraints such as access and sustainability (see Core Strategy Policy SP6)
- 16 In order for sites to be considered deliverable, they need to be available, as set out above. Therefore, only sites that have been promoted by the landowner, or where the landowner has been contacted to confirm their support, have been included in the potential revised site options which are set out in the following section. Paragraphs 27 and 28 of this report explain why the Fort Halstead site was previously put forward for consultation despite it not being supported by the landowner.

### **Alternative Sites Proposed**

- 17 The consultation also included a 'call for sites', requesting landowners and other interested parties to suggest land that might be suitable for Gypsy and Traveller pitches. This consultation ran for an additional two weeks beyond the main consultation, in order to provide the maximum opportunity for sites to be suggested. It was also hoped that this 'call' would help to provide the Council with the opportunity to address the uneven distribution of sites across the District (existing sites focused in the northern half of the District and around Edenbridge), as the 'call' sought site suggestions in any location.
- 18 Overall, the call for sites elicited 63 responses from landowners and interested parties. An initial 'high level' desktop assessment was undertaken of the suitability

of each of these sites, and land registry searches were undertaken where the landowner was not known. Site visits were conducted on sites which were considered to be potentially suitable following the initial 'high level' desktop assessment. The long list from the call for sites and related assessment is set out at Appendix E (GOLD) and the potential alternative site options are set out in the following paragraphs below – **these total 44 pitches and are in addition to the 71 pitches identified in the previous consultation document.**

<b>Source</b>	<b>Potential Number of Additional/Alternative Pitches</b>
Sites with planning applications submitted (Table 1)	10 pitches
Extensions to Existing Sites (Suggested by owners) (Table 2)	26 pitches
New sites suggested by landowners (Table 3)	8 pitches
<b>TOTAL</b>	<b>44 pitches</b>

- 19 Many of the sites that have been put forward through the call for sites, are additional pitches on existing sites, that have been promoted by the Gypsy and Traveller community. The table below sets out the number of pitches that have been promoted (totalling 36). There are live planning applications for 10 of these pitches (the first four sites in the list), which are currently being considered by the development management team.

<b>Table 1</b>		
<b>New Site / Extension</b>	<b>Potential No. of Pitches</b>	<b>Notes</b>
<b>New or extended sites with planning applications submitted</b>		
Hilltop Farm, London Road, Farningham	5	Planning application submitted.
Button Street, Swanley	2	Planning application submitted
Malt House Farm, Lower Road, Hextable	2	Planning application submitted
Bluebell Paddock, Gravesend Road, Ash-cum-Ridley	1	Planning application submitted
	<b>10 pitches</b>	

<b>Table 2</b>		
<b>New Site / Extension</b>	<b>Potential No. of Pitches</b>	<b>Notes</b>
<b>Extensions to Existing Sites (Suggested by owners)</b>		
Button Street, Swanley	4	Submitted through a Representation – more pitches (9) were suggested but, given the comments expressed from the settled and G&T communities about how smaller sites are easier to integrate, only 4 (+2) have been taken into account
Two Barns, Knatts Valley, West Kingsdown	3	Feedback from G&T survey
Fordwood Farm, New Street Road, Hodsoll Street	3	Feedback from G&T survey
Polhill Park, Polhill, Halstead (existing G&T site)	2	Feedback from G&T survey. A formal response to the consultation from KCC is still awaited and should confirm whether there is potential for additional pitches at this site.
Seven Acres Farm, Hever Road, Edenbridge	5	Feedback from G&T survey – more pitches (10) were suggested but, given the comments expressed from the settled and G&T communities about how smaller sites are easier to integrate, only 5 (+6) have been taken into account
Bournewood Brickworks, Stones Cross Road, Crockenhill	7	Feedback from G&T survey
Holly Mobile Home Park, Hockenden Lane, Swanley	2	Feedback from G&T survey
	<b>26 pitches</b>	

- 20 In addition to these sites, an extension for approx. 6 pitches to the site at Park Lane, Swanley Village, was proposed. This proposal has not been taken into account because it is inconsistent with the Council's understanding of the personal circumstances of the current occupiers and the planning reasons recently put forward to vary conditions relating to the current permission.
- 21 In addition to extensions to existing sites, members of the public suggested alternative/additional sites for the Council to consider. Officers have undertaken an assessment of high level planning policy constraints to try to identify which of these sites are most likely to be potentially suitable. Land registry searches have been carried out for 19 sites and letters have been sent to landowners to ask them whether they would like to promote the site for allocation for Gypsy and Traveller pitches (a list of these sites is set out at Appendix F GOLD). Landowners

were asked to notify the Council by 12 August 2014 if they would like their land to be considered in order that their responses could be taken into account at LPEAC and Cabinet in September. Several landowners were approached in the central part of the District, in order to facilitate a wider distribution of sites, but no positive responses have yet been received in these locations.

- 22 To date, the following potentially suitable new sites have been suggested by the landowner:

<b>Table 3</b>	
<b>New sites suggested by landowners</b>	<b>Potential Number of pitches</b>
Little Foxes Farm, Roman Road, Marsh Green, Edenbridge	2 pitches
Fairhavens, Mussenden Lane, Horton Kirby	6 pitches
<b>Total</b>	<b>8 pitches</b>

- 23 Plans of the sites in tables 1, 2 and 3 are set out in Appendix D.

### **Consideration of Previous Site Options**

- 24 As set out in the previous section, the consultation has elicited a large number of alternative site suggestions through the call for sites. Therefore there is the opportunity to re-consider sites that were set out in the original consultation document, as the potential alternative sites may be more suitable.

#### Land south of Mesne Way, Timberden Farm, Shoreham

- 25 This potential new 15 pitch site elicited an extensive response from the local community and stakeholders, including the submission of a petition with 3571 signatories. A number of meetings were held with local groups (Parish Council, Shoreham Society) and interested parties attended consultation events and committee meetings in relation to this site.
- 26 Whilst the original site assessment set out that this site was available (owned by SDC) well-connected to the settlement of Shoreham, and not subject to any human health constraints (flooding, air and noise quality), it did acknowledge that the site lies fully within the Kent Downs AONB and is visible from the footpath along the North Downs. The government's planning policy for traveller sites (March 2012) does not preclude sites in the AONB, but the policy should be read in conjunction with the NPPF which states that AONB are designated landscape assets which have the highest status of protection in relation to landscape and scenic beauty (NPPF para 115). As noted above, the NPPF establishes that the need for development, the alternatives that exist and the potential to mitigate the impacts all need to be taken into account when considering development in the AONB. In addition to the factors set out above in favour of considering this site, at the time that the Shoreham site was included in the consultation document the Council had not had sufficient alternative sites identified to it to meet the assessed level of need. The initial site assessment, which was published alongside the consultation document for interested parties to comment on, noted that the site was visible from footpaths within the AONB but suggested that the



existing residential development is currently visible in this area and suggested that additional screening could be incorporated into the design and layout of the site.

- 27 Whilst the Council is not in a position to rule out sites because they are in the AONB, not all locations within the AONB (which covers over 60% of Sevenoaks District) are equally sensitive and visible in the wider landscape. This site is considered to be more sensitive and visible, even after the potential for mitigation has been taken into account, than the majority of the alternative site suggestions that have been put forward through the call for sites, which are either in less sensitive locations in the AONB or are not located in AONB at all. Therefore, due to the relative impact on the designated AONB landscape, it is suggested that this site is removed from consideration for gypsy and traveller pitches, as a substantial number of less sensitive alternatives have been proposed.

#### Land at Fort Halstead

- 28 This potential new 15 pitch site also elicited an extensive response from the local community and stakeholders (181 comments), including a response on behalf of the landowner, outlining that this land is not available for use for gypsy and traveller pitches.
- 29 At the time of the initial consultation, the Council was proposing a policy for the wider site through the Allocations and Development Management Plan which set out broad development principles and was proposing to prepare a development brief for the site. It was anticipated that if the Gypsy and Traveller site option was considered acceptable then the Council could include the proposal within the Gypsy and Traveller Plan and the Fort Halstead development brief. It would have then have a policy basis for seeking the provision of Gypsy and Traveller pitches on the site as part of the wider development, in a similar way to how the Council currently seeks to secure the provision of on-site affordable housing.
- 30 However, since the consultation, both the policy for the site and the development proposals themselves have evolved. As part of the Allocations and Development Management Plan (ADMP) examination in March, the Inspector requested greater certainty in the Policy for the site, outlining the mix and quantum of uses. The policy on Fort Halstead (EMP3), which relates to the developed area of the site, has been re-drafted and does not refer to gypsy and traveller use, which was considered in the consultation document on land adjacent to the developed area. The site owners are currently signing up to a Planning Performance Agreement, which outlines the submission of a planning application for the site on 10 November 2014. Therefore, it is likely that assessment of this planning application will take place before this Gypsy and Traveller Plan is examined or adopted. Without landowner support for the use of this land for gypsy and traveller pitches, and with an imminent planning application for the site, it is suggested that this site is removed from consideration for gypsy and traveller pitches, as it unlikely to be deliverable.
- 31 In summary, removing these two sites from the consultation totals 30 pitches (15 on each site). The call for sites has elicited 44 potential pitches to date, which therefore provides sufficient sites to meet the District's identified need (71 pitches to 2026) with a modest margin to provide for flexibility and a fall-back in case

certain sites do not come forward. Therefore, for the reasons set out above, it is recommended that these two sites are removed from further consideration.

	Number of pitches
Number of potential pitches in site options consultation document	71 pitches
Number of pitches from site options to be removed (Mesne Way, Shoreham and Fort Halstead)	-30 pitches
Current number of potential pitches from 'call for sites' (with further opportunities being explored)	+44 pitches
<b>TOTAL</b>	<b>=85 pitches</b>

### Next Steps

- 32 The Council's adopted Local Development Scheme proposes that the Council determines the sites and policies that it wishes to consult on as its preferred options in autumn 2014, through publication of the 'pre-submission version of the plan'. Given the number of additional/alternative sites proposed, it is recommended that further analysis of the suitability of these sites is carried out and considered by Members and that a 'supplementary site options' consultation is held to give interested parties the opportunity to comment on sites considered suitable following this.
- 33 A supplementary site options consultation document will be prepared and considered by the Local Planning and Environment Advisory Committee in October and Cabinet in November. This timetable will also provide a further opportunity for the Council to approach landowners of those sites suggested by third parties that could be potentially suitable but where no response has yet been received. This may improve the chances of the Council being able to consider site options that would help to address the current uneven distribution of Gypsy and Traveller sites across the District.

### Other Options Considered and/or Rejected

- 34 The Council could decide not to prepare a Gypsy and Traveller Plan and continue to deal with unauthorised encampments and sites on an *ad hoc* basis as they arise. However, without a Plan in place, the Council is unlikely to be able to resist these unplanned sites and is likely to lose appeals on these sites, as it will not have made strategic provision for the Gypsy and Traveller Community.

## Key Implications

### Financial

Any expenses incurred in the preparation of the Gypsy and Traveller Plan will be met from the existing budget.

### Legal Implications and Risk Assessment Statement.

National planning policy requires the Council to be able to show a rolling 5 year supply of deliverable Gypsy and Traveller pitches. If the Council is unable to demonstrate a 5 year supply then this will need to be given significant weight by the Council or the Planning Inspectorate in support of any planning applications for Gypsy and Traveller pitches.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes / No	An Equalities Impact Assessment was a background document to the Gypsy and Traveller Site Options consultation. It is not a site specific assessment and, therefore, the decision on individual sites will not affect the findings of that assessment, subject to the Council still being able to prepare a plan and the same site selection criteria being applied.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

## Conclusions

This report provides feedback on the recent site options consultation and outlines alternative sites proposed through the call for sites. It recommends the removal of two sites previously considered through the site options consultation, at Mesne Way, Shoreham and Fort Halstead, due to the substantial number of alternative pitches that have been proposed, that are in less sensitive locations, and where availability has been demonstrated. In summary, removing these two sites from the consultation totals 30 pitches (15 on each site). The call for sites has elicited 46 potential pitches to date, which therefore provides sufficient sites to meet the District's identified need (71 pitches to 2026) with a modest margin to provide for flexibility. The Council will continue to investigate sites promoted to it through the recent call for sites and will prepare a supplementary site options consultation, to be considered by LPEAC and agreed by Cabinet prior to publication in the autumn.

## **Appendices**

Appendix A – Consultation responses and summaries

Appendix B - Late and anonymous comments

Appendix C – Summary of the key issues raised and an initial response

Appendix D - Plans of the new or extended sites with planning applications submitted, the extensions to existing sites suggested by owners and the sites suggested by landowners

Appendix E - Call for sites long list and related assessment (**Exempt Information**)

Appendix F – Sites suggested by third parties where landowners have been approached (**Exempt Information**)

## **Background Papers:**

Gypsy and Traveller Plan – site options consultation document (2014)

Gypsy and Traveller Plan – site options assessments (2014)

Sustainability Appraisal of the Gypsy and Traveller Plan – Site Options (2014)

Equality Impact Assessment of the Gypsy and Traveller Plan – Site Options (2014)

Sevenoaks Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2012)

Planning Policy for Traveller Sites (CLG, 2012)

Designing Gypsy and Traveller Sites – Good Practice Guide (CLG, 2008)

**Richard Morris**  
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