

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 27 JULY 2022

### REPORT

**SUBJECT: Gypsy & Traveller Development Plan Document Update**

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**DATE:** 16 June 2022  
**EXTN:** x 37697  
**AREA:** Planning

#### EXECUTIVE SUMMARY:

This report updates members on progress to resolve objections from West Sussex County Council in relation to proposed sites for intensification identified in the Regulation 18 consultation Gypsy & Traveller Development Plan Document (G&T DPD) and the next steps needed to deliver a Regulation 19 publication G&T DPD.

#### RECOMMENDATIONS:

That the Planning Policy Committee agrees:

1. That officers progress with the commission of The Gypsy Sites Deliverability Study 2022 in order to resolve the delivery of sites and the objection to a preferred location based on potential flooding.
2. That officers continue to undertake further 'duty to cooperate' discussions with West Sussex County Council and to update the joint Statement of Common Ground in this regard, published on the Council's web site.
3. That officers proceed with progressing the Gypsy & Traveller and Traveller Showperson Development Plan Document to Regulation 19 publication in Spring 2023, followed by submission in the Summer 2023 and subsequent examination in Winter 2023.

#### 1. BACKGROUND:

1.1 On 22 September 2020, the Planning Policy Sub-Committee agreed that the Regulation 18 Draft Gypsy & Traveller and Traveller Showperson Site Allocation Preferred Options Development Plan Document (G&TPODPD) should commence to public consultation in October 2020 for 8 weeks. The consultation commenced on 1 October 2020 and closed on 26 November 2020.

1.2 Following the Issues and Options public consultation period, on 15 December 2020 Planning Policy Sub-Committee (PPSC) noted the 'Statement of Representations', and proposed response to comments made concerning the

consultation draft G&TPODPD.

- 1.3 The key evidence studies (consulted on at Issues and Options stage) identified a need for 9 permanent Gypsy & Traveller (G&T) pitches and 14 permanent Traveller Showperson (TSP) plots to be accommodated within Arun over the plan period (from 2018 to 2036).
- 1.4 National Policy (NPPF 2021) states that a DPD needs to set out specific deliverable sites to meet identified needs within the first 5 years, developable sites 6-10 and or broad locations for years 11-15. Allowing for unimplemented consents or those being implemented, there is a consequent residual need for the G&T DPD to allocate 1 deliverable permanent pitch and 3 deliverable permanent plots within the first 5 years.
- 1.5 The proposed approach within with the G&TPODPD consultation and the supporting evidence studies is meeting need through intensification or expansion on 8 existing sites. An additional option included an area of search or broad location, for the only new potential Showperson plot at Little Meadow, Yapton (ARU-HELAA-46b). this would address a potential unmet need of 1 traveller showmen plot towards the end of the plan period and offer a degree of contingency and flexibility, should delivery not progress in accordance with the plan accommodation requirements.
- 1.6 The sites identified for intensification are set out in Appendix 1.
- 1.7 The draft 'G&TPODPD accordingly sets out three separate policies with a Policies map (Background Paper 2) and inset maps (Background paper 3) for each site over the firsts five years and remaining plan period. Policy criteria are proposed for delivery criteria and to mitigate impacts: -
  - Policy G&T SP1 Safeguarding Existing Gypsy Traveller and Traveller Showpeople sites'
  - Policy G&T SP2 Provision for Pitches and Plots
  - Policy G&T DM1 Site Delivery Criteria
- 1.8 None of the matters raised during the consultation are considered to be fundamental barriers to progressing the proposed safeguarding and intensification sites but will need ongoing engagement on the technical solutions and appropriate wording of associated development management policy.
- 1.9 The two main objections that materially exist and which discussions have been undertaken are-
  - The known issue about the status of one of the sites (i.e. whether ARU\_NS\_1 the Caravan Site is within the flood zone 3 and therefore, subject to sequential and exceptions test) this is a matter already identified by Environment Agency (EA) and West Sussex County Council (WSSCC) as Lead Local Flood Authority (LLFA) and programmed as needing resolution in the statement of common ground requiring further evidence/justification before the G&T DPD can progress;

- Landlord ownership restrictive covenants are now identified by WSCC to exist for:-
  - a. ARU049 Land at Limmer Road Stables
  - b. AL4717 Aldingbourne Farm Shop
  - c. ARU046 Nyton Stables

1.10 WSCC initially proposed that the resolution of this conflict would be to delete these proposed sites for intensification. However, this would pose a significant risk, given the evidence produced already, as any shortfall would result in a residual unmet need (for Gypsy & Traveller pitches but in particular traveller showmen plots) and consequently have to be explored with neighbouring authorities.

1.11 The 'Duty to Cooperate' requires a diligent 'no stone unturned approach and therefore, Arun District Council has engaged with WSCC extensively, to try resolve their objections in ways to allow the disputed sites to progress and encourage the landowners to negotiate the legal covenants with WSCC in a way which safeguards the purpose of the covenants and the interests of WSCC. WSCC have stated in principle, that they would be open to discussing any approach by the various owners subject to contract checking the legal restrictions and agreeing terms for lifting the covenants, including addressing any issues of land value uplift should they apply.

1.12 On this basis, officers at Arun District Council have written to both the landowners (as promoters of the sites for intensification) and WSCC, encouraging them to engage on the restrictive covenants and any potential breaches, to try to achieve solutions that ensure that WSCC interests are protected. WSCC has been advised that the work on the G&T DPD has therefore resumed including the commissioning of The Gypsy Sites Deliverability Study 2022.

1.13 The Gypsy Sites Deliverability Study 2022 will provide Arun District Council with robust evidence on the delivery of the preferred sites and broad location, addressing technical consultation comments raised concerning suitability, availability and achievability and matters set out in Statements of Common Ground with the key delivery, authority and agency stakeholders. The study will also resolve the objection on the flood status of one of the sites

1.14 The outputs of the study will then inform any necessary policy adjustment in order for a 'sound' Regulation 19 G&T DPD publication consultation stage to be undertaken.

### **Conclusion**

1.15 ADC has undertaken further extensive duty to cooperate negotiation on the ownership/covenant objection for the three disputed sites. It is considered by officers that these discussions have progressed sufficiently to allow the DPD to advance to the next stage after completion of the evidence study.

1.16 It is proposed that the Gypsy Site Deliverability Study 2022 therefore, be issued for commission on 29<sup>th</sup> July.

1.17 Following the Gypsy Site Deliverability Study 2022 outputs, the Regulation 19 stage G&T DPD publication consultation should then progress in spring 2023. (this will subsequently, need to be reported to this Committee as an amendment to the Council's Local Development Scheme at an appropriate date) with the preferred intensification sites and broad location which were consulted on at the Regulation 18 stage.

### 1.18 Next Steps

1.19 That a further update report on the evidence study is made to PPC on 24 November 2022 prior to progressing to G&TDPD to Regulation 19 publication stage.

## 2. PROPOSAL(S):

That The Gypsy Sites Deliverability Study 2022 will be commissioned to support the delivery of the sites and the Regulation 19 publication stage will proceed in Spring 2023.

## 3. OPTIONS:

Not to progress further work and report findings to members would be to risk preparation of a sound G&T DPD and would be contrary to national policy and policy commitment within the Adopted Arun Local Plan 2018 including the Local Development Scheme May 2020 (which will need to be updated) and therefore, risk planning by appeal and unplanned development.

## 4. CONSULTATION:

| Has consultation been undertaken with:                                                                              | YES | NO |
|---------------------------------------------------------------------------------------------------------------------|-----|----|
| Relevant Town/Parish Council                                                                                        |     | x  |
| Relevant District Ward Councillors                                                                                  |     | x  |
| Other groups/persons (please specify)                                                                               |     | x  |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:<br>(Explain in more detail at 6 below) | YES | NO |
| Financial                                                                                                           | x   |    |
| Legal                                                                                                               | x   |    |
| Human Rights/Equality Impact Assessment                                                                             | x   |    |
| Community Safety including Section 17 of Crime & Disorder Act                                                       |     | x  |
| Sustainability                                                                                                      |     | x  |
| Asset Management/Property/Land                                                                                      |     | x  |
| Technology                                                                                                          |     | x  |
| Other (please explain)                                                                                              |     | x  |

## **6. IMPLICATIONS:**

There are legal duties under the Equalities Act 2010 and in national planning policies and guidance to ensure that adequate deliverable and developable sites are provided to accommodate the needs of Gypsy and Traveller and Traveller Showpeople over the plan period that achieves sustainable development while ensuring that the amenity of the settled community are also accommodated.

## **7. REASON FOR THE DECISION:**

There is a policy requirement to progress a Gypsy and Traveller and Traveller Showmen Development Site Allocations Development Plan Document within the adopted Arun Local Plan 2018 and within the Council's Local Development Scheme 2020, in order to meet the objectively assessed needs for Gypsy and Traveller accommodation and therefore, provide a sound development plan for Arun District.

## **8. BACKGROUND PAPERS:**

The background papers 1-6 below may be accessed on the following 'Development Plan (including Local Plan)' web page, by navigating to the 'Gypsy & Traveller and Traveller Showpeople web tab:- <https://www.arun.gov.uk/gypsies-and-travellers/>

### **Background paper**

- 1 Draft G&T Preferred Options DPD
2. Draft G&T Policies Map (with Insets)
4. Draft G&T Inset Maps
4. Draft G&T Flood Zone Map
5. SA Technical Note G&TDPD
6. Statement of Representations

**Appendix 1: Table 1 : G&T Pitches and Plots to meet residual need respectively**

| <b>Table 1 G&amp;T Pitches to meet residual need respectively</b> |                     |                                             |                                        |                        |                        |
|-------------------------------------------------------------------|---------------------|---------------------------------------------|----------------------------------------|------------------------|------------------------|
| <b>Pitch Reference</b>                                            | <b>Site Name</b>    | <b>Existing &amp; unimplemented Pitches</b> | <b>Pitches 2018-23 (first 5 years)</b> | <b>Pitches 2023-36</b> | <b>Pitches 2018-36</b> |
| ARU031                                                            | Fieldview, Junction | 3                                           | 0                                      | 0                      |                        |
| ARU049                                                            | Limmer Pond Stables | 0                                           | 1                                      | 0                      |                        |
| ARU051                                                            | Dragonfly           | 0                                           | 0                                      | 1                      |                        |
| ARU_NS_1                                                          | The Caravan Site    | 1                                           | 0                                      | 1                      |                        |
| ARU044                                                            | 2 Wyndham Acres     | 0                                           | 2                                      | 0                      |                        |
| <b>Need</b>                                                       |                     |                                             | <b>1</b>                               | <b>4</b>               | <b>9</b>               |
| <b>Total Capacity</b>                                             |                     | <b>4</b>                                    | <b>3</b>                               | <b>2</b>               | <b>9</b>               |
| <b>Balance</b>                                                    |                     |                                             | <b>2</b>                               | <b>-2</b>              | <b>0</b>               |

| <b>Table 2 G&amp;T Plots to meet residual need respectively</b> |                        |                                           |                                      |                      |                      |
|-----------------------------------------------------------------|------------------------|-------------------------------------------|--------------------------------------|----------------------|----------------------|
| <b>Plots Reference</b>                                          | <b>Site Name</b>       | <b>Existing &amp; unimplemented Plots</b> | <b>Plots 2018-23 (first 5 years)</b> | <b>Plots 2023-36</b> | <b>Plots 2018-36</b> |
| AL4714                                                          | Aldingbourne Farm Shop | 4                                         | 4                                    | 0                    | 8                    |
| ARU054                                                          | The Old Barns          | 1                                         | 0                                    | 1                    | 2                    |
| ARU046                                                          | Nyton Stables          | 3                                         | 0                                    | 0                    | 3                    |
| <b>Need</b>                                                     |                        |                                           | <b>3</b>                             | <b>3</b>             | <b>14</b>            |
| <b>Total Capacity</b>                                           |                        | <b>8</b>                                  | <b>4</b>                             | <b>1</b>             | <b>13</b>            |
| <b>Balance</b>                                                  |                        |                                           | <b>1</b>                             | <b>-2</b>            | <b>-1</b>            |