

REPORT TO:	Planning Policy Committee 28 November 2023
SUBJECT:	Regulation 19 Publication Arun Gypsy & Traveller & Traveller Showpeople Development Plan Document
LEAD OFFICER:	Kevin Owen (Planning Policy & Conservation Manager)
LEAD MEMBER:	Cllr Martin Lury, Chair of Planning Policy Committee
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendations supports:-</p> <ul style="list-style-type: none"> • Improve the Wellbeing of Arun; • Delivering the right homes in the right places; 	
DIRECTORATE POLICY CONTEXT:	
<p>The Regulation 19 Arun Gypsy & Traveller & Traveller Showpeople Development Plan Document will help promote wellbeing, housing and other needs while enhancing the quality of life in a sustainable manner.</p>	
FINANCIAL SUMMARY:	
<p>The council has made budget provision for progressing the Arun 19 Publication Gypsy & Traveller & Traveller Showpeople Regulation Development Plan Document.</p>	

1. PURPOSE OF REPORT

- 1.1. This report seeks the Committee's approval to consult on the Arun Gypsy & Traveller & Traveller Showpeople Development Plan Document (G&T DPD) which covers the period 2018 to 2036. This G&T DPD is a Local Plan and needs to proceed to public consultation (i.e. this the 'Publication' stage under Regulation 19 of the 'Town & Country Planning (Local Planning) (England) Regulation 2012'). At 'Publication' stage, representations can only be made on legal and soundness matters.
- 1.2. The consultation period is for 8 weeks (13 December 2023 to 7 February 2024) and following the consultation the G&T DPD will be referred to Full Council for approval (13 March 2024) following which the G&T DPD will be submitted to the Secretary of State for Examination.

2. RECOMMENDATIONS

2.1. That the Planning Policy Committee resolves to:-

- i. Agree that the Regulation 19 Publication Gypsy & Traveller and Traveller Showpeople Development Plan Document (G&T DPD) consultation take place for 6 weeks from 13 December 2023 to 7 February 2024;
- ii. Following public consultation, the Regulation 19 Publication Gypsy & Traveller and Traveller Showpeople Development Plan Document be referred to Full Council for approval before submission to the Secretary of State (for Examination in Spring 2024); and
- iii. That delegated authority is given to the Group Head of Planning in consultation with the Chair and Vice Chair of Planning Policy Committee to finalise proposed submission documents for consultation and following submission, to agree modifications should they be necessary during examination.

3. EXECUTIVE SUMMARY

3.1. This report updates the Committee on the progress to resolve objections made at Regulation 18 'Preferred Options' G&T DPD consultation which has delayed the timetable to preparing the subsequent 'Publication' G&T DPD (Regulation 19) proposed for public consultation.

3.2. Officers commissioned further evidence work to address the outstanding representations and objections on site specific issues (see paragraph 4.2 below) and, in addition, have agreed with West Sussex County Council (WSCC) that objections raised concerning three sites affected by restrictive covenants, are negotiable and resolvable in principle. The sites that these relate to are:-

- Land at Limmer Road Stables (ARU049);
- Aldingbourne Farm Shop (AL4717);
- Nyton Stables (ARU046).

3.3. Therefore, the additional evidence work for site specific matters identified that:-

- The G&T DPD Publication DPD will meet the need for 9 Gypsy & Traveller (G&T) pitches and 14 Traveller Showpeople (TS) plots which will be delivered over the plan period through intensification on existing sites; and
- A shortfall of 1 pitch will be accommodated on a broad location towards the end of the plan period (previously this was to meet a shortfall of 1 plot but additional plot capacity has been found);
- The Dragonfly site (ARU051) proposed for 1 pitch and the 'Caravan Site' on the A259 (ARU_NS1) proposed for 1 pitch should no longer be proposed for intensification because of future climate change flood related (surface water only) and amenity and safety issues;
- The loss of these sites are compensated by further identified pitch and plot capacity and the broad location allocation at Little Meadow, Yapton.

3.4. Officers therefore, propose the amended G&T DPD Publication plan which addresses the above matters, should now proceed to public consultation.

4. DETAIL

4.1. The council is preparing a new Local Plan (known as the G&T DPD) to accommodate Gypsy & Traveller needs which include provision for 9 Gypsy & Traveller (G&T) pitches and 14 Traveller Showpeople (TS) plots over the Local Plan period 2018 - 2023. This provision proposed to be made in the G&T Preferred Options DPD through intensification on 5 existing G&T sites and 3 existing TS sites was as follows: -

Existing G&T Sites

- Fieldview, Junction (ARU031), Pagham Road, Pagham;
- Limmer Pond Stables (ARU049), Church Road, Aldingbourne;
- Dragonfly (ARU051), Eastergate Lane, Walberton;
- The Caravan Site (ARU_NS_1), North of A259, Angmering;
- 2 Wyndham Acres (ARU044), Northfields Lane, Aldingbourne

Existing TS Sites

- Aldingbourne Farm Shop (AL4714), Nyton Road, Aldingbourne;
- The Old Barns (ARU054) A27 Arundel Road, Aldingbourne;
- Nyton Stables (ARU046), Nyton Road, Aldingbourne.

4.2. On 15 December 2020 Planning Policy Sub-Committee (PPSC) noted representations on the G&T 'Preferred Options' DPD consultation (set out in the 'Statement of Representations') and the council's proposed response. These related broadly to:-

- Highways, access and traffic impact.
- Flood risk and sewerage.
- Landscape, heritage and amenity.

4.3. These matters have largely, been addressed through the draft Development Management (Policy G&T DM1 'Site Delivery Criteria' set out within the G&T Preferred Options DPD) following extensive Duty to Cooperate meetings and signed Statements of Common Ground with the key stakeholders and agencies (e.g. Environment agency, WSCC, Southern Water etc). However, some representations and objections were maintained.

4.4. Officers therefore, commissioned further evidence work to support the G&T DPD through resolving the outstanding issues raised. The existing evidence base comprised:-

- Joint Gypsy & Traveller & Traveller Showpeople Accommodation Assessment study (GTAA) April 2019 - which sets out future need, identifying the 9 Gypsy & Traveller pitches and 14 Traveller Showpeople plots requirement over the plan period 2018 - 36;
- G&T Site Identification Study 2019 which identified the most suitable, available, achievable (i.e.deliverable) sites while sieving out those not deliverable;
- G&T Sustainability Appraisal 2019 which assessed the sites for sustainability including economic, social and environmental considerations.

4.5. The new evidence includes: -

- G&T Site Deliverability Study 2023 (Troy Planning & Design consultants) which demonstrates feasible site layouts of pitches and plots to address landscaping and amenity and to avoid future surface water flooding (where some sites are affected by future climate change allowances), including finding additional pitch and plot capacity;
- Sustainability Appraisal 2023 (Lepus consultants) which demonstrates the sustainability of the sites economically, socially and environmentally;
- Technical Note: Gypsy, Traveller and Travelling Showmen - Access Review 2023 (WSP consultants) which demonstrates that there are no significant traffic impacts on the highway network from the sites (having minimal intensification of pitches and plots) although several sites may need visibility/safety mitigation (provision for such measures are included within the criteria for the Development Management Policy G&T DM1 'Site Delivery Criteria').
- Technical Note: Summary of flood predictions at Gypsy & Traveller site allocations 2023 (JBA consultants) which demonstrates that new Environment Agency climate change allowances do not adversely impact on sites or can be mitigated (through locating pitches and plots away from areas at risk), with the exception of Dragonfly and the Caravan site which should not be proposed for intensification;
- Explanatory Note: Arun Gypsy & Traveller and Traveller Showman Local Plan - Significance of PPG Changes with regard to Flooding and Climate Change, Sequential and Exceptions Tests, which shows that there are no reasonably available alternative sites to meet G&T needs based on the site evidence (the sites assessed can be found in the Site Identification Study 2019:-

<https://www.arun.gov.uk/gypsy-and-traveller-development-plan-document-dpd>.

4.6. The additional evidence work (see Background Papers 3 – 7) has therefore demonstrated that the proposed approach to meet G&T needs through intensifying on existing sites and allocating a broad location towards the end of the plan period is the correct approach with the exception of the existing Dragonfly site (ARU051); and the A259 Caravan site (ARU_NS1):-

- Dragonfly Site Eastergate was identified for intensification for 1 pitch, but it is impacted by future climate change AEP scenarios for surface water flooding across the whole site and therefore no longer being proposed for intensification. This shortfall of 1 pitch will be accommodated on the broad location at Little Meadow Bilsham Corner towards the end of the plan period.
- The Caravan Site was identified for intensification for 1 pitch however, a further proposed pitch was not considered sustainable and although traffic impact was acceptable, there are highway safety considerations (e.g. study recommended that acceleration and deceleration lanes requiring land take be considered on the A259 highway). Therefore, no additional intensification is proposed for the Caravan site and this is offset by additional capacity being identified by the Delivery Study at Limmer Pond for an additional pitch.
- Similarly, the Delivery Study identifies additional spare capacity for 1 TS plot at Aldingbourne Farm Shop which removes the deficit of 1 TS plot towards the end of the plan period.

4.7. It should be noted that the broad location at Little Meadow Bilsham has recently been identified by the Chichester to Arun model to be impacted by predicted climate change tidal/coastal flooding. Environment Agency have raised concern about this. However, the model also shows that in the defended case scenario the site is not affected (the defended case is the modelled scenario which adds the impact of flood mitigation measures). For this reason and the fact that there are no reasonable alternatives, it is considered that the site is suitable for allocation and should not prevent the G&T DPD from progressing.

4.8. Officers are therefore, seeking to secure a revised and specific Statement of Common Ground (SCG) with the EA and West Sussex County Council to agree the approach, as far as possible, and to resolve the outstanding technical matters.

4.9. The studies have been used to refine the Reg.19 Publication document to ensure the optimisation of each proposed site for intensification is deliverable and it removes the two affected sites Dragonfly Eastergate (ARU051), and Caravan Site A259 (ARU_NS1). The additional climate change surface water flood risk work has also informed some text changes to the Policy G&T DM1 'Site Delivery Criteria' i.e. criteria b), to ensure that these matters are addressed, including the need to prevent flooding elsewhere.

- 4.10. In addition, Policy 'G&T SP1 Safeguarding Existing Gypsy Traveller and Traveller Showpeople sites', clarifies that safeguarded existing sites not proposed for intensification, that are affected by flood risk or climate change are subject to review in the Arun Local Plan update. This includes those within areas at risk of flooding (e.g. FZ 2 or impacted by future Climate Change) and where consideration needs to be given to potential relocation away from flood risk areas in the longer term – as set out in updated Planning Practice Guidance (PPG). This is beyond the scope of this G&T DPD and can be addressed strategically as part of the Local Plan update.
- 4.11. National Planning Policy (NPPF 2023) states that a DPD needs to set out specific deliverable sites to meet identified needs within the first 5 years, developable sites years 6 - 10 and or broad locations for years 11 – 15. Based on the 5-year requirements set out in the G&T Site Identification Study 2019 (DLP consultants), in the first 5 years a residual of 1 pitch and 5 plots were unmet (1 April 2018 - 31 March 2023). Allowing for updated supply (Delivery Study 2023) the revised requirement for the next 5 years taking forward unmet need for deliverable sites (1 April 2023 - 31 March 2028) is calculated as follows:-

Pitches	2018 - 23	2023 - 28	2028 - 33	2033 - 36
Need years 1- 5	5			
Implemented	4			
Shortfall	-1			
Need years 6 – 11		1		
Implemented		0		
Need Plus Shortfall		2		
Need year 15+			2	
Implemented			0	
Residual			2	
Need years 11 – 15				1
Implemented				0
Residual				1
Plots	2018 - 23	2023 - 28	2028 - 33	2033 - 36
Need First 5 yrs	11			
Implemented	6			
Shortfall	-5			
Need years 6 - 11		2		
Implemented		0		
Need Plus Shortfall		7		
Need years 11 - 15			1	
Implemented			0	
Residual			1	
Need year 15+				0
Implemented				0
Residual				0

- 4.12. There is a consequent residual need for 2 deliverable pitches in 2023 - 28 (proposed at Limmer Pond Stables bringing forward provision) and 7 deliverable permanent plots (proposed at the Old Barns, Nyton Stables and additional capacity at Aldingbourne Farm shop).
- 4.13. The Regulation 19 G&T DPD therefore proposes to meet the identified need for 9 permanent Gypsy & Traveller Pitches and 14 permanent Traveller Showpeople Plots over the period 2018 - 2036. This provision is set out through small scale intensification on existing sites and one new site as a broad location to accommodate 1 pitch, at Little Meadow, Yapton (ARU-HELAA-46b) towards the end of the plan period. The Caravan, Fieldview and Aldingbourne Farm Shop Sites have all intensified in the first 5 years since 2018 counting towards need.

Therefore, the number of sites identified for further intensification are:-

Existing G&T Sites

- Fieldview, Junction (ARU031)
- Limmer Pond Stables (ARU049)
- 2 Wyndham Acres (ARU044)

Existing TS Sites

- Aldingbourne Farm Shop (AL4714)
- The Old Barns (ARU054)
- Nyton Stables (ARU046)

- 4.14. The draft G&T DPD accordingly sets out three separate policies (Appendix 1) with an accompanying Policies Map (Background Paper 1) and Inset Maps (Background Paper 2) for each site to regulate pitch and plot provision over the first five year and remaining plan period, including delivery criteria to mitigate impacts of provision on site: -

- 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

5. CONCLUSION

- 5.1. The further evidence work undertaken concludes that the proposed reduction in intensification sites allied to the additional site capacities and broad location will accommodate the District's identified need of 9 permanent Gypsy & Traveller (G&T) pitches and 14 permanent Traveller Showpeople (TSP) plots within Arun over the plan period (from 2018 - 2036). Provision is accordingly set out in Policy G&T SP2 Provision for Pitches and Plots (Appendix 1).

6. CONSULTATION

- 6.1. There are no external consultations on this report.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1. There are no comments.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. There are not likely to be any significant risks with this report.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. There are no governance or legal implications. The report follows Regulation 19 of the Town and Country Planning (England) Regulations 2012 which require the council to issue a Notice at the commencement of the consultation and to make a copy of the proposed submission document and a statement of the representation's procedure available for consultation. The statement of representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies previously invited to make representations under Regulation 18(1).

10. HUMAN RESOURCES IMPACT

10.1. There are no implications arising for Human Resources.

11. HEALTH & SAFETY IMPACT

11.1. There are no direct implications for Health & Safety.

12. PROPERTY & ESTATES IMPACT

12.1. There are no direct implications for council property.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1. There are no direct adverse implications for Equalities/Social Value. Meeting the needs of Gypsy and Traveller and Traveller Showpeople families will have positive Equalities/Social benefits.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. There are no direct adverse implications for Climate Change from this report and consultation. However, additional plots and pitches will likely impact the environment and biodiversity of Arun. It will therefore be important to consider climate change, sustainability and the environment in decision making and public consultation and ensure that any adverse impacts are minimised as much as possible.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1. There are no direct adverse implications for Crime and Disorder.

16. HUMAN RIGHTS IMPACT

16.1. There are no direct adverse implications for Human Rights.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. There are no implications for FOI/Data Protection.

CONTACT OFFICER:-

Name: Donna Moles
Job Title: Principal Planning Officer
Contact Number: 01903 737697

BACKGROUND DOCUMENTS:

The Publication G&T DPD and supporting documents (Background Papers 1 - 10 below) may be accessed on the Planning Policy web page, by navigating to the Gypsy & Traveller and Traveller Showpeople web tab:-

<https://www.arun.gov.uk/gypsy-and-traveller-development-plan-document-dpd>

Background Paper 1: Regulation 19 Publication - Arun Gypsy & Traveller & Traveller Showpeople Site Allocations Development Plan Document (G&T DPD).

Background Paper 2: G&T Submission Polices Map Reg.19 (with Insets);

Background Paper 3: G&T DPD Sustainability Appraisal 2023;

Background Paper 4: G&T Site Delivery Study 2023;

Background Paper 5: Technical Note: Gypsy, Traveller and Travelling Showmen - Access Review 2023;

Background Paper 6: Technical Note: Summary of flood predictions at Gypsy & Traveller site allocations 2023;

Background Paper 7: Explanatory Note: Arun Gypsy & Traveller and Traveller Showman Local Plan - Significance of PPG Changes with regard to Flooding and Climate Change, Sequential and Exceptions Tests, which shows that there are no reasonably available alternative sites to meet G&T needs based on the site evidence;

Background Paper 8: G&T Statement of Representations Procedure;

Background Paper 9: G&T Statement of Consultation;

Background Paper 10: G&T Duty to Cooperate Statement.

Appendix 1: G&T Publication DPD Policies

Policy G&T SP1 Safeguarding Existing Gypsy Traveller and Traveller Showpeople sites

1. Eight existing sites permitted for Gypsy and Traveller permanent pitches and five existing sites permitted for Traveller Showmen permanent plots and the Broad Location (Little Meadow), are safeguarded in perpetuity, as identified on the Policies Map (and Inset Maps).

Permanent Pitch Provision

- Fieldview
- The Caravan site
- Land at Limmer Pond Stables
- 2 Wyndham Acres
- Dragonfly
- Ryebank Carvan Park
- The Paddocks
- The Cottage Piggeries

Permanent Plot Provision

- Land at Aldingbourne Farm Shop
- Nyton Stables
- The Old Barns
- Fairfield Eastergate Lane
- The Drive
- Little Meadow, Bilsham Broad Location

2. The following existing sites that are safeguarded but affected by flood risk or climate change are subject to review in the Arun Local Plan update:-

Existing Traveller Sites

- The Caravan site
- Dragonfly
- Ryebank Carvan Park
- The Paddocks
- The Cottage Piggeries

Existing Traveller Showpeople sites

- Fairfield Eastergate Lane
- The Drive

Policy G&T SP2 Provision for Pitches and Plots

For the plan period 2018 to 2036 provision will be made to accommodate 9 permanent pitches for Gypsy and Traveller and 14 plots for Traveller Showpeople households. This required provision will be permitted and phased across the plan period taking into account unimplemented commitments, in accordance with the following sites safeguarded for intensification, as identified on the Polices Map (and Inset Maps): -

Gypsy & Traveller Sites	Implemented 2018-23	2023-2028	2028-2033	2033-2036	2018-2036
Fieldview Junction	3	0	0	0	3
Limmer Pond Stables	0	1	1	0	2
The Caravan site	1	0	0	0	1
2 Wynham Acres	0	2	0	0	2
Total Permanent Pitches	4	3	1	0	8
New site - ARU_HELAA_046b Land at Little Meadow, Yapton (Bilsham Corner) in the period beyond 2028.	0	0	0	1	1
Total Permanent Pitches	4	3	1	1	9

Traveller Showmen Yards	Implemented post 2018	2018-2023	2023-2036	2018-2036	2018-2036
Aldingborne Farm shop	4	4	1	0	9
The Old Barnes	1	1	0	0	2
Nyton Stables	1	2	0	0	3
Total Permanent Plots	6	7	1	0	14

Policy G&T DM1 Site Delivery Criteria

Proposals for the provision of permanent pitches and plots on existing sites and yards identified for intensification including extension and any new sites, will be granted where siting and layout of pitches and plots is agreed in consultation with appropriate bodies to:-

- a) Ensure that minerals reserves are not sterilised or can be won where sites fall within the minerals safeguarding zones;
- b) Prevent encroaching on Flood Zone 3a, and where affected by Flood Zone 2 or future Climate Change sources of flooding (coastal, river, rainfall and surface water), ensures that flooding is not caused elsewhere and that the finished floor level of residential buildings is restricted to an appropriate height AOD following consultation with a qualified engineer, and is in accordance with a submitted stage 2 Flood Risk Assessment;
- c) Avoid adversely impacting on ecology and natural features or achieves appropriate mitigation and seeks net gains in biodiversity within existing sites (where feasible) and secures net gains within any new or extended site allocation, in accordance with a submitted ecological survey;
- d) Achieve adequate access onto the local and strategic highway network, to an agreed standard, ensuring safe ingress and egress onto and off the highway and adequate visibility, overrun and acceleration splays;
- e) Avoid harming historic assets, their character and setting and their significance or is adequately mitigated;
- f) Minimise intrusion within the wider landscape in accordance with a landscape impact assessment and an appropriate lighting to scheme to maintain the Dark Sky's policy;
- g) Incorporate effective landscaping measures and any necessary bunding and screening within any scheme to mitigate and to minimising intrusion within the wider landscape and safeguard the setting of the nationally Designated South Downs National Park and its sensitive landscape.
- h) Ensure the developer makes adequate on-site provision of septic tank/ cess pit storage of foul sewerage water that is capable of suitable long-term maintenance by the developer and ensures that measures such as SUDs provision (on site or adjacent) to serve the development, is adequately protected from contamination and overflow and makes use of natural features and assets as far as practicable, securing net biodiversity gains and;
- i) Ensure that where any connections are to be made with the surface water and foul water drainage, the developer will make such provision and that no connection shall be made to a main sewer should one be present, without prior approval.