

# ARUN DISTRICT COUNCIL

## REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 17 DECEMBER 2019

### PART A : REPORT

**SUBJECT: Gypsy & Traveller & Travelling Showmen Site Allocations Development Plan Document**

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**DATE:** 19 November 2019  
**EXTN:** 37853  
**PORTFOLIO AREA:** Planning

#### EXECUTIVE SUMMARY:

This report advises members on the outcome of the Gypsy & Traveller and Traveller Showmen (G&T) Site Allocations Issues and Options public consultation, undertaken in summer 2019 which included 9 existing sites for intensification to meet needs with a further new site option to be considered for allocation. The report summarises representations made and the Council's proposed response and sets out the next steps for preparing the G&T Site Allocations Development Plan Document.

#### RECOMMENDATIONS:

That the Planning Policy Sub Committee:-

1. Notes the consultation response to the Gypsy and Traveller and Traveller Showmen Issues and Options consultation;
2. Agrees that following further work to resolve objections, a Regulation 18 Draft Gypsy & Traveller and Traveller Showmen (G&T) Site Allocations Development Plan document be prepared for consultation in the late Spring 2020.

#### 1. BACKGROUND:

- 1.1 On 27 February 2019 Planning Policy Sub-Committee (PPSC) agreed that the Gypsy and Traveller Issues and Options document (G&TIO) be published for public consultation for 6 weeks (i.e. under Regulation 18 Town & Country Planning (Local Planning) (England) Regulations 2012).
- 1.2 The G&TIO document forms part of the early public consultation stage to inform the preparation of a draft Gypsy & Traveller and Traveller Showmen (G&T) Site allocations Development Plan Document (DPD) which would then be put for further consultation.
- 1.3 The final stage would be a (Regulation 19) publication DPD where consultation is limited to legal compliance and soundness issues and the DPD would then be

subject to an independent examination. If found sound – on adoption, it will form part of the statutory development plan for decision making.

- 1.4 In summary, the G&TIO document sets out the need for 9 pitches and 14 plots to be provided over the plan period (for G&T purposes the period covers 2018 to 2036).
- 1.5 Furthermore, the document proposes that this level of need is to be accommodated through intensification or expansion on 8 existing sites including an option for a new site (Background Paper 1) following the discounting of potential sites based on a G&T Site Identifications Study and informed by Sustainability Appraisal.
- 1.6 The 8 sites that have the potential capacity to accommodate more intensive/expanded provision are as follows: -

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

Pitches Site Ref	Site Name	Existing & unimplemented Pitches	Pitches 2018-23	Pitches 2023-36	Pitches 2018-36
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>			1	4	9
<b>Total Capacity</b>		4	3	2	9
<b>Balance</b>			<b>+2</b>	<b>-2</b>	<b>0</b>
Plots Site Ref	Site Name	Existing & unimplemented Plots	Plots 2018-23	Plots 2023-36	Plots 2018-36
AL4714	Aldingbourne Farm Shop	Site Ref	Site Name	0	8
ARU054	The Old Barns	1	0	1	2
ARU046	Nyton Stables	3	0	0	3
<b>Need</b>			3	3	14
<b>Total Capacity</b>		8	4	1	13
<b>Balance</b>			<b>+1</b>	<b>-2</b>	<b>-1</b>

- 1.7 An additional new site ARU-HELAA-46b - Land at Little Meadow, Yapton was also proposed for consideration.
- 1.8 The G&TIO consultation document was sent to adjacent authorities, Parish/Town Councils, individual consultees and other key stakeholders on the Council's consultation database. A Regulation 18 Notice accompanied letters and emails and was placed in the press, on the Council's web-based consultation portal and with documents for inspection deposited in the libraries and office receptions at the Civic Centre and at Bognor Regis.
- 1.9 Representations were received from 14 respondents (excluding one anonymous and inadmissible response). A summary of the representations is set out in Appendix 1 to this report together with the Council's proposed response against the matters raised. Appendix 2 and 3 respectively, provide further helpful tabulated summaries of responses according to question 1 site preferences and questions 2 to question 6.
- 1.10 A number of responses support that provision should be made for G&T needs but that adequate provision to safeguard amenity is made and that sites are operated well and can be accommodated within necessary infrastructure.
- 1.11 A number of comments and objections were also received on specific matters with regard to the evidence base and sites. No clear overall site preference pattern is identifiable except that there was some degree of support for intensification subject to protecting amenity. It should be noted that some respondents identified an order of site preference - but in order to make specific objections to those sites.

### **Evidence Base**

- 1.12 A resident of Aldingbourne objected to all proposed sites and was concerned that the majority fall within Aldingbourne Parish, which is disproportionate and added to existing amenity issues from unauthorised activity.
- 1.13 Aldingbourne Parish Council also object to the inclusion of 5 of the 8 proposed sites because of cumulative and disproportionate amenity impacts on infrastructure and the settled community within the Parish. It was also stated that Strategic Allocations should have been examined for G&T contributions in accordance with Policy H SP5 of the adopted Local Plan. Therefore, reasonable alternatives have not been established in the evidence. Further concern is given that G&T consent on the site AL4714 Land at Aldingbourne Farm Shop appears to have lapsed or been unlawfully implemented and the land area for intensification needs clarification. In addition, ARU044 Land East Wyndahm Acres is considered to be prone to flood risk and within a minerals safeguarding zone.
- 1.14 An individual was concerned that there was insufficient evidence on site occupancy/utilisation; strategic coordination with WSCC; financial implications and budget provision for delivery; occupier obligations to maintain sites etc.

1.15 Store Property Investments consider the evidence is factually inaccurate contending that for ARU040 Land West of Brook Lane, south of A259 Angmering, two existing personal consents for G&T purposes have lapsed and the individuals have found alternative accommodation. Furthermore, a recent application and appeal (APP/C3810/W/17/3185128) establishes that the legal use of the discounted site is not for Gypsy and traveller uses.

1.16 The Council's response is that: -

- The GTAA 2019 evidence included household interviews on current and future accommodation requirements and changes in traveller status including liaison and coordination with WSCC and neighbouring authorities on the 'Duty to Cooperate';
- The G&T Site Identification Study 2019 undertook site identification informed by several call for sites (including a review of HELAA sites and publicly owned land) and a discounting process, this work included seeking negotiated provision within Strategic Allocations (although no promoters/developers indicated any willingness to include such provision);
- The Site Identification study and Sustainability Appraisals have also informed the selection of sustainable and suitable sites;
- The distribution of sites also reflects availability and a willing promotion by site/landowners of existing sites demonstrating evidence of deliverability which is a requirement of land allocation;
- There are existing policies with the adopted Arun local Plan to protect resident amenity and the existing settled communities;
- Safeguards can also be included in site specific allocation policies within the DPD informed by further feasibility and deliverability evidence
- Further work will need to be undertaken to check the planning status and lawful use of sites and traveller status of some households on two sites (e.g. AL4714 Land at Aldingbourne Farm Shop).

### **Proposed Sites**

1.17 Barnham/Eastergate Parish Council supported ARU051 Dragonfly Eastergate Lane but had no objections on any sites falling within the Parish and have no other comments on any other matters in the consultation document.

1.18 Bersted Parish Council support intensification and the new site ARU-HELAA-46b - Land at Little Meadow, Yapton.

1.19 Bilsham Manor supported AL4714 Aldingbourne Farm shop but object to ARU-HELAA-46b - Land at Little Meadow, Yapton on the grounds of residential amenity/proximity, highway safety (junction Gravetts Lane West and Bilsham Road) and favoured limited extension to a discounted site at ARU030 Ryebank Caravan Park, Yapton.

1.20 Highways England have expressed a preference for ARU054 The Old Barnes Arundel Road and have stated that while there are no objections to any of the proposed sites, their key focus is maintaining the strategic road network as a national asset in terms of providing long-term operation and integrity e.g. in this

case primarily concerned with proposals that have the potential to impact the safe and efficient operation of the A27. For this reason, the agency has cautioned that the Council will need to ensure that ARU054 has safe and operational access for slow HGV movements onto and off the A27 and so the council will need to be satisfied that highway engineering measures to achieve this can be delivered.

- 1.21 Historic England comment on the proposed sites by requesting that further consideration be given to assessment of ARU031 Fieldview Pagham (upon listed Rookery Farmhouse Grade 2) and ARU054 The Old Barnes (upon listed Westergate House Grade 2) as the DPD preparation progresses. The advice of the Council's own conservation staff has been involved and including input from WSCC Archaeology Service.
- 1.22 South Downs National Park are concerned that clearer reference must be made to the landscape setting considerations of the nationally designated SDNP in the reasons for discounting sites and further development of the DPD and supporting evidence and should also include close engagement with SDNP.
- 1.23 West Sussex County Council (WSCC) comment that 6 of the 8 sites fall within Policy 9 Minerals Safeguarding zones (West Sussex Minerals Local Plan 2018) and should be the subject of consultation with WSCC. The new site ARU\_HELAA 046b Land at Little Meadow Yapton falls outside of this zone.
- 1.24 Additional highway comments are made by WSCC on sites in the rejected sites list, should they be reconsidered. This relates to ensuring the on-line improvements to the A259 between Bognor Regis and Littlehampton are safeguarded as part of any assessment evidence. An objection is also made to site ARU\_NS\_1 The Caravan Site as it falls within flood zone 3. Finally, more should be made of the potential opportunity for sites in terms of ecological enhancement and net biodiversity gains e.g. through tree and hedge planting.
- 1.25 Southern Water have advised that 5 of the proposed existing sites for intensification/expansion are not served by the water sewerage network; Aldingbourne Farm Shop (AL4714); Nyton Stables (ARU046); Limmer Pond Stables (ARU049); The Caravan Site north of New Road (ARU NS 1) and so alternative arrangements may be needed.
- 1.26 The Council's response is that: -
  - Sites within the minerals safeguarding zones will need to adhere to policy requirements but this does not necessarily preclude development (e.g. some Strategic Allocational fall within the minerals safeguarding zones);
  - The 8 proposed sites are largely existing small sites involving intensification or limited expansion - not involving significant land take - the proposed new site ARY\_HELAA 046b is not affected by minerals safeguarding;
  - Any applications will need to demonstrate compliance with all relevant development plan policies;
  - That WSCC will continue to be closely involved in site allocations going forward;
  - Highway safety and infrastructure considerations need further

- consideration for some sites with both Highways England and with WSCC;
- Heritage assessment and archaeology has been accounted for but needs clearer and ongoing presentation in the evidence as the DPD progresses;
- Appropriate references to the purposes and status of the SDNP and its landscape setting will also need to be addressed as the evidence progresses
- Evidence will need to be developed on how Waste Water services are to be accommodated;
- Opportunities for wildlife and habitat enhancements will be considered in accordance with the existing adopted Arun Local Plan and site-specific allocation policies.

### **Conclusion**

1.27 This G&T/IO document is the earliest stage of public consultation. Broadly, it is considered that there are no fundamental objections raised that cannot be resolved regarding the suggested 8 sites and the additional new site, as they progress, and policies and infrastructure requirements are worked up through additional evidence. However, there is a need for some checks on site planning status and additional consultation with the statutory bodies to: -

- Review the evidence on the legal and planning status of AL4714 Land at Aldingbourne Farm Shop appears and ARU040 'Land West of Brook Lane, south of A259 Angmering';
- Further engage with WSCC and Highways England on safety and infrastructure matters – in particular with regard ARU054 'The Old Barnes Arundel Road';
- Engage with the Environment Agency with regard to ARU\_NS\_1 'The Caravan Site' asserted to fall within flood zone 3;
- Engage with Southern Water on the current and anticipated demands placed though intensification and expansion on proposed sites.

### **Next Steps**

1.28 That subject to the further work to resolve objections, a Regulation 18 Draft DPD progress to public consultation in the Spring 2020.

## **2. PROPOSAL(S):**

That the report on the outputs of the public consultation be is noted and that officers investigate a) legal matters raised with regard to lawful use of sites and planning status and also delivery issues raised by Highways England and Southern Water as well the Environment Agency for potential flooding implications before determining whether preparation should progress to a draft progressing a Regulation 18 Draft G&T DPD for public consultation in the Spring 2020.

## **3. OPTIONS:**

Not to progress the Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD), would be contrary to policy commitment within the Adopted Arun Local Plan 2018 and published Local Development Scheme and therefore, risk planning by appeal and unplanned development.

<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify) Traveller community representatives and households, the settled community Parish and Town councils and 'duty to cooperate' bodies and authorities.	x	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
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
<b>6. IMPLICATIONS:</b>		
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 Showmen over the plan period that meet the needs of sustainable development and ensuring that then amenity of the settled community are also accommodated.		

<b>7. REASON FOR THE DECISION:</b>
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, in order to meet the objectively assessed needs for Gypsy and Traveller accommodation and therefore, provide a sound development plan for Arun District.

<b>8. BACKGROUND PAPERS:</b>
1. Planning Policy Sub-Committee 27 February 2019: Agenda Item 13 Gypsy and Travellers – Issues and Options:-

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=182&MId=711>

