

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 DECEMBER 2020

SUBJECT: Regulation 18 (II) Gypsy & Traveller & Travelling Showmen Site Allocations Development Plan Document – Preferred Options

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PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

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

Following the public consultation period, this report sets out the representations received and the proposed response to be agreed and outlines the next steps.

RECOMMENDATIONS:

That the Planning Policy Sub Committee notes:

1. The Statement of Representation and proposed response to comments made from the consultation Draft Gypsy & Traveller and Traveller showmen Site Allocations Development Plan Document 'Preferred Options' - Regulation 18 (ii);
2. That officers will undertake further 'duty to cooperate' discussions and evidence work to resolve objections before progressing G&T DPD further and will report back to this Sub-Committee in the Spring 2021 with the proposed way forward and timetable for progressing the Reg.19 publication consultation and subsequent DPD submission.

1. BACKGROUND:

- 1.1 On 17 December 2019 Planning Policy Sub-Committee (PPSC) noted the outcome of the Issues and Options public consultation for preparing a Gypsy & Traveller and Traveller Showmen Site Allocations Development Plan Document (G&T DPD). It was agreed that following work to address representations and technical objections, a draft 'Preferred Options' G&T DPD be published for consultation in the 2020 (under Regulation 18 Town & Country Planning (Local Planning) (England) Regulations 2012).

- 1.2 The key evidence studies (also consulted on at Issues and Options stage) set out the need for 9 permanent Gypsy & Traveller (G&T) pitches and 14 permanent Traveller Showmen (TSM) plots to be accommodated within Arun over the plan period (from 2018 to 2036).
- 1.3 National Policy (NPPF 2019) states that a G&TDPD 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 need to allocate 1 deliverable permanent pitch and 3 deliverable permanent plots within the first 5 years.
- 1.4 The proposed approach set out in the draft 'Preferred Options' G&T DPD (Background paper 1) is consistent with the Issues and Options consultation and the evidence studies which identified that needs should be accommodated through intensification or expansion on 8 existing sites. An additional option is included for an area of search or broad location, for the only new potential site at Little Meadow, Yapton (ARU-HELAA-46b), towards the end of the plan period. The site was identified following the discounting process of potential sites based on a G&T Site Identifications Study and informed by Sustainability Appraisal. There is a potential unmet need of 1 traveller showmen plot towards the end of the plan period and this location may offer scope for accommodating a range of G&T pitches and plots providing a degree of contingency and flexibility should delivery not progress in accordance with the plan accommodation requirements.
- 1.5 The sites that have the potential capacity to accommodate more intensive/expanded provision are set out in Appendix 1.
- 1.6 The draft 'Preferred Options' G&T DPD sets out three separate policies with wording to; safeguard the existing sites and sites for intensification and show these on the Policies map (Background Paper 2) together with inset maps (Background paper 3) for each site; identify the accommodation requirements over the firsts five years and remaining plan period; specify site delivery criteria in order to mitigate impacts. The three proposed policies in the Draft G&T Preferred Options DPD are in summary: -
 - 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
- 1.7 The Policy wording in Policy G&T DM1 is constructed to address a limited number of comments and some technical objections that were received on specific matters with regard to the evidence base and sites at Issues and Options stage. None of the matters raised are considered to be fundamental barriers to progressing the proposed safeguarding and intensification on existing sites but will need ongoing engagement on the technical solutions and appropriate wording of development management policy.

1.8 The policy approach, therefore, sets criteria and requirements for applicants to consult and engage with the statutory bodies and agencies and provide necessary assessments to ensure: -

- Minerals safeguarding where applicable;
- Highways safety and access;
- Flood avoidance and mitigation;
- Protection and enhancement of natural features and net biodiversity gains;
- Protecting the setting and character of historic assets;
- Minimising the impact within the wider landscape and lighting compliance with Dark Sky's policy;
- Appropriate landscaping mitigation and safeguarding of the sensitive setting of the nationally designated South Down National Park;
- Adequate treatment and disposal of waste and foul water whether on site or connection to main.

1.9 Following consultation on the 'preferred options' the representations received broadly cover these same issues (for example highway safety and operational issues for accessing sites). There are also suggestions to further improve the policy approach of site implementation and delivery e.g. to safeguard highway operational/3rd party land, biodiversity, (in particular the wider environment and cross boundary implications) improve sustainable travel and infrastructure and the further clarification of responsibilities. Suggested policy wording amendments are proposed including for supporting text and these are set out in Background paper 6 Statement of representations.

1.10 However, there are now two main objections that materially exist-

- 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 (WSSC) 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 WSSC to exist for:-
 - a. ARU049 Land at Limmer Road Stables
 - b. AL4717 Aldingbourne Farm Shop
 - c. ARU046 Nyton Stables

1.11 WSSC propose that the resolution of this conflict would be to delete these proposed sites for intensification which amounts to a material objection. Arun District Council is extremely disappointed. WSSC have been consulted extensively on the proposed sites assessment and selection and this objection has not been raised previously in response to the Regulation 18 Issues & Options consultation. Before the DPD can progress, Arun must work on this issue with WSSC to see whether the issue with the existing sites can be resolved or other solutions can be found. The latter will not be easy and will require a significant

further evidence preparation, cost and time delay in order to identify further site options. However, there is a significant risk, given the evidence produced already, that Arun will face a capacity constraint and a residual unmet need (for Gypsy & Traveller pitches but in particular traveller showmen plots) that will consequently have to be explored with neighbouring authorities.

Conclusion

1.12 The draft Preferred Options G&TDPD is the stage of public consultation before a plan is published for consultation (Regulation 19) and submitted for examination. Until the two key areas of objection are resolved, with further evidence and cooperation between stakeholders the DPD cannot progress because delivery and compliance with national policy are two key tests at examination. At this point in time it would be prudent to commission the planned work which will inform the first objection on the flood status of one of the sites while undertaking further duty to cooperate negotiation on the ownership/covenant question for the three other sites. A report back to PPSC in late spring will then clarify the position and whether the G&T DPD should progress with amended approach to site selection or with a residual unmet need.

1.13 Next Steps

1.14 That a further update report is made to PPSC in the spring of 2021 before recommending progress on the G&TDPD to Regulation 19 publication stage.

2. PROPOSAL(S):

That further work be commissioned on the evidence (as planned) to support the delivery of the sites and further actions under the duty to cooperate to evidence and resolve material objections.

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 updated Local Development Scheme May 2020 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) Traveller community representatives and households, the settled community Parish and Town councils and 'duty to cooperate' bodies and authorities.	x	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (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 Showmen over the plan period that meet the needs of sustainable development and ensuring that then 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, 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 (incl 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 Polices Map (with Insets)
3. 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

Table 1 G&T Pitches to meet residual need respectively					
Pitch Reference	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	
Need			1	4	9
Total Capacity		4	3	2	9
Balance			2	-2	0

Table 2 G&T Plots to meet residual need respectively					
Plots Reference	Site Name	Existing & unimplemented Plots	Plots 2018-23	Plots 2023-36	Plots 2018-36
AL4714	Aldingbourne Farm Shop	4	4	0	8
ARU054	The Old	1	0	1	2
ARU046	Nyton	3	0	0	3
Need			3	3	14
Total		8	4	1	13
Balance			1	-2	-1