

Subject: Gypsies and Travellers Development Plan Document - Pre-submission Draft Plan

Cabinet Member: Cllr Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Key

Executive Summary

The Gypsies and Travellers Development Plan Document has been in development since 2020. A Pre-Submission Draft Plan (the Plan) has now been prepared. It has been informed by evidence including an up-to-date gypsy and travellers' accommodation assessment (GTAA), engagement with the community and other stakeholders.

The Plan addresses the accommodation needs of Wiltshire's travelling communities to 2038 and updates Core Policy 47 'Meeting the needs of Gypsies and Travellers' of the Wiltshire Core Strategy. This includes both the needs of travelling showpeople and gypsies and travellers. It will sit alongside the Wiltshire Local Plan review and together they will form the Local Plan for Wiltshire and complete the update of the Wiltshire Core Strategy.

Progression of the Plan alongside the wider Wiltshire Local Plan review will ensure that the accommodation needs of all parts of Wiltshire's communities can be addressed and the council meets its equality duties. Like the Local Plan, substantial time and investment has been made in preparing the Plan. This has included the consideration and allocation of council owned land due to the lack of private sites put forward through the call for sites exercises.

The council undertook consultation on the scope and objectives of the Plan early 2021 (Regulation 18 stage), as well as the accommodation needs at that time, the proposed approach to meeting needs and call for sites. Since then, significant work has been undertaken to prepare a draft Plan, which has involved assessing the potential to accommodate need on existing as well as new sites and ensuring that the Plan responds to evidence in the updated GTAA.

The Plan contains policies that collectively make provision for the needs of the travelling community. These include policies allocating new sites and existing sites to allow for additional pitches and plots to come forward as well as safeguarding existing sites so that they can continue to meet needs in the longer term. The plan takes a supportive approach to allowing for the siting of additional caravans on sites where planning permission is needed to help meet the needs of teenagers and younger single adults.

A criteria-based policy is also included to assess other new sites that may come forward to meet demonstrable needs that arise during the plan period, for example from undetermined households in the GTAA. It also includes a policy to address the needs of households that do not meet the planning definition of travellers, but nonetheless have protected characteristics and may require culturally appropriate accommodation such as mobile homes.

To help address the accommodation needs of travellers passing through the county and manage unauthorised encampments the Plan makes provision for three emergency stopping places to be delivered by the council by 2029. The first site is allocated in the Plan, and two additional sites will need to be brought forward by the council through implementation of the plan.

The council has reached the final consultation stage, where representations are invited on soundness and legal compliance, which is known as the Regulation 19 stage. The council will be publishing what it considers to be a sound plan and following consultation can proceed to submission and examination by a government appointed Planning Inspector.

Completion of the Regulation 19 consultation will enable the council to formally submit the Plan and for it to be examined in public by an independent Planning Inspector appointed by the Secretary of State. It is only once these stages have been completed, with a positive recommendation by the Inspector, that the Plan can be adopted by the council and gain full weight in decision making.

Publication of the draft Plan for consultation is proposed to start late summer 2024 and last for a period of at least six weeks in line with legislation and the council's Statement of Community Involvement.

Following the consultation, once the outcome has been considered a report will be brought back to Cabinet and Council in December, in order that the Plan can be taken forward to submission.

Proposals

That Cabinet:

- 1) Approves the 'Gypsies and Travellers Plan - Pre-submission Draft Development Plan Document' at Appendix 1 subject to amendment in 3.
- 2) Recommends to Full Council on 24 July 2024 that the Gypsies and Travellers Plan - Pre-submission Draft Development Plan Document at Appendix 1 (subject to modification in (3)) be approved for publication in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for a period of at least six weeks public consultation.
- 3) Authorises the Director for Planning in consultation with the Director for Legal and Governance and Cabinet Member for Finance, Development Management and Strategic Planning: to make any necessary minor changes to the Pre-submission Draft Development

Plan Document before it is published; to finalise the associated evidence documents for publication alongside the Plan; and to make arrangement for and undertake statutory consultation.

Reason for Proposals

To ensure the council continues to make progress in updating its Local Plan, and alongside the wider Wiltshire Local Plan review in line with the timescale set out in the recently approved Local Development Scheme and statutory requirements.

Alongside the wider Wiltshire Local Plan review, the Plan will help ensure that the council is planning to meet the accommodation needs of all different sectors of Wiltshire's community.

Parvis Khansari
Corporate Director - Place

Wiltshire Council

Cabinet

15 July 2024

Subject: Gypsies and Travellers Development Plan Document - Pre-submission Draft Plan

Cabinet Member: Cllr Nick Botterill - Cabinet Member for Finance, Development Management and Strategic Planning

Key Decision: Key

Purpose of Report

1. This report seeks to:
 - (i) Seek approval for the Pre-Submission Draft Gypsies and Travellers Development Plan Document to be formally published for a final stage of consultation; and
 - (ii) Set out the arrangements for consultation and next steps.

Relevance to the Council's Business Plan

2. The Council's 'Wiltshire Gypsy, Roma, Traveller and Boater Strategy 2020-2025' recognises the importance of a settled base to support the health and well-being and educational needs of these communities. Providing for the housing needs of, and improving health outcomes for, Wiltshire's gypsy and traveller communities aligns with the 2022-2032 Business Plan mission Resilient Society. The importance of updating the Local Plan to provide an effective policy framework for the sustainable growth of Wiltshire is also explicitly referred to.

Background

3. The council has a statutory duty to prepare and maintain their Local Plan.
4. National planning policy sets out the government's overarching aim in planning for travellers, which is "*to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interest of the settled community*" (Paragraph 3, Planning policy for traveller sites - updated December 2023). It requires local planning authorities in producing their local plan to set pitch targets for gypsies and travellers and plot targets for travelling showpeople to address the likely permanent and transit site accommodation needs.
5. Alongside the Wiltshire Local Plan review, the council's [Local Development Scheme \(March 2024\)](#) makes provision for a separate single plan to be prepared to address the housing needs of gypsies and travellers and review Core Policy 47 Meeting the needs of gypsies and travellers of the Wiltshire Core Strategy.

6. Following [Cabinet approval](#), consultation was undertaken on the scope of the Plan, starting 13 January 2021 and closing on 9 March 2021 (aligned to consultation on the wider Wiltshire Local Plan review) and comments invited on: the proposed objectives of the plan; level of need to be addressed informed by a gypsy and traveller accommodation assessment; approach to meeting accommodation needs; and site assessment criteria. A call for sites was also undertaken to identify potential sites to be considered for allocation, which has remained open since then.
7. At the time the consultation was approved, capital budget was set aside to fund the delivery of three emergency stopping places in the light of the commitment made in the council's Emergency Stopping Places Strategy, approved by Cabinet in 2018.
8. The outcome of the consultation was subsequently published on the [council's website](#). In total 64 responses were made from different stakeholders including parish and town councils and 20 travellers who responded by telephone. During the consultation the opportunity was also taken to engage with travellers on unauthorised encampments. In response to the consultation and to take into account the more recent change to national planning policy in relation to the definition of gypsies and travellers, the council's gypsy and traveller accommodation assessment has been updated to ensure the plan is robust and informed by up to date evidence
9. The Gypsy and Traveller Accommodation Assessment (June 2024) (GTAA) has a base date of 1 April 2024 (forming the start of the plan period) and identifies needs across the plan period to 2038. It takes into consideration the revised definition of travellers, which includes those who for educational, health or old age have ceased to travel temporarily or permanently. Previously travellers who had ceased to travel (for whatever reason) were not included. This change was introduced by the December 2023 update to the government's Planning policy for traveller sites.

Main Considerations for the Council

10. A Pre-Submission Draft Plan (the Plan) has been prepared, which is provided at **Appendix 1**, and has been informed by evidence as set out in the GTAA.
11. Progression of the Plan alongside the wider Wiltshire Local Plan review will ensure that the accommodation needs of all parts of Wiltshire's communities can be addressed and the council meets its equality duties. Like the Local Plan, substantial time and investment has been made in preparing the Plan. This has included the consideration of council owned land to identify sites for allocation due to the lack of private sites put forward through the call for sites exercises.
12. Core Policy 47 has been reviewed to ensure the Plan provides a sound basis on which to make provision for the needs of the travelling community and is replaced by policies that work collectively to do this. These include policies allocating new sites and existing sites to allow for additional pitches/plots¹ to come forward as well as safeguarding existing sites so that they can continue to meet needs in the longer term. The Plan takes a supportive approach to allowing for the siting of additional caravans

¹ When referring to the accommodation needs of these groups reference is made to plots when referring to travelling show people and pitches when referring to gypsies and travellers.

on sites where planning permission is needed to help meet the needs of teenagers and younger single adults.

13. A criteria-based policy is also included to assess other new sites that may come forward to meet demonstrable local needs that arise during the plan period, for example from undetermined households in the GTAA that are later established to meet the planning definition. It also includes a policy to address the needs of households that do not meet the planning definition of travellers, but nonetheless have protected characteristics and may require culturally appropriate accommodation such as mobile homes.

14. The format of the draft Plan is as follows:

- (i) Chapters 1 and 2 explain the role and purpose of the Plan; its objectives and how it relates to the Local Plan.
- (ii) Chapter 3 contains the strategy for meeting traveller needs over the Plan period to 2038. It includes targets for permanent pitches for both gypsies and travellers and permanent plots for travelling showpeople over the whole plan period to 2038 and for the first five years to 2029, based on the GTAA; as well as 3 emergency stopping place sites to be delivered by the council by 2029.

It contains policies relating to the safeguarding of existing sites for their continued use by travellers and intensification of existing sites to meet needs on sites, as well as criteria to assess new sites against. It also includes policy to address need for culturally appropriate accommodation.

- (iii) Chapter 4 contains site allocations relating to existing sites that are proposed for intensification to meet identified needs arising on those sites (16 sites); as well as new allocations for permanent accommodation (7 sites) and 1 site for transit accommodation (emergency stopping place). 3 existing travelling showpeople sites are also allocated for intensification to meet onsite needs.
- (iv) Chapter 5 clarifies how monitoring of the plan policies will be carried out.

15. At the Regulation 19 stage, the council is publishing what it considers to be a sound Plan that meets all the necessary legal requirements. See Legal Implications below. To be sound, as set out in the National Planning Policy Framework (paragraph 35), a Plan must be:

- (i) **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- (ii) **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- (iii) **Effective** - deliverable over the plan period, and based on effective joint

working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

- (iv) **Consistent with national policy** - enabling the delivery of sustainable development in accordance with policies in the National Planning Policy Framework and other statements of national policy, where relevant.

16. Alongside the Plan other documents will be published, including those setting out evidence informing the plan and its preparation. They will include:

- (i) Wiltshire Gypsy and Travellers Accommodation Assessment (2024), Opinion Research Services
- (ii) Sustainability Appraisal including Non-technical Summary
- (iii) Habitats Regulations Assessment, LUC
- (iv) Evidence papers in relation to site selection and delivery, and the approach to teenage need.
- (v) Duty to cooperate statement - setting out engagement undertaken with neighbouring authorities and prescribed bodies as part of plan preparation.

Next steps and consultation arrangements

17. Subject to Cabinet and Council approval, preparations will be made to finalise and publish the consultation documents including the draft Plan. They will be made available for public inspection for the start of the consultations at the council's principal offices during normal opening hours as well as on the council's website.

18. Consultation needs to be undertaken for a period of at least six weeks in line with legal requirements and the council's [Statement of community involvement \(July 2020\)](#). In keeping with the March 2024 update to the Local Development Scheme, this is planned to commence by mid Q3, 2024. Publication of the draft plan for consultation is therefore proposed to start late summer 2024. A reasonable part of the consultation period will need to be outside of the August holiday period, as required by the Statement of community involvement.

19. Consultation is proposed to include the following:

- (i) Online publication of consultation documents on the council's website including the consultation portal.
- (ii) Consultation documents to be available for viewing at the council's main office hubs and/or council libraries as appropriate.
- (iii) Press release and publication of adverts in local newspapers to cover Wiltshire advertising the start of the consultation.
- (iv) Notifications to be sent to all Members and Town and Parish Councils.
- (v) Publicise through council newsletter.
- (vi) Email/letter to consultees on strategic planning consultation database informing them of the consultation.
- (vii) Social media campaign to raise awareness of the consultation and how to engage.
- (viii) In person engagement events and webinar.
- (ix) Chair's announcements where possible at Area Board meetings leading up to and at the start of the consultation to publicise the consultation and raise awareness.

- (x) Leaflet drop to traveller households, which will be designed and undertaken with the support of a third party familiar with traveller engagement.

20. Completion of the Regulation 19 consultation stage will enable the council to formally submit the Plan (following approval by Cabinet and Council) and for it to be examined by an independent Inspector appointed by the Secretary of State. It is only once these stages have been completed, with a positive recommendation by the Inspector that the Plan can be adopted by the council and gain full weight in decision making.
21. Once the Regulation 19 consultation has been completed, and responses collated and a consultation report produced including the main issues raised, the Plan, following approval by Cabinet and Council, can be submitted and proceed to Examination in Public (EiP). The EiP is the final stage in the process and upon submission, the Inspector will take control of the process. In some cases, more than one Inspector is appointed to undertake the EiP. The Inspector's role is to examine whether the Plan meets the test of soundness defined in the National Planning Policy Framework (paragraph 35). As set out above, they require that the plan is positively prepared, justified, effective and consistent with national policy and meets all the relevant legislative requirements, including the duty to cooperate. The EiP focuses on the main issues that purport to affect the Plan's soundness and legal compliance.
22. At the end of the EiP the Inspector produces a report on behalf of the Secretary of State setting out recommendations and the reasons for them. The outcome could be one of three: (i) that the Plan is sound and legally compliant as submitted and should be adopted; (ii) the Plan is unsound and/or legally non-compliant as submitted but it is possible to make it so through main modifications, if requested to do so by the Council as local planning authority; (iii) the Plan is unsound and/or legally non-compliant and that it is not possible to make it so through main modifications, which would lead to an authority being invited to withdraw the Plan before a recommendation to that effect was made.

Safeguarding Implications

23. Although there are no direct safeguarding implications arising from the proposals, the plan is a key document in ensuring that the accommodation needs of the traveller community are being met and new sites are in locations, which as a minimum, have access to education and health services. Emergency stopping sites are a safe alternative to roadside encampments.

Public Health Implications

24. As recognised in the Health Needs Assessment for Gypsy, Traveller and Boater Populations Living in Wiltshire (July 2019) ethnic gypsies and travellers have significantly worse health outcomes than the general population and experience substantial health inequalities. Living conditions are one of the most significant contributory factors to poor health. Providing a settled base in locations where there is access to health and education services and connections to main service infrastructure has public health benefits.

Procurement Implications

25. There are no direct procurement implications relating to the proposals in the report, other than potentially securing the services of a third party to facilitate effective consultation with Wiltshire's gypsy and traveller communities. See financial implications also. However, the development of the Plan to date has been supported by evidence procured from suppliers. Any future procurement will be undertaken in line with corporate procedures.

Equalities Impact of the Proposal

26. The council is subject to a public sector equality duty introduced by the Equality Act 2010. This consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement, which takes an inclusive approach to consultation ensuring that everyone can be involved.

27. Positively planning for the needs of Wiltshire's travelling communities will have a positive impact. A lack of suitable accommodation, as referred to above, can underpin many of the inequalities that they experience.

28. An Equality Impact Assessment is being carried out alongside the preparation of the Plan and will accompany the draft Plan when it is submitted to the Secretary of State for examination.

Environmental and Climate Change Considerations

29. Sustainability Appraisal (incorporating the provisions of Strategic Environmental Assessment) and Habitats Regulations Assessment have been undertaken as part of the Plan's preparation. They help to ensure that negative environmental impacts are avoided, appropriate mitigation is identified, and policies and proposals deliver development in a sustainable manner while ensuring that accommodation needs can be addressed. These will be published alongside the Plan at the start of the consultation.

Workforce Implications

30. Preparation and implementation of the Plan has workforce implications for services across the council, as well as the Planning Service. A cross-authority delivery group has been supporting the development of the plan including officers from legal, development management, property, housing services and communications, as well as strategic planning. A dedicated project manager is in place. Specialist input from other services in relation to site assessments has been integral to development of the Plan e.g. highways, drainage, landscape, and ecology.

31. Input will continue to be required from services as the Plan progresses through the next stages of the process and resources aligned to ensure there is sufficient capacity. It is anticipated that this will be absorbed within the current capacity of services but will be kept under review.

Risks that may arise if the proposed decision and related work is not taken

32. The principal risk is that the accommodation needs of these communities will not be met, which has implications for safeguarding and their health and wellbeing. It is likely to also lead to more incidents of unauthorised encampments, speculative development proposals and associated conflict with the settled community.

33. It is important for the council to continue to make progress on preparing the Plan alongside the Wiltshire Local Plan review in line with the commitment set out in the recently updated Local Development Scheme. This will ensure the housing needs of all sectors of the community are addressed in updating the Local Plan for Wiltshire.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

34. Communities may be concerned about new development taking place near to where they live. This is being mitigated by working with the council's communications team to design the consultation material and enable effective communication and engagement during the preparation of the Plan.

Financial Implications

35. The financial implications of taking forward the Plan through Regulation 19 consultation stage, the examination stage and onto adoption has been planned for in the Council's Medium Term Financial Strategy (MTFS). They will be met from the Strategic Planning service budget and the Local Plan earmarked reserve.

36. As previously reported and recognised by Cabinet, council owned land and financial investment is needed to support the delivery and management of transit accommodation (i.e. emergency stopping places). Provision has been made for this in the council's Capital Programme. However, the Emergency Stopping Places Strategy will need to be updated to support the identification and delivery of two further sites, in addition to the one that is set out in the Plan. Any further financial implications will be considered at that time. To ensure sufficient permanent sites can be allocated in the Plan, 5 sites comprising a total of 22 pitches are also included.

Legal Implications

37. The council has a statutory duty to prepare and maintain a Local Plan for Wiltshire (referred to in legislation as development plan documents), for which the process is set out in the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Plan has been prepared in line with Regulations and appropriate consultation has been undertaken as set out in the background in line with legislation. There is a statutory duty to ensure the Plan is updated every five years. It is therefore important that progress be made with the Gypsies and Travellers Plan as it is now over nine years since the Wiltshire Core Strategy was adopted.

38. The Plan has been prepared in accordance with Section 33A of the PCPA 2004 (as amended), which requires the council to cooperate with neighbouring authorities constructively, actively and on an on-going basis to address any strategic cross boundary issues associated with the Plan, as well as other prescribed stakeholders. This engagement will be continued by the council during and beyond the Plan period. A statement has been prepared outlining the engagement that has taken place.

39. At the Regulation 19 stage, the council has a duty to engage with the public and other stakeholders and must carry out consultation in accordance with the council's adopted Statement of Community Involvement and Regulations. Comments received at this stage of the process, once the Plan has been submitted for examination, will ultimately

be considered by the Inspector appointed by the Secretary of State to examine the Plan.

Overview and Scrutiny Engagement

40. Overview and Scrutiny has not been formally engaged in the specific proposals in this report. However, members of the Environment Select Committee have received several informal confidential briefings during the development of the Plan, which have allowed for discussion and challenge to the emerging policies in the lead up to Cabinet.

Options Considered

41. Approval of the Plan and publishing it for formal consultation would mean significant progress on the Plan's preparation in line with expectations set out in the Local Development Scheme. Consultation must be undertaken in line with Regulations and the Council's Statement of Community Involvement.

Conclusions

42. The Gypsies and Travellers Development Plan Document - Pre-submission draft Plan has been in preparation for a considerable period of time. It is based on robust evidence including an up-to-date gypsy and traveller accommodation assessment and informed by engagement with the community and other stakeholders. Alongside the wider Wiltshire Local Plan review it will complete the review of the Wiltshire Core Strategy and ensure the housing needs of all sectors of Wiltshire's community can be addressed through an up-to-date Local Plan.

Nic Thomas - Director, Planning

Report Author: Georgina Clampitt-Dix, Head of Strategic Planning,
Email: georgina.clampitt-dix@wiltshire.gov.uk

Appendices

Appendix 1: Gypsies and Travellers Development Plan Document - Pre-submission draft plan

Background Papers

Wiltshire Council Gypsies and Travellers Accommodation Assessment, June 2024, Opinion Research Services; which can be viewed via this [Link](#).