

Wiltshire Council

Cabinet

13 October 2020

Subject: **Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) Consultation on scope of Gypsies and Travellers Development Plan Document**

Cabinet Member: **Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Investment**

Key Decision: **Key**

Executive Summary

Cabinet at its meeting on 24 March 2020, in updating the Council's Local Development Scheme, approved the preparation of a Gypsies and Travellers Development Plan Document (hereafter referred to as the Plan). The Plan will address the accommodation needs of Wiltshire's travelling communities and update Core Policy 47 'Meeting the needs of Gypsies and Travellers' of the Wiltshire Core Strategy.

In line with legislation, the first formal stage in preparing the Plan is to consult on its scope with the local community and other stakeholders. This report sets out the proposed content for this initial consultation on the Plan and the arrangements for consultation.

Consultation will take place for a minimum of 6 weeks commencing January 2021 and ending during February 2021. The dates will be aligned with consultation on the wider Wiltshire Local Plan Review, which will be the subject of a report to December's Cabinet. Alongside the scope of the Plan, the findings of a new Gypsies and Travellers Accommodation Assessment will be published, and comments invited on: the proposed objectives of the Plan; level of need to be addressed; approach to meeting accommodation needs; and site assessment criteria. In addition, there will be a 'call for sites' to identify potential land that may be suitable for new sites.

The implementation of the Emergency Stopping Places Strategy approved by Cabinet in July 2018 should be carried forward as part of the Plan, with the delivery of one site ahead of it; to manage delivery costs and provide learning for the delivery and management of the other two sites. Approval is sought for provision to be made for capital funding to deliver these sites, the management of which will need to be supported by future revenue funding. Cabinet should be aware that the implementation of the Plan over the coming years will have finance and workforce implications that need to be planned for.

Proposal(s)**That Cabinet:**

- (i) Note the content and findings of the Gypsies and Travellers Accommodation Assessment;**
- (ii) Approves Appendix 1 for the purposes of consultation on the scope and content of the Gypsies and Travellers Plan subject to amendment at (iii);**
- (iii) Authorises the Director for Economic Development and Planning in consultation with the Cabinet Member for Spatial Planning, Development Management and Investment to: make any necessary changes to the consultation documents in the interest of clarity and accuracy before they are finalised for publication; and make arrangements for and undertake statutory consultation;**
- (iv) Approves a capital budget of £1.3 million from the 'Other Capital Schemes to be approved' budget to fund the delivery of three Emergency Stopping Place sites; and**
- (v) Note that the Emergency Stopping Places will have revenue implications of circa £0.030 million per year, which will need to be addressed in future Revenue budget setting.**

Reason for Proposal(s)

To ensure progress continues to be made in updating the Local Plan for Wiltshire in line with the Local Development Scheme and statutory requirements; and the housing needs of Wiltshire's travelling communities can be met.

**Terence Herbert
Chief Executive**

Wiltshire Council

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Key Decision: Key

Purpose of Report

1. To seek approval for the first stage of consultation on the Gypsies and Travellers Development Plan Document (hereafter referred to as the Plan) .

Relevance to the Council's Business Plan

2. The Council's 'Wiltshire Gypsy, Roma, Traveller and Boater Strategy 2020-2025' [INSERT LINK] 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 Wiltshire's Gypsy and Traveller communities therefore aligns with all three of the priorities within the Council's 'Business Plan 2017 -2027 Forward Thinking' - 'Growing the Economy', 'Strong Communities' and 'Protecting the Vulnerable'.

Background

3. National planning policy requires local planning authorities to assess and reflect in their planning policies the accommodation needs of travellers, and to set pitch targets and identify sites for gypsies and travellers and plots for travelling showpeople to address identified need¹. The Government's overarching aim 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 interests of the settled community*" (paragraph 3, Planning policy for traveller sites (PPTS)).
4. Cabinet on [24 March 2020](#) approved a revised Local Development Scheme (LDS) and made provision to progress a separate single-issue plan to address the housing needs of gypsies and travellers, ahead of the wider Local Plan Review. To inform the plan, a Gypsies and Travellers Accommodation Assessment (GTAA) has been completed, which is provided as an

¹ Paragraph 61, [National Planning Policy Framework \(July 2019\)](#); Policies A and B, [Planning policy for travellers sites \(August 2015\)](#)

[accompanying paper](#) to this report. It sets out pitch and plot requirements for the period 2019 to 2036 for the permanent and temporary accommodation needs of both gypsies and travellers and travelling show people within Wiltshire; and reinforces the approach to temporary accommodation set out in the Emergency Stopping Places Strategy, approved by Cabinet on [3 July 2018](#).

5. Preparation of the Plan will involve a review of Core Policy 47 of the Wiltshire Core Strategy 'Meeting the needs of Gypsies and Travellers': to identify accommodation needs of travellers to 2036; and make provision to meet those needs through site allocations and policy. To date provision has been made through assessing planning applications against national policy and site assessment criteria within Core Policy 47.
6. To ensure plans are prepared on a sound basis, local planning authorities are required to undertake consultation at the start of the process in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and their Statements of Community Involvement.

Main Considerations for the Council

7. This public consultation is the initial consultation on developing the plan and will seek the views of the local community and other stakeholders. **Appendix 1** sets out the proposed consultation document, which includes:
 - (i) The scope and objectives of the plan;
 - (ii) Overview of Wiltshire's travelling communities and their accommodation needs;
 - (iii) Summary of findings of GTAA and level of provision to be planned for;
 - (iv) Proposed approach to meeting accommodation needs and site; assessment criteria; and
 - (v) Call for sites to help identify land that may be suitable for new sites.
8. The scope of the Plan is set out in the LDS. The Plan:

"...will identify the future level of need for accommodation for Gypsy and Travellers, including travelling showpeople to 2036. It will identify sites to meet permanent and temporary accommodation needs and focus on Core Policy 47 'Meeting the needs of Gypsies and Travellers' of the Wiltshire Core Strategy."
9. Through preparation of the Plan Core Policy 47 of the Core Strategy will be reviewed to set out requirements for new traveller accommodation over the period 2019 to 2036 consistent with the GTAA and allocate sites in accordance with national planning policy. It will address the accommodation needs of travellers who meet the Government's planning definition in Annex 1 of the PPTS.
10. To address temporary accommodation needs, the GTAA proposes three emergency stopping places in the north, west and south of the county to offer facilities for transient travellers and assist in managing unauthorised

encampments. This is consistent with the Emerging Stopping Places Strategy previously endorsed by Cabinet, which set out this principle and identified criteria to enable sites to be identified on council owned land. As progress is now being made on the Plan, it would be prudent for the identification of sites for emergency stopping places to be carried forward as part of it, which allows for consultation to be undertaken through the plan making process. The site assessment criteria within the strategy have therefore been carried forward into the consultation document.

11. However, given the lack of transit provision in the county it is proposed that one of the three sites should be delivered ahead of an adopted plan. This will help manage delivery costs and provide learning for the effective delivery and management of the other two sites. See financial implications below.
12. For permanent sites, it is proposed that a cascade approach is taken to identifying sites as much of the need is derived from overcrowding/concealed households or household growth; and generally, there is a desire for families to stay together. Therefore, subject to site assessment, need should be addressed by: first, accommodating additional pitches on existing lawful sites and if necessary, considering the potential to extend these sites; and considering whether unauthorised sites should be regularised. This would make best use of land and works in the interests of traveller families. Where this is not possible, new sites will need to be identified to meet any remaining requirements.
13. The site assessment criteria in Core Policy 47 are generally considered to be fit for purpose. However, a few changes are proposed to provide additional clarity and improve consistency with national policy to prioritise use of previously developed sites. The revised criteria will be used to guide the identification and assess the suitability of sites for inclusion within the Plan, as well as providing the basis for revised policy to guide the determination of planning applications.
14. Experience to date shows that land is rarely promoted by private landowners for use as traveller sites and consideration may therefore need to be given to the council's own landholdings or potentially land acquired to meet plan requirements, which could have budget implications. Nevertheless, a call for sites to identify other opportunities through the consultation will be undertaken.

Consultation Arrangements

15. Subject to Cabinet approval, preparations will be made to finalise and publish the consultation material to support the consultation for a period of at least six weeks in accordance with the Council's Statement of Community Involvement and statutory requirements. The [July 2020 Local Development Scheme](#) anticipated this would take place for a minimum of 6 weeks commencing December 2020 and ending January 2021 with the dates aligned with consultation on the wider Wiltshire Local Plan Review. This will now be the subject of a report to December's Cabinet, and therefore consultation will start in January and close in February 2021. As part of the consultation the following arrangements will be put in place:

- (i) Early notification of the consultation period to Parish and Town Councils following Cabinet approval;
- (ii) Letter or email to consultees on the spatial planning consultation database, providing notification of the consultation. This will also include traveller representative bodies and planning agents;
- (iii) Publication of a notice in local newspapers to cover Wiltshire;
- (iv) Online publication of all consultation documents on the Council's website including consultation portal;
- (v) An item about the consultation in the Parish/Town Council Newsletter;
- (vi) Publication of a notice on 'Our Community Matters' websites;
- (vii) Notification of the consultation to be distributed through Community Area Board networks leading up to and during the consultation period as necessary;
- (viii) Leaflet drop to traveller households. This could be undertaken by a third party familiar with traveller engagement on behalf of the Council;
- (ix) Engagement with travellers on unauthorised encampments regarding the use of emergency stopping sites; and
- (x) Discussions with relevant authorities on cross boundary strategic planning matters.

16. In the light of COVID-19, consistent with the [Council's Statement of Community Involvement Temporary Arrangements](#), Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 and Planning Practice Guidance the consultation material will not be displayed at Council offices and libraries in the interest of public safety. Bespoke measures will be put in place for anyone unable to access the online consultation documents.

17. However, due to the importance of the spoken word in traveller communities, arrangements under viii and ix may require a brief conversation. Any face to face contact would need take place in strict accordance with COVID-19 safety measures.

Next Steps

18. Any representations received will then need to be considered in preparing the draft Plan; once the draft Plan is prepared further consultation will be undertaken (Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) stage).

Government reforms to the planning system

19. It is recognised that the Government has published in its Planning for the Future White Paper proposals for reform of the planning system, including an overhaul of the local plan process. These are at the consultation stage and it is not certain of the outcome or when any changes may take effect. Any such overhaul is likely to include transitional arrangements, which will allow plans that have reached certain stages at the time of implementation to continue through the current system. Notwithstanding this, any changes are unlikely to alter the need to plan positively to meet the accommodation needs of these communities. Officers will monitor any changes in legislation or national policy as part of the plan making process.

Overview and Scrutiny Engagement

20. Overview and Scrutiny has not been formally engaged in the specific proposals in this report. However, Environment Select Committee has previously received reports on the Gypsy and Traveller communities via updates from the Traveller Reference Group and the importance of meeting the accommodation needs of these communities is recognised.

Safeguarding Implications

21. Provision of suitable permanent sites with access to facilities ensures that both vulnerable adults and children have better access to support services available within Wiltshire e.g. health, welfare, financial and education services. Emergency stopping sites are a safe alternative to roadside encampments.

Public Health Implications

22. 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

23. As an initial consultation on the Plan there will be no direct procurement implications 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. Any future procurement will be undertaken in line with corporate procedures.

Equalities Impact of the Proposal

24. The Council is subject to a public sector equality duty introduced by the Equality Act 2010. Consultation will be carried out in accordance with the Council's adopted Statement of Community Involvement and associated Temporary Arrangements that are in place in the light of the COVID-19

situation. This takes an inclusive approach to consultation ensuring that everyone can be involved.

25. Positively planning for the needs of Wiltshire 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.
26. An Equality Impact Assessment will be 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

27. In developing the Plan regard will be given to the Wiltshire Council Climate Change motion (26 February 2019), as part of policy and proposals formulation.
28. The site selection criteria have been developed to reflect environmental and climate change considerations, ensuring that impacts can be minimised while ensuring accommodation needs are addressed. Sustainability Appraisal and Habitats Regulation Assessment are a required part of the development plan process and will inform the development of the plan at later stages.

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

29. 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 and associated conflict with the settled community.

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

30. 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

31. The financial implications associated with undertaking the consultation are small and can be met from 2020/2021 Spatial Planning budget. Aligning the consultation with that for the wider Wiltshire Local Plan Review will help minimise costs. See procurement implications also.
32. Following this initial consultation new evidence will be required to support the evolving plan and progress it through subsequent stages of preparation including examination. While as far as possible this will be developed using technical expertise of officers within the Council there may be the need to procure support from external sources where this is not possible to ensure timely delivery of the Plan. Provision will be made for this in the 2021/2022 Spatial Planning base revenue budget.

33. As previously reported and recognised by Cabinet, council owned land and financial investment is needed to support the delivery and management of temporary accommodation (i.e. emergency stopping places). Preliminary work indicates that the capital costs to develop a site on council owned land could be circa £400k subject to characteristics of the site. This report is therefore seeking approval of £1.3 million from the 'Other Capital Schemes to be approved' budget in 2021/2022 to fund the delivery of three Emergency Stopping Places sites. The £1.3 million allocation would leave £16.924 million in the Council's Capital contingency budget for 2021/2022.
34. There will be revenue budget requirements in subsequent years to support the management of the sites. At this stage it is estimated to be circa £0.030 million. This will need to be captured and addressed as part of the relevant Revenue Budget setting process.
35. As set out in paragraph 14, it is possible that Council owned land and further financial investment may need to be considered to address permanent site accommodation needs also.

Legal Implications

36. 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 Planning and Compulsory Purchase Act 2004 (as amended) and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
37. In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended); the Council, as local planning authority, must first notify and consult certain bodies and persons, who they consider have an interest in the subject of the plan, about what the local plan they propose to prepare should contain. The Council carries out this engagement in accordance with its Statement of Community Involvement and related Temporary Arrangements that are in place in the light of the COVID-19 situation. Further, section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to cooperate with neighbouring authorities and other bodies constructively, actively and on an on-going basis to address any strategic cross boundary issues associated with the Plan.
38. Once adopted, the Plan will form part of the statutory development plan for the area and be used as such for determining relevant planning applications across Wiltshire.

Workforce Implications

39. A cross-authority project team is necessary to take forward the Plan including officers from legal, development management, property, housing and communications, as well as spatial planning. Specialist input will also be needed from other services in relation to site assessments e.g.

highways and drainage. Staff will need to be prioritised to work on the plan as the need arises.

40. Engagement with travellers on Council owned sites and unauthorised encampments will involve council officers within housing and environmental services due to their familiarity in working with traveller communities.
41. Implementing the Plan and ensuring the provision of sites across the Plan period is a cross-cutting corporate piece of work that will need to be resourced.

Options Considered

42. There are limited options available. The consultation is being carried out in line with legislation and must be undertaken in a manner to satisfy legal requirements. The consultation material has been informed by national planning policy, current local policy and evidence. Potential site options will be considered at a later stage in the process.
43. Consideration has been given to continue to implement the Emergency Stopping Places Strategy outside of the Plan. However, for the reasons set out in this report, it is considered that the sites should be identified as part of the plan process, with the early implementation of the first ahead of its adoption. It is anticipated that this could take place once consultation on the published draft plan has taken place (scheduled to commence quarter 3 2021).

Conclusions

44. The proposed format of the Regulation 18 consultation on the scope and approach to developing the Plan will provide a robust basis for its preparation, enabling the views of travellers, the settled community and other stakeholders to be taken into consideration at an early stage. To help manage unauthorised encampments ahead of the Plan being adopted and provide some transit accommodation in the short term, provision should be made for an emergency stopping place to be delivered. To progress development of the Plan, following consultation consideration may need to be given to the suitability of Council owned land for permanent site provision.

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Appendices

Appendix 1: Planning for Wiltshire's Gypsy and Traveller Communities

Background Papers

The following documents have been relied on in the preparation of this report:

Gypsy and Traveller Accommodation Assessment, Opinion Research Services,
June 2020