



Report to: Council, 17th October 2022

Report of: Chair of Place and Economic Development Committee

Subject: REFERRAL REPORT FROM PLACE AND ECONOMIC DEVELOPMENT COMMITTEE- SOUTH WORCESTERSHIRE TRAVELLER AND TRAVELLING SHOWPEOPLE POLICY AND SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (TTS DPD) PUBLICATION: REGULATION 19

1. Recommendations

That the Council:

- 1.1 approves the South Worcestershire Traveller and Travelling Showpeople Policy and Site Allocations Development Plan Document ("DPD")
Publication: Regulation 19 set out at Appendix 1 for consultation from 01 November 2022 for six weeks;**
- 1.2 authorises the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of Place and Economic Development Committee to make minor amendments to the South Worcestershire Traveller and Travelling Showpeople Policy and Site Allocations Development Plan Document Publication: Regulation 19 material prior to publication;**
- 1.3 subject to the outcome of the Regulation 19 Publication consultation raising no material issues of concern on the soundness of the DPD, authorises the Corporate Director - Planning and Governance in consultation with the Chair and Vice Chair of the Place and Economic Development Committee to make minor modifications and submit the DPD for examination, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for the Department of Levelling Up, Housing and Communities;**
- 1.4 as part of the Examination process, authorises the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of the Place and Economic Development Committee to formally request that the appointed Inspector make recommendations to the Council for any main modifications to the DPD that are considered necessary to make the DPD sound as per Regulation 20 (7C) of the Planning and Compulsory Purchase Act 2004.**

2. Background

- 2.1 This is a referral report from the Place and Economic Development Committee which met on 3 October 2022 to consider the matter set out in this report and unanimously approved the above recommendations to Council.
- 2.2 The South Worcestershire Councils (SWC) of Wychavon, Worcester City, and Malvern Hills Councils have prepared a Traveller and Travelling Showpeople Policy and Site Allocations Development Plan Document (TTS DPD). The DPD aims to identify sufficient land for Traveller and Travelling Showpeople sites to meet the requirement set out in the Gypsy Traveller and Travelling Showpeople Assessment (GTAA); as required by the Planning Policy Traveller Statement 2015 and the local housing authority's duty to provide for travellers needs under the Housing and Planning Act (128) 2016.
- 2.3 Whilst the Publication (Regulation 19) South Worcestershire Development Plan Review (SWDPR) contains a policy for Travellers (policy SWDPR20), it is the intention for this Travellers DPD to act as the primary policy function for new Traveller development. (Any comments received on SWDPR20 during the SWDPR Publication (Reg 19) consultation will be forwarded to the Inspector examining the Traveller DPD.) Policy SWDPR20 will be proposed for removal from the SWDPR following the Publication (Regulation 19) consultation through a proposed schedule of modifications when submitted to the Secretary of State for examination. The proposed DPD will therefore, ultimately replace the adopted policy SWDP17 in the South Worcestershire Development Plan and the proposed policy SWDPR 20 and will provide for traveller requirements for the whole of South Worcestershire. The timing of Publication, and Submission will align with the South Worcestershire Development Plan Review.
- 2.4 The only changes, since the Committee considered this matter, are two changes to the calculations of the number of pitches (i) available at a particular site and (ii) to be delivered through windfall planning consents. The DPD has been updated accordingly, in the version attached to this report, and the two final Appendices (Sustainability Appraisal and Habitats Regulation Assessment) are now available and are included in this report. These changes are not considered material to the decision that the Committee took to support this report and recommend it to Council.

Context

- 2.5 Planning Policy for travellers can be found in the national Government Planning Policy for Traveller Sites 2015 (PPTS). The Policy sets out definitions of travellers and provides that 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. To help achieve this, the Government sets out a number of aims including that Local Planning Authorities should:
 - i) undertake their own assessments of travellers needs;
 - ii) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets; and

iii) identify a supply of specific, developable sites, or broad locations for growth, for years six to ten and, where possible, for years 11-15.

2.6 In accordance with the national policy requirements set out above, the South Worcestershire TTS DPD provides policies to be used in decision making:

- i) **Policy T1: Meeting the Needs of Travellers and Travelling Showpeople** sets out the need and supply requirements across the plan period, the provision of new Traveller sites at the SWDP Review Strategic allocations and a general criteria based policy for Development Management purposes.
- ii) **Policy T2 Traveller Site Allocations** sets out the site allocations to meet the required need.
- iii) **Policy T3: Design of Traveller Sites and Travelling Showpeople Yards** provides a number of design principles to ensure that traveller sites are appropriately designed.

Requirements and Supply

2.7 The Gypsy and Traveller Accommodation Assessment (GTAA) (published Oct 2019) identified the requirements for new Traveller pitches and Travelling Showpeople plots for 2019-2041. The PPTS requires Local Planning Authorities to meet the needs of all travellers (who meet the PPTS definition- see Legal section below) for up to ten years, and where possible for years 11-15. The requirement for these travellers during the 15 years is 104 pitches for South Worcestershire.

The requirement for pitches in the first ten years is as follows:

- iv) 2019 – 2023: 30 pitches.
- v) 2024-28: 20 pitches.
- vi) making a total of 50 pitches in the first ten years, 2019 – 2028.

Since March 2019, planning consent has been granted for 49 pitches, leaving an outstanding requirement for one pitch in the period to 2028. The DPD therefore allocates six pitches (four at Newlands, and two at Charlton) in the years 2024-28 to meet the five year requirement (2024-28). Further allocations are at Worcestershire Parkway and Throckmorton; as well as Worcester West and Worcester East; to meet the requirement in subsequent years. Table 1 below provides further information.

Table 1 Requirement and Supply for Travellers who meet the definition

	2019-23 requirement	2024-28 requirement	2029-2033 requirement	2034-41 requirement	Total requirement
South Worcestershire requirement	30	20 1*	22	32	104
	2019-23 Traveller site provision	2024/28 Traveller site provision	2029-33 Traveller site provision	2034-41 Traveller site provision	Total provision
Allocations in DPD					
		2			
		4			
Worcester** South (SWDP45/1)		0	10	0	
Worcester West (SWDP45/2)**		0	10	0	
Parkway			10	10	
Rushwick		0	0	0	
Throckmorton			0	10	
Pitches granted planning consent to 10 August 2022	30 (plus carry forward of 15 pitches to next 5 year period)	N/A	N/A	N/A	
Windfall***			15	15	
Total Supply	49	6	45	35	135

*Amended requirement due to oversupply in 2019-23 and consequent reduced requirement in next five year period 2024 - 2028

** Carried over from the SWDP

*** Windfall will be required to meet the full ethnic need of 63 pitches. Given an average of nine pitches per annum over ten years, a conservative estimate of 3 pitches per annum is therefore expected to contribute to the supply through windfall.

2.8 The need for those who meet the PPTS definition for 2024 onwards will therefore be met by the sites allocated in this DPD, at the new settlements of Worcestershire Parkway, Throckmorton and Rushwick and at the two Worcester strategic urban extensions at Worcester South (SWDP 45/1) and Worcester West (SWDP 45/2). Going forward, any additional windfall sites or pitches coming forward through the Development Management process will help to meet all travellers needs in full.

Travelling Showpeople

2.9 The requirement for travelling showpeople is ten plots; two plots have already been provided; and an allocation for ten plots at the proposed strategic allocation at Rushwick is proposed to meet the requirements in full for the whole period.

	2019-23 requirement/ supply	2024-28 requirement/ supply	2029-2033 requirement/ supply	2034-41 requirement/ supply	Total
South Worcestershire requirement	7	1 +5*=6	1	1	10
Planning Permissions granted consent	2				
Rushwick		10	0	0	
Total Supply	2	10	0	0	12

*Requirement not met in 2019-23 – so taken forward to 2024-28

Next steps

- 2.10 The public consultation is intended to run for six weeks from 1st November 2022 to align with the SWDPR consultation. The consultation documents and any supporting information will be available for inspection in the following locations in accordance with our Statement of Community Involvement:
- i) Council reception or contact centres
 - ii) Public libraries (where open)
 - iii) Relevant council websites and the SWDPR website
- 2.11 All the statutory bodies, neighbouring local authorities, parish councils, organisations and individuals held on the SWDP database will be advised via e-mail of the consultation and a press release will be issued. In addition, householders within 200 metres of a proposed site allocation will also be notified of the Publication (Regulation 19) consultation.
- 2.12 An on-line briefing will be provided for Parish and Town Councils. This will address the content and purpose of the consultation and provide an opportunity for questions and answers.
- 2.13 The purpose of the Publication stage of consultation on the DPD is to invite comments on whether the proposed DPD is legally compliant. Subject to the outcome of the consultation on the Publication version of the DPD (Regulation 19), it is likely it will be submitted for Examination (Regulation 22) in early 2023. If any matters of material concern are raised with the SWCs through the consultation, these will be referred back to the SWC Member bodies for consideration. Otherwise, the DPD will be submitted directly to the Planning Inspectorate early next year by officers and the LDS will be reviewed again at this point with Members so that a realistic timetable can be published which takes into account the work programme of the Planning Inspectorate. The Examination stage may involve recourse back to the SWCs Member bodies should any material issues arise. Following receipt of the Inspector's Report (Regulation 25), adoption of the DPD (Regulation 26) is anticipated in 2024.

3. Preferred Option

- 3.1 The Preferred Option is to undertake consultation on the Publication version of the Traveller and Travelling Showpeople Policy and Site Allocations DPD set out at

Appendix 1 to this report. The consultation will be in accordance with the work programme set out within the adopted Local Development Scheme (2021-2024) and the SWCs' Statements of Community Involvement.

- 3.2 Progressing with the Publication (Regulation 19) consultation will put the SWCs in the strongest position to update the DPD and to ensure that, upon adoption, planning for Traveller and Travelling Showpeople within south Worcestershire continues to be plan-led and to reduce the likelihood of losing planning appeals on speculative proposals.

4. Alternative Options Considered

- 4.1 The alternative option would be to not progress the Traveller and Travelling Showpeople Policy and Site Allocations DPD. However, the three SWCs are committed to undertaking a joint review and update of the DPD and set out a timetable for doing so in the LDS. The lack of policy and allocations to meet the identified need of Travellers may mean that the accommodation needs of these communities are not met and is also likely to increase the potential for applications at sites which may not be compatible with planning policy objectives.

5. Implications

5.1 Financial and Budgetary Implications

Financial implications of the DPD include the cost of the GTAA (updated 2019); the Sustainability Appraisal; and any additional cost for representation at examination.

5.2 Legal and Governance Implications

The Travellers and Travelling Showpeople DPD has been prepared in accordance with the necessary legal requirements and consultation will be undertaken in accordance with the necessary legal requirements. The procedures which the Council is required to follow when producing a DPD derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

Law and planning policy sets out clear definitions of which groups of people are subject to the definition of travellers or travelling showpeople. For the purposes of planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters: a) whether they previously led a nomadic habit of life b) the reasons for ceasing their nomadic habit of life c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

5.3 Risk Implications

The plan-making function requires an assessment of housing needs for all sectors of the community, including for Travellers. The lack of policy and allocations to meet the identified need of Travellers may mean that the accommodation needs of these communities are at risk of not being met and this is also likely to lead to an increase in applications at sites which may not be compatible with planning policy objectives. The inclusion of a design policy for Traveller development will help to promote properly designed, well laid out Traveller sites with appropriate landscaping which will be of benefit to the site residents and the local community.

5.4 Corporate/Policy Implications

The Travellers and Travelling Showpeople DPD will update the Council's planning policies in relation to Travellers and Travelling Showpeople. It is being prepared in accordance with the relevant corporate policies.

5.5 Equality Implications

An Equalities Impact Assessment has been completed (**Appendix 4**). Gypsy and Romany Travellers are recognised as an ethnic group and protected by the Equality Act 2010.

5.6 Human Resources Implications

There are no human resources implications.

5.7 Health and Safety Implications

There are no health and safety implications.

5.8 Social, Environmental and Economic Implications

The Travellers and Travelling Showpeople DPD is subject to Sustainability Appraisal which examines the social, economic and environmental sustainability of the sites and policies in detail and proposes mitigation measures to overcome any negative impacts identified (**Appendix 5**).

Ward(s):

All

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Appendices

- Appendix 1: South Worcestershire Traveller and Travelling Showpeople Policy and Site Allocations Development Plan Document Publication: Regulation 19
- Appendix 2: Further Revised Site Assessment Background Report (September 2022)
- Appendix 3: Statement of Consultation
- Appendix 4: Equalities Impact Assessment (EqIA)

- Appendix 5: Sustainability Appraisal (SA) (plus 2 appendices)
- Appendix 6: Habitats Regulation Assessment (HRA)

Background Papers:

- Gypsy and Traveller Accommodation Assessment (Oct 2019) [S.Worcestershire-GTAA-Final-Report-October-2019.pdf \(swdevelopmentplan.org\)](#)
- Planning policy for Traveller Sites [Title \(publishing.service.gov.uk\)](#)