

REPORT TO:		Cabinet	
DATE:		13 November 2019	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Principal Planning Officer - Policy	
TITLE OF REPORT:		Gypsy and Traveller Planning Policy (Local Plan Regulation 18(3) Consultation)	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	No

1. Purpose of Report

- 1.1 To notify Cabinet of the completion of a new part of the Local Plan evidence base, the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA), and its key findings.
- 1.2 To set out a proposed planning policy approach to address the needs of travellers in the new Local Plan and to seek approval for a consultation process under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 – to be referred to as the Regulation 18(3) consultation.

2. Recommendations

2.1 That Cabinet:

1. notes the content and findings of the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019 (attached as background paper 1);
2. notes and approves the content of the Gypsy and Traveller Policy and Site Options Consultation paper (attached as background paper 2);
3. delegates authority to the Chief Planning and Transportation Officer, following consultation with the portfolio holder for Planning, to make any final minor changes to the Consultation paper as they consider necessary or appropriate; and

4. approves publication of the Consultation paper for a 6 week consultation period recommended to commence on Friday 29th November 2019 (concluding on Friday 10th January 2020).

3. Reasons for Recommendations and Background

Background

- 3.1 Work is continuing on preparation of the new Local Plan for Hyndburn. The emerging new Local Plan is comprised of four key policy documents:
 1. The Core Strategy (first adopted in 2012 – now under review)
 2. The Site Allocations DPD (work underway – subject in part of this report);
 3. The Development Management DPD (adopted in 2018); and
 4. The Accrington Area Action Plan (adopted in 2012)
- 3.2 In 2018¹ Cabinet approved an initial set of documents for consultation on the Core Strategy Review and Site Allocations DPDs under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation documents set out a range of options for planning for future housing and employment growth in the Borough, the distribution of that growth, and how the Council should assess specific sites to allocate. Consultation took place between February and April of 2018. The outcomes of that consultation were reported to Cabinet in July 2018.
- 3.3 In early 2019² Council approved a further set of documents for consultation. These included a draft Core Strategy setting out proposed new strategic planning policies for the Borough. They also included initial site assessments of 179 'reasonable alternative' site options for allocation of land in the new Local Plan for housing, employment or mixed uses. A sustainability appraisal also accompanied the documents. Public consultation was undertaken between February and April of 2019 and the outcomes were reported to Cabinet in September 2019.
- 3.4 The Council is continuing to complete the necessary evidence base documents to support preparation of the pre-Submission Publication Local Plan (under Regulation 19 of the Regulations) for publication in 2020. It has now had a new piece of evidence published to identify the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the study area. The work was completed by external consultants (Arc4) and done jointly with neighbouring Blackburn with Darwen.

¹ Cabinet meeting of 14 February 2018

² Council meeting of 21st February 2019

Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA)

- 3.5 The GTAA is attached to this Cabinet report as background paper 1. The GTAA details the planning policy requirement for needs assessments to take place, and the approach undertaken to ensure that the study is a robust and sound piece of evidence. It sets out the current provision of sites and pitches around the Borough and their associated occupancy in terms of gypsy and traveller households. For travelling showpeople it confirms the current yard provision in the Borough and occupancies of plots within that yard. The GTAA concludes by identifying future gypsy and traveller pitch requirements in Hyndburn over the new Local Plan period (to 2036).
- 3.6 The GTAA distinguishes between a ‘cultural’ need for pitches and a ‘PPTS’ need for pitches. The ‘PPTS’ need reflects the anticipated need for families who meet the planning definition of a traveller as set out in national [Planning Policy for Traveller Sites](#). For the purposes of the Local Plan it is the PPTS need that is planned for, not the higher ‘cultural’ need figure.

Gypsy and Traveller pitch requirements

- 3.7 After considering existing provision and currently vacant pitches, the GTAA identifies a net ‘PPTS’ pitch requirement in Hyndburn over the plan period, set out in Table 1. The key driver of need identified in Table 1 is the number of children within existing households expected to form new households over the plan period.

Table 1: Pitch requirements set out in the GTAA

Period	‘PPTS’ Pitch Need
Short-term need	
5 year authorised pitch shortfall (2019/20 to 2023/24)	18
Longer-term need	
Over period 2024-2029	10
Over period 2029-2034	14
Over period 2034-2036	7
Total net shortfall of pitches (2019/20 to 2035/36)	49

- 3.8 Based on past trends, the GTAA highlights potential turnover on the Council run site over the plan period to 2036 as a source of 7 pitches. Taken from the overall net shortfall of 49 pitches set out in Table 1, this reduces the **net need over the plan period to 42 pitches**.

Travelling Showpeople plot requirements

3.9 After considering existing provision and vacant plots for the use of travelling showpeople, the GTAA identifies no further plot requirements in Hyndburn over the plan period to 2036.

Gypsy and Traveller Policy and Site Options Consultation paper

3.10 The new Local Plan should seek to address the net requirement for 42 new gypsy and traveller pitches set out in the GTAA. A consultation paper is attached to this Cabinet report (background paper 2). It sets out a proposed 3-step sequential policy approach for the Local Plan to help meet the requirements:

1. Allocate and safeguard all existing authorised traveller sites;
2. Ensure all pitches on authorised traveller sites are fully utilised; and
3. Identify additional new traveller sites either through the expansion of existing authorised sites or the identification of new sites.

3.11 Step 1: allocate and safeguard all existing authorised traveller sites. The consultation paper sets out full details of sites proposed to be safeguarded under Step 1³. This includes a site not listed in the GTAA that has recently been granted planning permission in the Borough⁴ and that is now under construction. It is therefore also considered to be a legitimate existing authorised site providing the equivalent of 5 further pitches. This brings the net residual pitch need set out in the GTAA down from 42 pitches to 37 pitches.

3.12 Step 2: ensure all pitches on authorised traveller sites are fully utilised. Following a detailed review of the use of all existing authorised sites, a further 13 pitches are considered to be available for utilisation under existing planning permissions on those existing sites. These are spread over 3 existing authorised sites and are set out in Table 4 of the consultation paper. This brings the net residual pitch need down from 37 pitches (after Step 1) to 24 pitches.

3.13 Step 3: Identify additional new traveller sites. Under Step 3 of the proposed sequential policy approach the consultation paper goes on to identify a number of 'reasonable alternative' site options to address the identified residual pitch need of 24 pitches.

3.14 In total 4 site options are currently identified which have either been submitted to the Council under the Call for Sites process, or that the Council considers to have potential merit, meeting the criteria for new sites set out in adopted Development Management Policy DM15 (Gypsy and Traveller Sites). In total these 4 site options have the potential to provide a further 44 pitches. The sites are listed below and site plans are provided in Appendix 4 of the consultation paper attached as background paper 2.

- GT-OPT1 – Land off Whinney Hill Road (potential 15 pitches)

³ see Table 3 of Background Paper 2

⁴ [11/17/0537](#) – land to the rear of Milton Street, Oswaldtwistle

- GT-OPT2 – Land at Whitebirk, btw A6119 and Leeds and Liverpool Canal (potential 15 pitches)
- GT-OPT3 – The Barn, Sough Lane (potential 4 pitches)
- GT-OPT4 – Extension of existing authorised site at Sough Lane (potential 10 pitches)

3.15 These site options will be subject to the same site assessment methodology (involving red-amber-green assessments against a wide range of criteria) and separate, independent sustainability appraisal that was applied to the 179 'reasonable alternative' site options considered in the Local plan Regulation 18(2) public consultation earlier in 2019.

3.16 Cabinet is asked to approve publication of the consultation paper for a statutory 6 week consultation period, recommended to commence on Friday 29th November 2019. Public consultation would take place in accordance with the Council's published [Statement of Community Involvement](#). The consultation will seek views on the proposed policy approach and the specific site options put forward in the attached consultation paper. Further gypsy and traveller site options will be invited to be put forward through the consultation process.

Local Plan Next Steps

3.17 Following completion of any relevant Regulation 18 consultations the Council must prepare its Publication version of its plan under Regulation 19. The Publication version is in effect the final version that the Council would seek to adopt. For the Core Strategy this will mean refined policies over those presented in the Consultation Draft at Regulation 18(2) stage. For the Site Allocations DPD it will be confirmation of the Council's preferred sites for allocation with any specific policy requirements attached to those sites. A further stage of public consultation is required on the Publication version of the plan, and the Council then submits the plan along with all representations received at the Publication stage, and its supporting evidence, to the Planning Inspectorate for independent examination.

3.18 In order to move forward to pre-submission (Publication) stage of the new Local Plan, the Council will need to draw a line under further submissions under the Call for Sites process. As part of this Regulation 18(3) public consultation it is therefore proposed to set a final deadline for submissions of land for allocation (for any uses) at the close of the 6 week consultation.

3.19 Any responses to this Regulation 18(3) consultation, including details of any further site option submissions, will be brought to Cabinet in early 2020. Further site assessment work and evidence base work⁵ will then be required before the Publication version of the new Local Plan can be prepared. A new Local Development Scheme confirming

⁵ e.g. completion of an Open Space Audit, Habitat Surveys, and Transport Assessments will be required

the structure of the Local Plan and timetable to adoption, alongside details of any planning Supplementary Planning Documents, will be brought to a separate Cabinet.

4. Alternative Options considered and Reasons for Rejection

4.1 The Local Plan is being prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. As the preparation of a Local Plan is to be in accordance with this legal framework there are no alternative options for its preparation. Specific policy options have been considered and addressed through the previous Regulation 18(1) and (2) consultations, and are set out in the accompanying sustainability appraisal reports. A further sustainability appraisal will be published alongside the Regulation 18(3) consultation documents, along with other supporting justification papers.

5. Consultations

5.1 A wide range of people and organisations have been involved in the evolution of the Local Plan documents up to this point. This includes public consultation events held in 2018 and 2019. The GTAA has involved widespread and extensive consultation with the traveller community as set out in the report (background paper 1). The outcomes of this have been taken into account in preparing the consultation document.

5.2 The Council is undertaking this statutory consultation period under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It will continue to fulfil its role under the duty to cooperate ensuring that neighbouring Local Authorities and other relevant statutory bodies are involved in the plan preparation.

5.3 A further round of public consultation will also take place on the 'Publication' version of the Plan later in 2020.

6. Implications

Financial implications (including any future financial commitments for the Council)	The direct financial implications of this work are costs relating to the consultation process itself, and publication of relevant material. This will be covered by the annual budget assigned to Local Plan work.
Legal and human rights implications	The Gypsy and Traveller Policy and Site Options consultation paper will help to form part of the statutory development plan for the Borough (the Local Plan). Once adopted the Local Plan is the starting point for considering

	<p>planning applications and should be given full weight in decision making. At this stage of preparation however, the issues raised can be given very little weight in decision making. Local plans are prepared in a manner that is prescribed by statute and by its very nature seeks to protect human rights.</p>
Assessment of risk	<p>There are no significant risks associated with this consultation exercise</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 The following background papers will form the proposed consultation documents:

1. Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019;
2. Hyndburn Local Plan: Gypsy and Traveller Policy and Site Options Consultation Paper.

8. Freedom of Information

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.