

DRAFT REPORT TO CABINET

Open/Exempt		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary/	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Bircham with Rudhams Denver Emneth with Outwell Feltwell Methwold Wiggenhall Upwell, Outwell and Delph Walsoken, West Walton and Walpole Middleton				
Lead Member: <i>cllr.James.Moriarty@West-Norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted: Local Plan Task Group		
Lead Officer: Stuart Ashworth <i>Stuart.ashworth@west-norfolk.gov.uk</i>		Other Officers consulted: Planning policy team, Development Management Team, Strategic Housing Team, Planning Enforcement		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s) .				

Date of meeting: 11th April 2024

LOCAL PLAN REVIEW – GYPSY AND TRAVELLER PROPOSED SITES AND POLICY FURTHER CONSULTATION

Summary

As part of the Local Plan process, the Council has produced a draft consultation document on proposed locations to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople in the Borough. This was subject to a public consultation period between the 26th January and the 8th March 2024. It incorporated the list of existing sites across the Borough, and was predominantly made up of extensions to many of those sites. The consultation also included the methodology used for individual site assessments, those sites that are potential areas to accommodate the identified needs, and planning policies to manage such developments over the plan period to 2039. This formed the first part of the consultation process

for the Gypsy and Traveller part of the Local Plan process.

The consultation period was successful in that over 150 responses were received. This information has helped the Planning Policy Team in refining the policy and proposals, and in making further recommendations to Council regarding proposed allocations for Gypsy and Traveller and Travelling Showpeople provision, required for the Local Plan to progress.

This report to Cabinet seeks authority to proceed with a further period of consultation on those proposed (allocated) sites for Gypsy and Traveller use. The consultation documents will identify the changes made since the previous consultation earlier this year. This additional period of consultation will run for a 6-week period, with any comments received submitted to the Inspectors in July 2024 for their consideration at the Gypsy, Traveller and Travelling Showpeople specific Local Plan Examination hearings in September 2024.

Recommended that:

1. Cabinet endorses the revised Gypsy, Travellers and Travelling Showpeople Proposed Sites and Policy document, the Gypsy and Traveller Site Assessment Document, the associated Strategic Flood Risk Assessment and the Sustainability Appraisal and Habitat Regulations Assessment, for consultation, for a period of 6 weeks from the 10th May until the 21st June 2024.
2. That delegated authority be granted to the Portfolio Holder for Development and Regeneration, and the Assistant Director – Environment & Planning, to include minor amendments as required to the consultation document prior to consultation starting from the 10th May.

Reason for Decision

The Borough Council should allocate enough land to meet the accommodation needs for Gypsies, Travellers and Showpeople within the first five years of the Plan period to 2027, in accordance with National Planning Policy.

Cabinet approval is being sought to publish those proposed site allocations for consultation. It is also seeking authority to make minor amendments to the consultation document as necessary for clarity ahead of the final formal consultation period. Full Council will also need to endorse the final proposed site-specific allocations and policies for submission to the Planning Inspectors as part of the ongoing Local Plan Examination.

1. Background

1.1 In January 2023, the Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) to support the examination of the emerging Local Plan. This study provides the evidence on the accommodation need for Gypsies, Travellers and Travelling Showpeople that we will plan for until 2039.

- 1.2 The GTAA is an essential requirement of the Local Plan, and need must be met as part of the Local Plan process. National guidance on this is provided in the Government's planning policy for traveller sites (PPTS) revised December 2023.
- 1.3 The information provided in the GTAA is based on interviews with Gypsies, Travellers and Travelling Showpeople that were undertaken on sites and yards across the Borough. It identifies accommodation need for households that meet the planning definition of Gypsy and Travellers and Travelling Showpeople as required by National Planning Policy; households who do not; and households that are undetermined. Those household needs that do not meet the definition or are undetermined will be managed in accordance with proposed policies in the consultation document and other Local Plan policies under examination.
- 1.4 The GTAA identified a need for 102 pitches over the plan period, but importantly 76 of these were identified to be provided within the first 5 years of the plan. It should be noted that the PPTS states that there is a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites, so it is particularly important that this need is met early within the plan period.
- 1.5 Since the publication of the GTAA last June, three appeal decisions and a number of planning approvals for Gypsy and Traveller provision has resulted in the number of pitches required over the plan period and within the first 5-years being reduced from 102 to 95 and 76 to 69 respectively. This figure could also change further with pending applications and appeals in the system. Provision for Travelling Showpeople remains the same.

Gypsy and Traveller Accommodation Requirements to 2039

Year Period	Dates	Need
0-5	2023-2027	69
6-10	2028-2032	10
11-15	2033-2037	11
16-17	2038-2039	5
0-17		95

Travelling Showpeople Accommodation Requirements to 2039

Year Period	Dates	Need
0-5	2023-2027	3
6-10	2028-2032	1
11-15	2033-2037	1
16-17	2038-2039	0
0-17		5

- 1.6 In response to the GTAA requirements, when assessing potential sites, site-specific constraints such as access issues, access to local services and flood risk have been assessed. The assessment of sites has then identified whether sites are available, suitable and deliverable for further development, through the Gypsy and Traveller Site Assessment Document.
- 1.7 The Council believes that where existing sites have a direct opportunity to meet these localised accommodation needs, then priority should be made to accommodate this on existing sites, subject to any constraints being satisfactorily overcome.
- 1.8 In cases where there is little likelihood that constraints can be suitably mitigated, then a planning judgement has been made on whether the need for Gypsy and Traveller provision outweighs those constraints, or those sites have been removed from any further consideration.
- 1.9 The policies in the consultation document identify the final list of sites and yards that have the potential to accommodate some of the required need. In most cases, the need will be accommodated on existing and established sites with only a small number being delivered on new sites.
- 1.10 Proposed revised Policy A provides a framework to assess any future planning proposals for Gypsy, Travellers and Travelling Showpeople who meet the planning definition in National Planning Policy. Policy B provides a framework for those Gypsy, Travellers and Travelling Showpeople who do not meet the planning definition in National Planning Policy. In addition, there is further set of site-specific policies that are included for those new sites or where existing sites are proposed to have an extension. No site-specific policy is needed for those sites where only intensification is planned as these will be assessed against the criteria-based Policy which is also subject to this consultation.
- 1.11 The full document is available (together with the supporting material) at the Council's Local Plan Examination page of the website. The documents include:
- The Proposed Site Allocations for Gypsy, Traveller and Travelling Show people Accommodation 2024; (and supplementary Technical Note);
 - Consultation Response Table;
 - The Gypsy and Traveller Site Assessments 2024;
 - Gypsy and Traveller Consultation Statement;
 - The Sustainability Appraisal and Habitat Regulations Assessment 2024; and
 - The Sequential Test and Strategic Flood Risk Assessment 2024.

2.0 Results of the previous consultation

2.1. There were over 130 individual representations from both the public and statutory consultees to the previous consultation between January and March. The main issues identified included:

- Impact on highway capacity and safety.
- Impact on the local landscape and the character of the area concerned.
- Impact on local heritage assets.
- Increase in flooding and drainage issues.
- Impact to the local environment and wildlife.
- The remote location of the proposed sites.
- Lack of social and physical infrastructure to support the increase in people.
- Previous planning decisions.

2.2. The responses to the consultation have assisted the Planning Policy Team in making the following changes to the documents:

- Update the Gypsy and Traveller Site Assessment Report where appropriate.
- Remove sites GT67, GTRA(B), GT42, GT43, GTRA(C), GT35, GT37, GT38, F3.1 from further consideration either due to planning decisions since the previous consultation or through information received from the consultation.
- Include sites GT29 and GT65 into the next round of consultation due to accommodation needs arising from these sites and these now being made available for consideration.
- Distinguish between the sites being safeguarded from those sites being allocated within the consultation document.
- Revise existing proposed planning policies and include new planning policies for sites where appropriate.
- Update the Strategic Flood Risk Assessment in response to the consultation feedback, where appropriate.
- Update the Sustainability Appraisal in response to the consultation feedback, where appropriate.
- Produce a Habitat Regulations Assessment in accordance with National Planning Policy.

2.3. All responses have been used to help inform the Consultation documents for the forthcoming consultation in May.

3.0. Consultation process

3.1 The main elements of the consultation process are intended to be:

<p>Web version of the Local Plan Review document with ability to enter comments against particular paragraphs or policies</p>	<p>Using our 'Objective' consultation system to enable easy entry of comments and subsequent analysis</p>
<p>E-mail notification of consultees; parish and town councils; other interested parties – parties who were consulted for the recent Consultation on additional evidence base documents (September/ October 2023) and any other parties that have subsequently expressed an interest in the ongoing Local Plan process</p>	<p>Wide notification of the fact that the LPR is at consultation and response / clarification opportunities.</p>
<p>Libraries</p>	<p>Hard copies of the reports will be made available at the following locations: Gaywood Library Kings Lynn Library Dersingham Library Downham Market Library Wisbech Library Hunstanton Library</p>
<p>Council Offices</p>	<p>Hard copies of the reports will be made available at the Council Offices at Kings Court, Kings Lynn</p>

2.2 In terms of timescale we would aim to start the consultation from the 10th May and finish on the 21st June 2024 (6 weeks). Responses would then be forwarded to the Inspectors ahead of the reconvened Examination Hearing on the 3-4 September 2024.

4. Options Considered

4.1 **Option 1** - Do not undertake the consultation on Gypsy and Traveller sites
 This is essential work that must be carried out to deliver the Local Plan, and to enable it to be found sound. Therefore, not undertaking the work is not considered to be a realistic option.

4.2 **Option 2** – Carry out the consultation on Gypsy and Traveller sites to ensure the Local Plan can be completed. This is clearly the preferred and only realistic option. The Sustainability Appraisal supporting the proposals considers several “reasonable alternative” options considered as part of the strategy to accommodate the need for Gypsy and Travellers. These include:

- Provide the need on existing authorised sites; and/ or

- Provide the need on existing authorised sites and authorise those suitable pitches that are currently unauthorised or tolerated; and/ or
- Provide new sites to accommodate the need and/ or
- Provide the need through a combination of the above mechanisms.

All of these potential options have been subject to the previous potential sites and policy consultation between January and March 2024.

It is considered to continue with this strategy, although with some notable alterations (described in section 2 above), following the first round of consultation.

5. Policy Implications

5.1 If the Council does not adequately address the accommodation needs for our communities, then it is likely to lead to issues with the Local Plan during the examination on Gypsy and Traveller provision scheduled for September 2024. This could then lead to a delay in adopting the Local Plan and would leave the Borough vulnerable to unwanted or speculative development proposals, potentially granted through the planning appeals process.

6. Financial Implications

6.1 None specifically.

7. Personnel Implications

7.1 None specifically.

8. Statutory Considerations

8.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 18 outlines the requirements for the consultation etc.

8.2 The wider plan preparation process is covered in the Regulations, and practice guidance from Government, including that of Duty to Cooperate. Plan-making is covered by the following primary legislation:

- 1990 Town and Country Planning Act (as amended);
- 2004 Planning and Compulsory Purchase Act (as amended);
- 2011 Localism Act (as amended);
- 2023 Levelling Up and Regeneration Act (to be implemented during 2024).

9. Equality Impact Assessment (EIA)

9.1 A full EIA is attached.

10. Risk Management Implications

10.1 The Council has a duty under the Housing Act 2004 and the Equality Act 2010 to provide a sufficient supply of homes to accommodate all housing needs in the borough through the Local Plan. This includes the provision for Gypsies and Travellers. If the Council fails to meet these needs, then it could have negative implications for the progression of the Local Plan through its Examination and likely lead to speculative developments and unauthorised Gypsy and Traveller encampments around the Borough.

11. Declarations of Interest / Dispensations Granted

10.1. None

12. Background Papers

(Definition: Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

	Planning Policy examination web page: Local Plan Review (2016-2036) examination Local Plan Review (2016-2036) examination Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)
Gypsy and Traveller Potential Sites and Policy Consultation Document	Report to be made available before Cabinet.
Gypsy and Traveller Site Assessments	Report to be made available before cabinet.
Gypsy and Traveller Consultation Statement	Report to be made available before cabinet.
Gypsy and Traveller Sustainability Appraisal and Habitat Regulation Assessment (External Report)	Report to be made available for the consultation on the 10 th May 2024.
Gypsy and Traveller Strategic Flood Risk Assessment (Level 2) (External Report)	Report to be made available for the consultation on the 10 th May 2024.



**Pre-Screening Equality Impact
Assessment**

Name of policy/service/function	Local Plan Review – Gypsy and Traveller Accommodation. Planning Policy, Planning Service				
Is this a new or existing policy/ service/function?	New Existing, but it is now being reviewed as part of the ongoing examination in public of the Kings Lynn and West Norfolk Local Plan.				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	The Council is required to undertake work to demonstrate that it can accommodate the current and future accommodation needs for the Gypsy and Traveller Community. The Council has produced a Potential sites/ locations and Policies to deal with meeting the identified accommodation needs of Gypsies, Travelers and Travelling Showpeople in the Borough to 2039.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race	x			
	Religion or belief	x			
	Sexual orientation			x	
	Other (eg low income)			x	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes/ No	The proposed planning policies have been produced to specifically manage future development needs for Gypsies, Travellers and Travelling Showpeople. Gypsies and Travellers are classed as a “protected group” under the 2010 Equality Act, so their accommodation needs must be addressed accordingly.			
3. Could this policy/service be perceived as impacting on communities differently?	Yes/ No	Due to the unique accommodations needs for the Gypsy and Traveller community, the proposed sites and policy provide some departure to existing planning policies for other forms of housing accommodation.			
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No	No, the Policy is designed to enable a positive planning policy mechanism for the Gypsy and Traveller community to apply for Planning Permission.			
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	Yes / No	<p>Actions: None</p> <p>Actions agreed by EWG member: N/a</p>			
Assessment completed by: Luke Brown					
Job title Senior Planning Policy Officer					

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

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