

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 Tilney, Mershe Lande and Wiggshall Upwell, Outwell and Delph Walsoken, West Walton and Walpole				
Lead Member: <i>cllr.James.Moriarty@West-Norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr Terry Parish, Cllr Stuart Dark, Cllr Francis Bone and other cabinet members		
		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If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s) .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: 15 January 2024

LOCAL PLAN REVIEW – GYPSY AND TRAVELLER POTENTIAL SITES AND POLICY 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. It incorporates the list of existing sites across the borough, the methodology used for assessment, those sites that are preferred to accommodate the identified needs and planning policies to manage such developments over the plan period to 2039. This is an essential part of the Local Plan process, and this work must be carried out before the Local Plan can be adopted.

This report to Cabinet seeks authority to proceed with a consultation on potential sites. The consultation would run for 6 weeks, and would help to inform a final proposed Gypsy, Traveller and Travelling Showpeople policy, which will be submitted to Cabinet for approval in April 2024, to be submitted for formal Examination in July 2024.

Recommended that:

1. Cabinet endorses the draft Gypsy, Travellers and Travelling Showpeople Potential Sites and Policy document, the Gypsy and Traveller Site Assessment Document, the associated Strategic Flood Risk Assessment and the Sustainability Appraisal, for consultation, for a period of 6 weeks from the 26th January until the 8th March 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 at the end of January.

Reason for Decision

The Borough Council must allocate land to meet the accommodation needs for Gypsies, Travellers and Showpeople through the replacement Local Plan. The Local Plan is unlikely to be found sound at examination if insufficient land is allocated to address this need.

Cabinet approval is being sought to publish potential site allocations for consultation. It is also seeking authority to make minor amendments to the consultation document as necessary for clarity ahead of the formal consultation period. Following the consultation, and after a further assessment, Full Council will need to endorse the final preferred site-specific allocations 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).
- 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, two appeal decisions for existing sites has resulted in the number of pitches required over the plan period and within the first 5-years being reduced from 102 to 97 and 76 to 71 respectively. This figure could also change further with pending applications and appeals in the system.

Gypsy and Traveller Accommodation Requirements to 2039

Year Period	Dates	Need
0-5	2023-2027	71
6-10	2028-2032	10
11-15	2033-2037	11
16-17	2038-2039	5
0-17		97

Gypsy Traveller and Travelling Showpeople Accommodation Requirements to 2039

Year Period	Dates	Need
0-5	2023-2027	4
6-10	2028-2032	0
11-15	2033-2037	1
16-17	2038-2039	0
0-17		5

1.6 In response to the GTAA, 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 further investigation must be undertaken to identify whether potential constraints identified on some sites could be overcome through mitigation measures. Work on these constraints is currently being undertaken with statutory consultees and the Council has produced a Strategic Flood Risk Assessment and Sustainability Appraisal to support the consultation.

1.8 In cases where there is little likelihood that constraints can be suitably mitigated, then alternative locations (Broad Locations) have been identified to accommodate any residual need. These locations are also subject to consultation.

1.9 The policies in the consultation document identify the 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.

1.10 Two sites are proposed to have existing unauthorised pitches regularised (by way of a Local Plan site allocation). A new site has also been identified at West Dereham, which is currently the subject of a planning application.

1.11 Proposed policies A and B provide a framework to assess any future planning proposals for Gypsy and Traveller pitches/plots over the Plan period.

1.12 The full document is available (together with the supporting material) at: [Consultation on additional evidence base documents | Consultation on additional evidence base documents | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#)

2. Consultation process

2.1 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</p>

	Hunstanton Library
Council Offices	Hard copies of the reports will be made available at the Council Offices at Kings Court, Kings Lynn

2.2 In terms of timescale we would aim to start the consultation from the 26th January and finish on the 8th March 2024 (6 weeks). Following this, the proposed timetable for remaining work and decisions on this matter, includes:

3. Options Considered

3.1 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 an option.

3.2 The Sustainability Appraisal 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 will be subject to consultation.

4. Policy Implications

4.1 If the Council does not adequately address the accommodation needs for our communities, then it is likely to lead to the Local Plan being found ‘unsound’ through its ongoing examination process. This would lead to failure of the entire Plan and would leave the Borough vulnerable to unwanted or speculative development proposals, potentially granted through the planning appeals process.

5. Financial Implications

5.1 None specifically.

6. Personnel Implications

6.1 None specifically.

7. Statutory Considerations

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

7.2 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).

8. Equality Impact Assessment (EIA)

8.1 A full EIA is attached.

9. Risk Management Implications

9.1. 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.

10. Declarations of Interest / Dispensations Granted

10.1. None

11. 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	Consultation on additional evidence base documents Consultation on additional evidence base documents Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)
Gypsy and Traveller Site Assessments	Report to be made available for the consultation on the 26 th January 2024.
Gypsy and Traveller Sustainability Appraisal (External Report)	Report to be made available for the consultation on the 26 th January 2024.
Gypsy and Traveller Strategic Flood Risk Assessment (Level 2) (External Report)	Report to be made available for the consultation on the 26 th January 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			
<p>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?</p>	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.			
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	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.			
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	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.			
<p>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</p>	Yes / No	<p>Actions: None</p> <p>Actions agreed by EWG member: N/A</p>			
<p>Assessment completed by: Luke Brown</p>					
<p>Job title Senior Planning Policy Officer</p>					

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.