

# Surrey Heath Borough Council

## Executive

19 July 2022

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### **Draft Surrey Heath Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople: Preferred Options (2019 – 2038)**

Portfolio Holder:	Cllr Adrian Page – Planning and People
Strategic Director/Head of Service	Bob Watson / Gavin Chinniah
Report Author:	Jane Reeves – Planning Policy Manager
Key Decision:	No
Date Portfolio Holder Signed off Report	28 June 2022
Wards Affected:	Whole Borough

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#### **1. Summary and purpose**

- 1.1 National Planning Policy for Traveller Sites sets out a requirement for the Council to develop fair and effective strategies to meet needs for Gypsies and Travellers through the identification of land for sites within the Local Plan.
- 1.2 The Council consulted on a Regulation 18 Draft Surrey Heath Local Plan (2019 – 2038) between March and May 2022. At the time of the publication of the Draft Local Plan, the Council had been unable to identify sufficient sites to meet its identified needs for Gypsies and Travellers and included only one site allocation for a Gypsy and Traveller site for 4 pitches at Diamond Ridge Woods. As a result, the Plan indicated that work to identify further sites to meet identified needs would continue across the remainder of the plan-making process and that a consultation focused on additional sites with potential to accommodate Gypsy and Traveller pitches and Travelling Showpeople plots would take place in Summer 2022.
- 1.3 Work has been ongoing to identify potential sites to meet the Council's identified needs, as defined in planning guidance, and has resulted in the identification of three potential sites to be included in the additional Draft Local Plan Consultation as draft allocations. These are:
  - Land south of Broadford, Chobham (13 – 15 pitches).
  - Swift Lane (extension), Bagshot (5 pitches); and,
  - Bonds Drive, Pennypot Lane Extension (5 - 9 plots for Travelling Showpeople)

- 1.4 It should be noted that these sites will require further ongoing detailed feasibility work to be undertaken in order to establish their ultimate deliverability. At this stage sufficient site assessment work has been undertaken as set out in Annex 2 to support this further Regulation 18 consultation. The planned site allocations consultation in Summer 2022 accords with the Council's published Local Development Scheme (timetable for Local Plan production).
- 1.5 The cross party Local Plan Working Group (LPWG), has discussed a full range of spatial strategies, topics and policies over the past few years and this process has been very collaborative. This included discussions of potential site allocations options for a range of uses, including Gypsy and Travellers and Travelling Showpeople. LPWG has acknowledged the particular challenges of identifying suitable sites for allocation for Gypsy and Travellers and Travelling Showpeople within Surrey Heath. At the meeting on 26<sup>th</sup> May the LPWG discussed the proposed draft allocations presented in this report. It should be noted that the LPWG will continue to be involved in the development of the new Local Plan at all stages of the process.
- 1.6 Responses from the consultation already undertaken on the Draft Local Plan (March to May 2022) together with responses from the additional consultation on the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18) (Summer 2022) and any additional evidence, will be used to prepare the next version of the Local Plan, known as the Pre-Submission version (Regulation 19), which will be subject to further consultation before the Plan is submitted to the Secretary of State for independent Examination (Regulation 22).
- 1.7 The Executive are asked to agree the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18) for a six-week period of consultation, along with consultation on an Updated Interim Sustainability Appraisal.

## **2. Recommendation**

- 2.1 The Executive is advised to RESOLVE that:
  - (i) the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18), attached at Annex 1, and relevant supporting documents including the Interim Sustainability Appraisal Addendum, are agreed for a period of 6 weeks consultation from 8 August to 19 September 2022; and
  - (ii) minor changes to the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18) and the content of the Updated Interim Sustainability Appraisal Addendum be agreed by the Head of Planning in consultation with the Portfolio Holder for Planning and People.

### 3. Background and Supporting Information

#### Local Plan Content

- 3.1 Planning Policy for Traveller Sites expects local planning authorities to make their own assessment of Gypsy and Traveller needs and develop fair and effective strategies to meet need through the identification and allocation of land for sites within a Local Plan. In producing a Local Plan, the Government expects that local planning authorities should, as a minimum, identify a supply of specific, deliverable sites to provide 5 years worth of sites against locally set targets for Gypsy and Travellers meeting the planning definition.
- 3.2 The Council's Gypsy and Traveller Accommodation Assessment (GTAA) sets out that the Council has an identified need for 32 Gypsy and Traveller Pitches (in accordance with the planning definition) and 14 Travelling Showpeople plots across the period 2020 –2040, with the majority of that need required within the early part of the Plan period (see Table 1).
- 3.3 The Council's Gypsy and Traveller Accommodation Assessment (GTAA) sets out that the Council has an identified planning need for 32 Gypsy and Traveller Pitches and 14 Travelling Showpeople plots across the period 2020 – 2040, with the majority of that need falling within the early part of the Plan period (Table 1).

		<b>Gypsy and Traveller Pitches</b>	<b>Travelling Showpeople Plots</b>
<b>Total needs 2020 - 2040</b>		32	14
<b>Estimated minimum Pitches/Plots for first 5 years of Local Plan</b>		c.25	c.9
<b>Pitches/ Plots granted to date</b>	Land south of M3, Lightwater	2	0
<b>Proposed allocation within Reg 18 Draft Local Plan to date</b>	Diamond Ridge Woods, Camberley	4	0
<b>Total shortfall overall at publication of Reg 18 Draft Local Plan</b>		-26	-14
<b>Shortfall against minimum at publication of Reg 18 Draft Local Plan</b>		-c.19	-c.9

**Table 1: Overview of current position in respect of pitch and plot requirements for Gypsies and Travellers (G&T) and Travelling Showpeople (TS)**

- 3.4 Taking into account the two pitches already permitted (at Land south of Junction 3 of the M3, Lightwater) and the proposed allocation for 4 pitches at Diamond Ridge Woods, Camberley, it is considered that the Council as a minimum needs to identify a further 19 pitches and 9 Travelling Showpeople plots within the Draft Local Plan. This represents the needs identified as being required in the early part of the Plan period, minus the pitches already permitted or proposed for allocation.
- 3.5 However, it is relevant to point out that there is a further need for pitches for Gypsies and Travellers falling outside of the planning definition. The Draft Local Plan will therefore include both a site allocation and general Local Plan policy setting out criteria for the assessment of planning applications. The later Draft Local Plan policy formed part of the earlier Regulation consultation Draft Local Plan.
- 3.6 Throughout the plan-making process to date, a significant portfolio of work has been undertaken to identify sites capable of delivering at least the needs identified in the first five years or so of the Plan period. However, the identification of land has proved incredibly challenging, principally owing to the heavily constrained nature of the Borough and the lack of availability of land for Gypsy, Traveller and Travelling Showpeople use.
- 3.7 As a result of the identified challenges, despite the extensive work undertaken by the Council only one site was identified in the recent Regulation 18 Draft Local Plan consultation. This was at Diamond Ridge Woods, Camberley, comprising 4 pitches. In addition, prior to the Local Plan consultation, Planning Permission has also been approved for a private Gypsy and Traveller Site of 2 pitches located at land south of Junction 3 of the M3, Lightwater. It is therefore considered that the Council needs to identify sites capable of delivering a minimum of a further 19 pitches and 9 Travelling Showpeople for inclusion within the Local Plan.
- 3.8 Across recent months, the Planning Policy & Conservation Team has undertaken a significant amount of work to identify further sites capable of addressing the identified needs, as set out above. This has included:
- Reviewing sites considered through the Gypsy, Traveller and Travelling Showpeople Site Identification and Selection Paper (GTTS SISP).
  - Exploring sites suggested by Officers and Councillors.
  - Re-reviewing Surrey Heath land ownership datasets.
  - Reviewing land for sale in Surrey Heath.
  - Undertaking a range of evidence-based studies, including contamination studies, utilities searches, title reports.
  - Liaising with relevant stakeholders, including Surrey County Council, Environmental Health and Legal Services.

- A further call for sites seeking submissions for Gypsy and Traveller and Travelling Showpeople accommodation. Only one site submission was received for a 12-pitch site as part of proposals submitted for a 1,500 to 1,600 home development in the Green Belt at Fair Oaks.

3.9 The Leader wrote to all Councillors in March 2022 to invite the submission of land to be considered for allocation as a Gypsy and Traveller site. In response 6 sites were suggested by Members and were assessed, however all these sites were determined to be undeliverable for Gypsy and Traveller accommodation for the reasons summarised below (please see Table 2 below).

<b>Site</b>	<b>Barrier/Barriers to delivery</b>
Land adjacent to Camberley Wastewater Treatment Works (WwTW), Camberley	Unavailable for proposed use.
Lake Road, Mytchett	Within Basingstoke Canal SSSI  In private ownership and unlikely to be available for proposed use.
Johnsons Wax, Frimley Green	Unavailable for proposed use.
East Curve, Sturt Road	Restrictions on use of site for residential purposes;  Significant access issues (highways network unlikely to be suitable for large vehicles);  Potential for noise associated with vehicle movements would be challenging.
Land at the Royal Military Academy adjacent to the A30, Camberley	Unavailable for development.  Too small.
Land SE New Road, Windlesham (former M3 Compound).	Flooding & potential contamination issues.  Land value expectations likely to be unrealistic.

## **Table 2: Sites suggested by Members**

- 3.29 As a result of further positive and proactive work, three sites are suggested for allocation in the Draft Surrey Heath Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople Preferred Options (2019-2038) Regulation 18, as set out below:
- Land south of Broadford Lane, Chobham (13 - 16 pitches).
  - Gypsy and Traveller Site, Swift Lane, Bagshot (extension to existing site – 5 pitches);
  - In addition, Bonds Drive, Pennypot Lane Extension (5 - 9 plots for Travelling Showpeople)
- 3.30 An overview of each site is set out at Annex 2.
- 3.31 All the above sites are located within the Green Belt as due to significant environmental constraints and land availability issues it has not been able to identify any comparable sites in settlement areas or the countryside beyond the Green Belt. However, Planning Policy for Traveller Sites does enable Local Authorities the capacity to make small scale amendments to Green Belt boundaries.
- 3.32 A Sustainability Appraisal has been produced on the specific matter of Further Gypsy and Traveller and Travelling Showpeople Allocations as an addendum to the Interim Sustainability Appraisal Report that was published alongside the Draft Surrey Heath Local Plan in March 2022. The preparation of the Sustainability Appraisal report has been an iterative process and it has directly informed Further Gypsy and Traveller and Travelling Showpeople Allocations. The Sustainability Appraisal will include an appraisal of the reasonable alternatives and preferred options. It will be published for consultation alongside the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18).
- 3.33 The results of the consultation, further information on site deliverability and other supporting information, will be used to assess which sites should be progressed for inclusion in the Pre-Submission Local Plan (Regulation 19) Local Plan. For sites that are included in the consultation but not within the ownership of the Council, the Council considers there are reasonable prospects for acquiring the land. Subject to the outcome of the further evidence base work the Pre-Submission Local Plan (Regulation 19) is scheduled for consultation in early 2023.
- 3.34 In addition, given the need for Gypsy and Traveller pitches for those meeting the planning definition and broader cultural needs, planning permissions for small sites through the planning application determination process will play an important role in helping to meet identified needs, over the Local Plan period.

## Consultation

3.35 Consultation is proposed from 8 August 2022 to 19 September 2022. Consultation must be consistent with the principles set out in the adopted Statement of Community Involvement and in summary will comprise:

- Notification to all those on the Planning Policy database (includes statutory consultees)
- Further engagement with the Gypsy and Traveller Community
- Information on the Councils website
- Information in libraries and at Parish Council offices
- Planned consultation signposted in Heathscene
- Public exhibition / drop in sessions
- Online presentation / Webinar

## **4. Reasons for Recommendation**

- 4.1 It is important that the Council has an up-to-date and robust planning framework to guide development which reflects current national policy and guidance. An up-to-date Local Plan ensures that the Council can guide development to the most appropriate locations.
- 4.2 The Government has set out that local authorities are expected to have an up-to-date Plan in place by December 2023 or risk Government intervention. The Local Development Scheme (March 2022), sets out the timetable for the remainder of the Local Plan preparation process, including consultation on Gypsy and Travellers and Travelling Showpeople draft site allocations in Summer 2022.
- 4.3 The process for preparing Local Plans is set out in Regulations<sup>1</sup>. These require that the Local Plan is prepared in consultation with the local community and other stakeholders. The proposed consultation will allow continued engagement and comments received will help inform the content of the next version of the Local Plan.

## **5. Proposal and Alternative Options**

- 5.1 The available options for the Executive to consider are:
- i. to approve the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18), as set out in Annex 1 of this report; or

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<sup>1</sup> Regulation 18 of the Town and Country (Planning)(England) Regulations 2012

- ii. to approve the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18), as set out in Annex 1 of this report with changes; or
- iii. to not agree the Draft Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18), as set out in Annex 1 of this report.

## **6. Contribution to the Council's Five-Year Strategy**

- 6.1 The site allocations forms part of the Local Plan, which once adopted, will help to deliver on the following themes:
- i. **Environment** – enhance and improve access to the Borough's green spaces and natural environments for the enjoyment of generations to come, balancing our commitments to housing delivery and economic growth.
  - ii. **Environment** – tackle Climate Change, working with communities and partners.
  - iii. **Health & Quality of Life** – provide infrastructure that would support our ambition to ensure everyone can access a safe, quality home to meet their needs.
  - iv. **Economy** – invest in our towns, villages and communities, supporting our existing businesses and attracting new ones.
  - v. **Economy** – work with partners to improve to the Borough's infrastructure.
  - vi. **Effective & Responsive Council** – advocate on behalf of our community on issues outside our direct control.

## **7. Resource Implications**

- 7.1 There are no immediate resource implications arising beyond those allowed for within current budgets. Resources will be needed in the following two financial years to deliver the Local Plan, and these will be sought through the usual budget setting process.

## **8. Section 151 Officer comments**

- 8.1 There are no direct additional budgetary implications arising from this report outside of existing budgets. There is revenue provision for potential legal counsel cost in this financial year (2022/23), and there is a provision in the capital programme agreed at Council for the following two financial years for site acquisition and development.
- 8.2 Whereas the local plan will involve an allocation from Council budgets once approved, this is likely to be considerably less than the potential risk of additional cost from not having an approved local plan.

## **9. Legal and Governance Issues**

- 9.1 The preparation of the Local Plan is a statutory requirement of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 2012 as amended. The Local Plan must be prepared in line with relevant legislation as well as having regard to national planning policy and guidance. The Draft Local Plan will be afforded more weight in the determination of planning applications as it approaches adoption. At this stage only very limited weight can be attributed to the draft policies.

## **10. Monitoring Officer Comments**

- 10.1 No matters arising.

## **11. Other Considerations and Impacts**

- 11.1 No matters arising.

## **12. Environment and Climate Change**

- 12.1 The site allocations form part of the Draft Local Plan and the Council has a statutory duty to ensure that its Local Plan contributes to tackling climate change. In order to support policies in the Local Plan a Climate Change Study has been prepared. This has supported the development of policies in the Draft Local Plan which seek to ensure that new developments contribute to climate change mitigation and adaptation and contribute to meeting the Councils overall targets for climate change. The Draft Local Plan also includes policies seeking to protect the natural environment including the requirement for biodiversity net gains on new developments. Local Plan policies will also assist in the delivery of the Climate Change Action Plan.

## **13. Equalities and Human Rights**

- 13.1 The draft Local Plan is accompanied by an Equalities Impact Assessment which will be updated as the Plan progresses.

## **14. Risk Management**

- 14.1 The Local Development Scheme identifies the risks to meeting the Local Plan milestones and sets out some mitigation to each risk. Of note is that the need to identify sufficient sites for Gypsy and Travellers and Travelling Showpeople is set out as a risk to delivery of the Local Plan.

14.2 If the Draft Surrey Heath Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople is not agreed for consultation in August 2022 this will result in a delay to the production of the Local Plan and the published Local Development Scheme timetable will not be met. This delay may have very significant consequences for Local Plan production in Surrey Heath, subject to the issued timetable for planning changes to be set out in the Levelling Up and Regeneration Act.

## **15. Community Engagement**

15.1 The Draft Local Plan additional site allocations will be subject to a period of 6 weeks consultation as set out in the Recommendation in this report. This will be undertaken in line with relevant legislation and the Councils adopted Statement of Community Involvement.

## **16. Annexes**

16.1 Annex 1 – Draft Surrey Heath Local Plan Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople (Regulation 18)

16.2 Annex 2 – Overview of GTTS draft site allocations

## **17. Background Papers**

17.1 Background evidence that has been produced to support the Local Plan can be found on the Councils evidence page at <https://www.surreyheath.gov.uk/residents/planning/planning-policy/evidence-base>

17.2 National Planning Policy Framework, 2021 - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>