NOTE ON SL22 AND THE COUNCIL’S APPROACH TO THE DELIVERY OF SITES FOR GYPSIES AND TRAVELLERS AND TRAVELLING SHOW PEOPLE

The Council will meet the needs of gypsies and travellers and travelling show people through policy SL22 by (1) allocating sites in sustainable locations around the urban area; (2) repatriating pitches which should be, but are not, available for gypsies and travellers on existing sites; and (3) granting planning permission to schemes that meet a list of criteria that are set out in the policy.

Two particular issues have arisen. The first is how will the Council ensure that the serviced pitches which will be provided by housebuilders on allocated sites will actually be delivered and made available to gypsies and travelling show people? The second is how will the Council ensure that the affordable housing needs of each group are met?

Ensuring sites are delivered and are affordable

Policies SL6, 7,8,10,11,12,14,15 and 16 require the provision of pitches for travellers as part of those particular housing allocations. Policy SD10, if modified as proposed by the Council in its Matter 5 statement, would require the provision of plots for travelling show people.

The Council will require house builders to provide serviced pitches and plots. Housebuilders will then be required to dispose of those pitches and plots to travellers and travelling show people under the terms of section 106 agreements that will be required upon the grant of planning permission for housing development. Appropriate wording can be included in a modification (described below) to ensure clarity is given to developers regarding the purpose of that Section 106 agreement, namely the requirement to provide the pitches or plots at an appropriate time within the overall site delivery, and to ensure they are retained for their intended use in perpetuity to meet locally derived need.

The Council recognises that there may be a need to ensure that some pitches are made available on terms that ensure they are affordable to those in greatest need of accommodation. It proposes to secure that object by proposing a modification to Policy SL20, which involves
(1) Deleting the words “with the exception of” and inserting “including” in the penultimate line of the policy; and,

(2) adding a final sentence, which will say, “The number and tenure of affordable pitches or plots that will be provided, and the most appropriate method of disposal to travellers and travelling show people will be determined on a site by site basis in consultation with Surrey County Council and the Borough Council’s Housing Service and secured through planning obligations made under the Town and Country Planning Act 1990.”

This modification should be mirrored by a modification to SL22, which would involve the deletion of the words “through the imposition of a planning condition attached to any planning approval granted” in the penultimate paragraph of the policy and the insertion of the words, “through the imposition of appropriate planning conditions or obligations attached to any planning approval granted. Those obligations will include an appropriate management agreement including measure to secure:

- Phasing of site delivery and trigger points to secure early delivery, proportionate to the site delivery
- Measures to ensure the site is secured in perpetuity for Gypsies, Travellers or Travelling Showpeople as appropriate
- A policy for Allocation (to preserve for those with local connection); and
- Further to Policy SL20 consideration of delivery of a proportion of the pitches or plots at below market rate, as affordable housing. based on evidence of need and viability at the time of application “

Further to the question of deliverability a number of representors have expressed concerns regarding the inclusion of the term ‘exceptional circumstances’ within SL22 in respect of the provision within allocated sites. The text seeks to express the firm preference for on-site provision within the allocation sites, and embeds this through clear criteria explaining when an alternative approach may be considered acceptable. The omission of the, therefore potentially superfluous, term ‘exceptional circumstance’ is not resisted by the Council. The relevant modification is included below. Some suggestions have been made that some reference within the associated site allocation policies is
necessary, however as it is an overriding principle that all Local Plan policies should be read as whole the Council do not feel that that is necessary.

Full Tracked Change text for SL22

Gypsies and Travellers

1.1 The Council’s commitment to supporting sustainable communities and addressing housing needs applies not only to the settled community, but to travelling communities as well. The Council as the Local Planning Authority is required to identify the level of need for pitches & plots and allocate sites to meet the permanent and transit accommodation needs of Gypsies, Travellers and Travelling Showpeople.

1.2 There are distinct differences between the cultures and ways of life of Gypsies and Travellers, and Travelling Showpeople. It is for this reason that Planning Policy for Traveller Sites (PPTS) provides two separate definitions:

Gypsies and Travellers’ are:

“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.”

‘Travelling Showpeople’ are:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above”.

1.3 The Local Plan sets a strategy for providing accommodation for Gypsies, Travellers and Travelling Showpeople through the delivery of sites on a number of the housing allocations and by considering proposals where these arise outside the allocated sites against the criteria in policy SL24 SL22 and national guidance. The policy criteria respond to the need to ensure that Gypsy, Traveller and Travelling Showpeople sites are accessible and that there are convenient connections to local services, including educational and welfare services. The Council considers that this constitutes the most sustainable and effective method of meeting its OAN.

Policy SL22: Meeting the Needs of Gypsies, and Travellers and Travelling Showpeople

Over the lifetime of the Local Plan the Council will plan to deliver 112 Gypsy/Traveller pitches and 19 Travelling Showmen Plots which will be expected to come forward as follows: The Council’s most up to date assessment of the accommodation needs of gypsies, travellers and travelling showpeople (GTAA January 2018) identifies the following level of need for pitches and plots in the Borough over the period of the Local Plan:
<table>
<thead>
<tr>
<th>Type</th>
<th>2015-2022</th>
<th>2023-2027</th>
<th>2028-2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pitches</td>
<td>96</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Plots</td>
<td>16</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

The need for Gypsy and Traveller Accommodation will in part be addressed through the site allocations identified in this Plan and the granting of planning permissions. The Council remains committed to meeting identified needs (as set out in the Council’s most up to date assessment of needs at the time of consideration of any planning application) through a range of measures including:

- By addressing identified site management issues on authorised sites to ensure that Gypsies, Travellers and Travelling Showpeople who meet the planning definitions set out in Government policy are not being displaced from authorised sites;
- By giving positive consideration to modest expansions of authorised traveller sites in the Borough, and proposals for the redevelopment of previously developed sites to provide pitches and plots where proposals would comply with other policies of this Plan, including Green Belt policies.

In exceptional circumstances, Subject to the criteria below, if a site allocation is required to make on-site provision for traveller accommodation and is unable to do so, offsite provision will be considered. Offsite accommodation will only be considered appropriate where all of the following criteria are met:

- The exceptional circumstances demonstrating on-site provision is not feasible are proven
- The alternative site provides for at least the same quantity of provision as required by the relevant allocation policy
- The alternative site is considered as sustainable in regards to access to services, location and size as allocation on site;
- The alternative site complies with the other policies of this Plan, including Green belt policies; and
- The site can be developed within the timeframe of the housing allocation.

The Council will also be working proactively to bring 48 existing pitches which are authorised for occupation for gypsies and travellers but which are not currently being used for this use back into use for gypsies and travellers.

Outside the site allocations in this Plan, planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will be granted provided that all of the following criteria are met:

(i) the site is suitably connected by sustainable and active modes of transport to a settlement with existing health care, retail, and school facilities;
(ii) the impact of development would not harm landscape character;
(iii) the site can be safely accessed by pedestrians, vehicles and caravans to and
from the highway;
(iv) the site is located in flood zone 1 as shown on the Policies Map or in flood zone 2 if it can be demonstrated that both the sequential and exception tests can be passed.
(v) the site can be suitably connected to clean and foul water utilities;
(vi) all pitches/plots would be able to accommodate the reasonable amenities of the occupiers.

The following criterion applies additionally to Travelling Showpeople accommodation only:
(vii) in addition to (vi) above, the site should be suitable for the storage and maintenance of show equipment and associated vehicles without causing harm through conflict with other policies in the Plan.
(vi) the site can be suitably connected to clean and foul water utilities;

Due to the nature of this housing need, there will be continuing co-operation with neighbouring Local Planning Authorities to ensure that the appropriate demand is identified and provision made across the wider area.

Where traveller pitches are required to be provided on sites allocated through this Local Plan, the Council will secure their delivery through the imposition of appropriate planning conditions or obligations attached to any planning approval granted. Those obligations will include an appropriate management agreement including measure to secure:
- Phasing of site delivery and trigger points to secure early delivery, proportionate to the site delivery
- Measures to ensure the site is secured in perpetuity for Gypsies, Travellers or Travelling Showpeople (in accordance with the relevant definition from the Planning Policy for Traveller Sites, or any replacement guidance) as appropriate
- A policy for Allocation (to preserve access for those with local connection);
And,
- Further to Policy SL20 consideration of delivery of a proportion of the pitches or plots at below market rate, as affordable housing. based on evidence of need and viability at the time of application

The loss of authorised pitches and plots for gypsies, travellers and travelling showmen showpeople to other uses will be resisted unless it can be demonstrated that there is a surplus supply of traveller pitches and plots for gypsies and travellers in the Borough.

**Justification for inclusion of policy**

1.4 The PPTS requires LPAs to identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their own, locally-set targets. The Council published a Traveller Accommodation Assessment
(GTAA) in December 2017 which has identified the need for traveller pitches in the Borough over the period of the Local Plan.

1.5 Policy SL22 will help to deliver Local Plan objectives 2 & 11.