

Lead Member for Planning and Infrastructure

20 February 2023

Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise

Timetable	
Meeting	Date
Planning and Infrastructure Committee	20 February 2023
Lead Member for Planning and Infrastructure	20 February 2023

Will this be a key decision?	No
Urgency	Not applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne – Interim Director (Local Plan Review)
Lead Officer and Report Author	Helen Smith – Principal Planning Officer, Strategic Planning
Classification	Public
Wards affected	All

Executive Summary

This report introduces the first stage (scoping, issues and options) of public consultation for the Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD). The report explains the background to the DPD, its relationship with the Local Plan and Local Plan Review, and what the proposed public consultation is seeking to achieve. Further, the report sets out the reasons for undertaking an additional, targeted, Call for Sites exercise alongside the public consultation.

The consultation document appended provides information on what the Local Planning Authority envisages to be the scope and key issues for the Development Plan Document, with the purpose of gathering feedback from the public and other stakeholders on its content and coverage. Also appended is a key piece of evidence underpinning the DPD – the Interim Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (known as the GTAA). This is an independently prepared interim report which sets out the unadjusted current and future need for Gypsy, Traveller and Travelling Showpeople accommodation over the plan period. The GTAA evidence is not part of the public consultation but is published as supporting evidence as it, and its future iterations, will become a baselining document for the purposes of future work and the examination of the DPD by a government inspector. Finally, the Call for Sites guidance note and response form are also appended to this report.

The public consultation and call for sites exercise are scheduled for seven weeks starting on 28th February 2023.

Purpose of Report

To provide background to the Gypsy, Traveller and Travelling Showpeople DPD; to outline the contents of the Scoping, Issues and Options consultation document; to summarise the key findings of the GTAA Interim report; and to outline the reasons for undertaking a Call for Sites exercise.

The matters covered in this report are for decision.

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. That the Gypsy, Traveller and Travelling Showpeople Development Plan Document – scoping, issues and options (Regulation 18a) (**Appendix 1**) is agreed for a seven-week public consultation between 28th February and 17th April 2023.
2. That a targeted Call for Sites exercise takes place concurrent to the Regulation 18a consultation (**Appendices 4 and 5**).
3. That the Interim Local Plan Review Director be given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any minor corrections required.

Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council’s ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2 [available alternatives].</p>	Phil Coyne (Interim Director for the Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the cross cutting objectives by delivering sustainable growth.</p>	Phil Coyne (Interim Director for the Local Plan Review)
Risk Management	<p>This is the first iteration of the Gypsy, Traveller and Travelling Showpeople DPD. There is a legal requirement to undertake engagement during the Regulation 18 stage of an emerging Development Plan Document.</p>	Phil Coyne (Interim Director for the Local Plan Review)
Financial	<p>The proposals of the Consultation as set out in the recommendation are all within already approved budgetary headings and so need no new funding. Any new funding requirements that come out of the consultation are currently unfunded and would need to form part of the</p>	Adrian Lovegrove - Head of Finance

	budget process to assess affordability.	
Staffing	We will deliver the recommendations with our current staffing.	Phil Coyne (Interim Director for the Local Plan Review)
Legal	Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004 and The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Council will also need to comply with the Local Development Scheme and the Statement of Community Involvement.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	There are no privacy and data protection implications as a result of this report.	Policy and Information Team
Equalities	Accepting the recommendations will ensure that an inclusive approach is taken to consultation on the DPD in line with the Statement of Community Involvement. It is important that the consultation process is accessible to all communities including seldom heard groups. A separate, equalities impact assessment will be undertaken for the DPD.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Phil Coyne (Interim Director for the Local Plan Review)
Crime and Disorder	There are no crime and disorder implications arising from this report.	Phil Coyne (Interim Director for the Local Plan Review)
Procurement	There are no procurement implications arising from this report.	Phil Coyne (Interim Director for the Local Plan Review)
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and align with the actions set out in the biodiversity and climate change action plan.	Biodiversity and Climate Change Manager

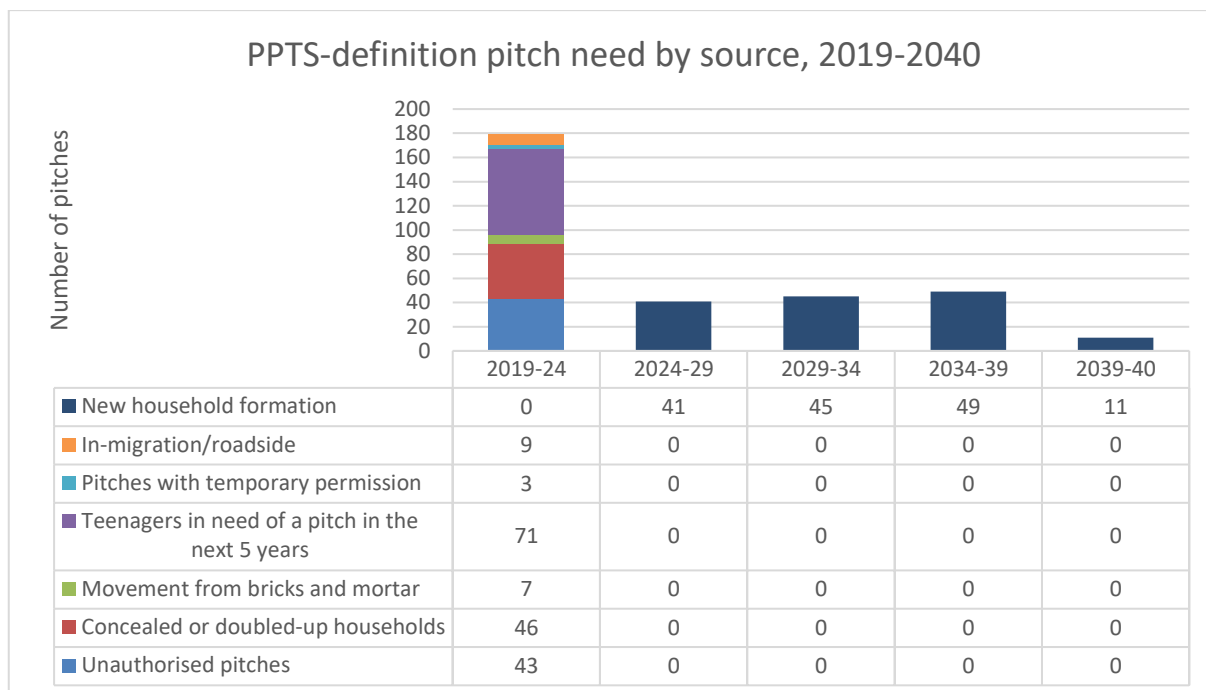
2. INTRODUCTION AND BACKGROUND

- 2.1 The Council has a statutory responsibility through the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) to assess and plan for the housing needs of all residents in the borough, including the Gypsy, Traveller and Travelling Showpeople communities.
- 2.2 Section 124 of the Housing and Planning Act 2016 specifies that local housing authorities should consider the needs of people *'residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored'*. The Council is therefore committed to meeting the housing needs of the Gypsy, Traveller and Travelling Showpeople communities within the Borough, in the same way as the housing needs of the settled community are planned for in the adopted Local Plan and emerging Local Plan Review.
- 2.3 At the November 2021 Strategic Planning and Infrastructure committee meeting, it was agreed that the Council would produce a standalone Gypsy, Traveller and Travelling Showpeople Development Plan Document (GT DPD). The reasons for separating this workstream from the wider Local Plan Review were outlined as follows:
- A new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was commissioned as part of the Local Plan Review (LPR) evidence base, and survey work commenced to ascertain future needs, via a very experienced consultancy, Opinion Research Services (ORS). However, owing to nationally imposed lockdowns at the time, survey work and household interviews were suspended, and the GTAA delayed. What was evident from the work completed by consultants up to that point, was that the need for new pitches over the LPR plan period was likely to be significant.
 - As part of the Local Plan Review process, a Call for Sites exercise was undertaken in 2019, allowing the submission of sites for consideration as allocations for future development. However, only 11 sites were proposed specifically for Gypsy, Traveller or Travelling Showpeople accommodation.
- 2.4 The early indication of the likely significant need for new pitches, combined with the relatively minimal number of potential additional sites put forward in the initial Call for Sites exercise, led the Council to conclude that the needs of Gypsy, Traveller and Travelling Showpeople could be most appropriately and comprehensively addressed through a separate development plan. This approach allows the necessary time and focus dedicated to establishing the full needs of our communities and the ability to seek to meet those needs. Further, this approach allowed the wider Local Plan Review to continue to progress in line with the published Local Development Scheme (LDS).
- 2.5 The GT DPD is a policy document that will seek to define a spatial approach and, if necessary, allocate new sites to meet the identified needs of the gypsy, traveller and travelling showpeople communities in the borough. It is also proposed to contain development management policies specific to the

assessment of planning applications for gypsy, traveller and travelling showpeople accommodation. Once adopted, the policies in the GT DPD would supersede all 'saved' GT1 policies from the 2017 Local Plan that are also listed in Appendix 1 of the Local Plan Review.

Work to date – Interim GTAA report

- 2.6 In accordance with the LDS, and as agreed at the January 2022 Strategic Planning and Infrastructure committee, a further targeted Call for Sites exercise was undertaken between 1st February and 31st March 2022. The Council received 20 submissions, taking the total number of submissions over the two Call for Sites exercises to 31. Some of these sites were already occupied as GTTS sites, but without planning consent. These submissions are available to view on the Council's website, however no assessment of the sites is available at this stage.
- 2.7 Work on finalising the paused GTAA has now resumed, with the remaining survey fieldwork being undertaken by ORS. This part of the work is programmed for completion by March 2023, with the final GTAA and Pitch Deliverability Assessment (PDA) (discussed below) due for completion by mid-2023.
- 2.8 In the meantime, ORS have produced an Interim GTAA Report (January 2023) (see Appendix 3). This is based on the previous survey work which has been updated using ORS expertise, knowledge and trend-based assumptions. The interim GTAA includes indicative, but unadjusted future need figures for pitches (for gypsies and travellers) and plots (for travelling showpeople) over the period 2019-2040. It is appended to this report as **Appendix 3** and is intended to be published as an evidence base document alongside the Regulation 18a consultation document.
- 2.9 As set out in the NPPF and PPTS, the Council is only required to identify 'deliverable' sites to meet the pitch/plot needs of those who meet the PPTS definition and only for years 1 to 5 of the plan (the adjusted need). In years 6 to 10, 'developable' sites or broad locations for development are appropriate. Again, this is only for the needs arising from those who meet the PPTS definition. For needs arising from those who do not meet the PPTS definition, or where it is undetermined if they meet the PPTS definition, the plan should look to include suitable criteria-based policies for assessing applications through the development management process.
- 2.10 For Maidstone borough, the Interim GTAA report identifies that from the 288 households interviewed who meet the PPTS definition, there is a net need in this regard arising, at least in the order of 177 pitches and 2 plots over the five-year period 2019-2024 (see graph below). It is important to note that this should be considered the starting point upon which further, more detailed assessment is now required by the Council to determine the 5-year pitch/plot need from the base date of the plan, as opposed to the base date of the evidence. For example, there is also a need to account for what has already been permitted in the borough since 2019.



2.11 Whilst these figures are therefore still subject to change, including pending the further survey work, they provide a good indication of the overall need emerging from the ORS work.

2.12 It is apparent, and ORS have confirmed, that the vast majority of need is from those already living within the borough. In-migration accounts for a very small percentage of the overall total need.

2.13 The interim GTAA and its findings represent the starting point for the Council – an indication of the unadjusted likely need and an opportunity to begin the conversation with the wider community and interested stakeholders on how we might best seek to plan for the needs of the Gypsy, Traveller and Travelling Showpeople community.

Future work – Pitch Deliverability Assessment

2.14 As explained in paragraph 2.7, the final GTAA is expected in mid-2023. This will be accompanied by a Pitch Deliverability Assessment (PDA). The purpose of the PDA is to identify the levels of need that can be met on the borough’s existing sites through regularisation of some unconsented sites (which are currently leading to an element of double counting within the figures), the intensification or expansion of sites, or the reconfiguration of site layouts to achieve more effective utilisation. This exercise will be undertaken with a view to trying to minimise the need to identify additional new sites to meet overall need.

2.15 Among other things, the Regulation 18a consultation document seeks views on this approach to meeting identified needs.

Content and structure of the consultation document

- 2.16 The preparation of the DPD is an iterative process and possible options will be narrowed and refined in response to emerging information and evidence as work on the DPD progresses.
- 2.17 At this early scoping stage, the document does not draw conclusions on the way forward for any particular matter. Its content is focused on describing the background and context, signalling challenges and identifying possible options for addressing the matters raised. It invites feedback and suggestions on the scope, issues and proposed options. It does not prescribe what the DPD should conclude on a particular matter, nor does it identify any spatial approach or specific sites at this stage. Matters raised during the formal consultation stages, in addition to the focused input of specialist bodies, will all inform the future direction and content of the DPD and will be supported by a robust, proportionate evidence base.
- 2.18 The draft consultation document (**Appendix 1**) explains that there are a number of different ways to plan to meet identified needs. The Council may, as the DPD progresses, look to opt for a combination of approaches such as intensification, expansion or regularisation of existing sites; inclusion of criteria-based policies for windfall development; plus proposing some new site allocations. The Council may also, through duty to cooperate discussions, look to neighbouring authorities to help meet some of its need (see Duty to Cooperate section of this report).
- 2.19 The consultation document explains the purpose of the DPD and of the consultation. A series of questions are posed throughout the document which seek to draw out views on the following broad themes:
- Scope and aims of the DPD
 - Determining the borough's 'need'
 - Potential ways to meet identified need
 - Identification of potential sites
 - Assessment of potential sites
 - Scope and content of spatial thematic and development management policies
 - Approach to monitoring and review
- 2.20 A response form will be provided (**Appendix 2**). Respondents are free to answer as many or as few of the questions as they like. In addition, the consultation period will provide a further opportunity to submit sites for assessment and potential allocation for gypsy, traveller and travelling showpeople accommodation.
- 2.21 Following consultation on this Regulation 18a Scoping, Issues and Options Document, responses will be analysed and will feed into a further Regulation 18b Preferred Approaches Document. This will provide information on the spatial approach, potential draft site allocations and potential development management policies. It is expected that consultation on the preferred approaches will take place in February/March 2024, in line with the proposed latest Local Development Scheme (PI PAC 11th January 2023, Council 22nd February 2023).

Consultation

2.22 Regulation 18 engagement is a requirement under The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for which the local planning authority must notify specified persons or bodies regarding what the plan should contain. There is no legal consultation period for this stage of plan preparation. The Statement of Community Involvement ("SCI") however requires a minimum three-week consultation period. Notwithstanding this, and to ensure that we encourage responses, it is recommended that it remain open for a period of seven weeks (to account for the Easter holidays).

2.23 Public consultation is programmed to commence on 28th February 2023 and will run to 17th April 2023. Strategic Planning officers are working with the Council's Communications team to prepare the consultation and associated publicity. The Consultation will be undertaken in accordance with the SCI and the Council's Communications and Engagement Strategy.

2.24 The consultation arrangement will include:

- publication of consultation documents on MBC's website and on social media
- consultation documents available for viewing in libraries and The Link
- the creation [or use] of a consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and those persons included on the Council's Strategic Planning consultation database
- public notice in the local newspaper and supporting press release/s

Call for Sites

2.25 As set out in earlier in this report, it is proposed that the seven-week consultation period also provides a further opportunity for potential gypsy, traveller and travelling showpeople sites to be submitted to the Council for assessment. This affords the Council maximum potential to find suitable sites to meet need. The Call for Sites process, guidance note on making a submission and submission proforma are to be replicated from the previous exercise undertaken earlier last year, as approved at the January 2022 SPI meeting. They are attached as **Appendices 4 and 5** to this report.

Duty to Cooperate

2.26 As this is a local development document, there is a requirement to meet the Duty to Cooperate as set out in the S.33A of the Planning and Compulsory Purchase Act 2004 (as amended). At this stage the Council has regular ongoing Duty to Cooperate meetings with neighbouring authorities, the County Council and those prescribed bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is possible that the Council may need to look beyond its administrative boundaries and ask neighbouring authorities for assistance in meeting the borough's needs.

The Council will seek additional engagement with neighbouring authorities and prescribed bodies to fulfil this duty, as appropriate, and the process will follow the previously agreed protocol which was adopted as part of the Local Plan Review.

3. AVAILABLE OPTIONS

- 3.1 Option 1A: that the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation and Call for Sites exercise take place between 28th February 2023 and 17th April 2023.
 - 3.2 Option 1B: that subject to modifications, the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation and Call for Sites exercise take place between 28th February 2023 and 17th April 2023, .
 - 3.3 Option 1C: that neither the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation nor the Call for Sites exercise is conducted at this time.
 - 3.4 Option 2A: That the Interim Local Plan Review Director be given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.
 - 3.5 Option 2B: That the Interim Local Plan Review Director is not given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1A is recommended, in order to ensure timely progression of the Gypsy & Traveller DPD and meet the requirements under the published Local Development Scheme. As the Local Planning Authority, the Council has a statutory duty to plan to meet all development needs in the borough. The decision has already been taken by this authority to address the needs of the Gypsy, Traveller and Travelling Showpeople community separately to the wider borough housing needs addressed through the ongoing Local Plan Review. This is the first formal step in that process and would ensure the Council's commitments to these matters was demonstrated.
 - 4.2 Option 2A is recommended. This will ensure that the DPD is of a satisfactory standard of presentation for public consultation.
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5. RISK

- 5.1 The risks associated with these proposals, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. NEXT STEPS

- 6.1 The Lead Member on the Executive for Planning and Infrastructure will take the decisions set out in this report on the 20 February 2023, immediately following the Planning and Infrastructure Policy Advisory Committee meeting.
- 6.2 The Gypsy & Traveller DPD provided alongside this report will have been considered by the Planning and Infrastructure Policy and Advisory Committee on the 20 February 2023 and their comments will be reported to the Lead Member.
- 6.3 Subject to sign off by the Lead Member on the Executive for Planning and Infrastructure, consultation is programmed to commence on 28th February 2023 and will run to 17th April 2023.
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7. REPORT APPENDICES

The following documents are to be published as part of the Regulation 18a public consultation exercise:

- **Appendix 1:** Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues and Options (Regulation 18a)
- **Appendix 2:** Consultation Response Form

The following document is to be published as supporting evidence for the Regulation 18a consultation document:

- **Appendix 3:** Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) interim report, January 2023

The following documents are to be published as part of the Call for Sites exercise:

- **Appendix 4:** Guidance note on making a submission to the Call for Gypsy & Traveller Sites
- **Appendix 5:** Call for Sites submission form