

# Public Document Pack

## NOTICE OF MEETING

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# PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

**TUESDAY, 4TH DECEMBER, 2018**

**At 6.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL,**

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MAUREEN HUNT (VICE-CHAIRMAN), MALCOLM BEER, GERRY CLARK, DR LILLY EVANS, LEO WALTERS AND JULIAN SHARPE

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LYNDA YONG, CLAIRE STRETTON, JOHN STORY AND EILEEN QUICK

Karen Shepherd –Service Lead- Governance - Issued: Monday, 26 November 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Nabihah Hassan-Farooq** 01628 796345

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## AGENDA

### PART I

| <u>ITEM</u> | <u>SUBJECT</u>                                                                                                   | <u>PAGE<br/>NO</u> |
|-------------|------------------------------------------------------------------------------------------------------------------|--------------------|
| 1.          | <u>APOLOGIES FOR ABSENCE</u><br>To receive any apologies for absence.                                            | -                  |
| 2.          | <u>DECLARATIONS OF INTEREST</u><br>To receive any declarations of interest.                                      | 5 - 6              |
| 3.          | <u>MINUTES</u><br>To confirm the Part I minutes of the meeting of 20 <sup>th</sup> November 2018.                | To<br>Follow       |
| 4.          | <u>TRAVELLER LOCAL PLAN - ISSUES &amp; OPTIONS</u><br>To receive a report on the above titled item.              | 7 - 12             |
| 5.          | <u>DATES OF FUTURE MEETINGS</u><br>29 <sup>th</sup> January 2019 at 7pm, in Desborough 4, Town Hall, Maidenhead. | -                  |



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## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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|                                              |                                                    |
|----------------------------------------------|----------------------------------------------------|
| Report Title:                                | <b>Traveller Local Plan - Issues &amp; Options</b> |
| Contains Confidential or Exempt Information? | No                                                 |
| Member reporting:                            | Councillor Coppinger, Lead Member for Planning     |
| Meeting and Date:                            | Planning and Housing O&S Panel - 4 December 2018   |
| Responsible Officer(s):                      | Jenifer Jackson, Head of Planning                  |
| Wards affected:                              | All                                                |

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## REPORT SUMMARY

- 1 The Local Development Scheme (LDS) commits the Council to producing a single-issue Traveller Local Plan. This will set out how the accommodation needs of Gypsy and traveller groups would be met up to 2033.
- 2 This report seeks approval to publish the Traveller Local Plan Issues and Options paper in January 2019 for public consultation.

## 1 DETAILS OF RECOMMENDATION

**RECOMMENDATION:** That Planning and Housing Overview & Scrutiny Panel considers and notes the recommendations as made to Cabinet (listed below):

- (i) Approves the publication of the Traveller Local Plan Issues & Options paper for public consultation, along with necessary evidence base studies; and
- (ii) Gives the Head of Planning delegated authority to approve minor changes to the Issues & Options paper, in consultation with the Lead Member for Planning, prior to its publication.

## 2 REASONS FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 Travellers comprise a range of groups with different histories, cultures and beliefs including Romany Gypsies, Irish Travellers, central and eastern European Roma, Travelling Showpeople and boat dwellers.
- 2.2 National planning policy for these groups is primarily set out in 'Planning Policy for Traveller Sites' (PPTS), published in 2015. It requires local authorities to make their own assessment of need, set targets relating to pitches and plots required and to maintain a 5 year supply of sites against these targets.

- 2.3 The current Local Development Scheme (LDS) commits the Council to producing a separate Traveller Local Plan (TLP) to meet the accommodation needs of Travellers. If the Council does not produce a Traveller Local Plan, then it will not be complying with the LDS.
- 2.4 It was also necessary to demonstrate to the Inspector examining the Borough Local Plan (BLP) that the Council is actively progressing the TLP. The Inspector posed the question of why the allocation of Traveller sites is being deferred to a separate plan and in responding to this, the Council gave public assurance that the Traveller Local Plan is being progressed expeditiously.
- 2.5 The Council has now completed and published its evidence of need for pitches and plots in a Gypsy and Traveller Accommodation Assessment (GTAA). This demonstrates that the Borough has an unmet need for Gypsy and Traveller pitches and Travelling Showpeople plots.
- 2.6 The first formal stage of the TLP will be the publication of an Issues and Options paper (under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012). This stage explores the issues surrounding provision of future need and options and approaches to address the issues for how this need could potentially be met. The Issues and Options paper can be seen in Annexe 1 of this report.
- 2.7 There is a chapter with a suggested vision and objectives for the plan before exploring the issues for each of the identified Traveller groups:
- Gypsies and Travellers,
  - Travelling Showpeople and
  - Boat dwellers.

Each chapter contains more information on the type of Traveller, and a range of potential options, too numerous to detail here, are suggested.

- 2.8 Evidence documents support the Issues and Options paper and will be made available alongside it. These include:
- GTAA (published on website in June 2018).
  - A proposed methodology for the assessment of potential new Traveller sites. This is based on a similar methodology used to assess housing and economic sites through the HELAA.
  - A Sustainability Appraisal (SA) of the Issues and Options. Local Plans must be informed by SA throughout their preparation and consultants Lepus have been appointed to carry out SA for the TLP.
- 2.9 The current Local Development Scheme (LDS) indicates that the Traveller Local Plan Issues and Options paper would be published for consultation in November-December 2018, with the Draft Plan consultation in Spring 2019 and publication of a draft plan in Autumn 2019. It is now proposed to publish the Issues and Options paper early in 2019, with a Draft Plan consultation in the Autumn of 2019. This will avoid any conflict with the pre-election period for the May 2019 local elections.
- 2.10 The LDS will therefore need to be updated to reflect the revised timetable.



**Table 1: Options**

| <b>Option</b>                                                                                                                               | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Not publish the Issues and Options paper or the evidence studies.</p> <p>This is not the recommended option.</p>                         | <p>Officers do not consider this would be the right approach to this important issue. This is likely to undermine the BLP and any future plan making work. This option would leave the Council with no control over where sites come forward. The Council would be vulnerable to sites being imposed through the planning appeal process. These sites may not be in the most sustainable locations.</p>                                                        |
| <p>Delay publication of the Issues and Options Paper until mid-2019.</p> <p>This is not the recommended option.</p>                         | <p>Officers do not consider this would be the right approach to this important issue. This is also likely to undermine the BLP. This option would leave the Council with no control over where sites come forward for a longer period of time. The Council would be vulnerable to sites being imposed through the planning appeal process.</p>                                                                                                                 |
| <p>Publish the Issues and Options paper in January 2019 and necessary evidence documents.</p> <p><b>This is the recommended option.</b></p> | <p>The GTAA demonstrates that the Borough has an unmet need for Traveller pitches. National planning policy requires the Council to identify and update annually a five-year supply of specifically deliverable sites to meet the objectively assessed need for additional pitches in the Borough. Progressing the preparation of the Traveller Local Plan is essential to ensure that the Council retains control over where these sites will be located.</p> |

### 3 KEY IMPLICATIONS.

**Table 2: Key implications**

| <b>Outcome</b>                                                         | <b>Unmet</b>         | <b>Met</b>        | <b>Exceeded</b>   | <b>Significantly Exceeded</b> | <b>Date of delivery</b> |
|------------------------------------------------------------------------|----------------------|-------------------|-------------------|-------------------------------|-------------------------|
| Publication of the TLP Issues & Options document and relevant evidence | After 7 January 2019 | By 7 January 2019 | By 4 January 2019 | By 21 December 2018           | January 2019            |

### 4 FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications.

### 5 LEGAL IMPLICATIONS

5.1 The Council has already indicated its intention to prepare a Traveller Local Plan as set out in the previously published Local Development Scheme (LDS). The LDS will be updated under delegated authority.

### 6 RISK MANAGEMENT

**Table 4: Impact of risk and mitigation**

| <b>Risks</b>                                                                                                                                                          | <b>Uncontrolled Risk</b> | <b>Controls</b>                                                                                                  | <b>Controlled Risk</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------|------------------------|
| The Council is unable to defend appeals against the refusal of planning permission for Traveller sites as it cannot demonstrate a 5 year supply of pitches and plots. | HIGH                     | Progress a single-issue Traveller Local Plan and publish an Issues and Options paper in accordance with the LDS. | LOW                    |

### 7 POTENTIAL IMPACTS

7.1 National planning policy defines "gypsies and travellers" as:

*"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."*

7.2 The provision of additional Traveller sites to meet the accommodation of Gypsies and Travellers in the Borough engages the Human Rights Act 1998, the Equalities Act 2010, and issues such as community cohesion, accommodation, property and assets in delivering sustainable communities through plan-making and in meeting the priorities set out in the Council Plan 2017-2021. An Equalities Impact Assessment (EqIA) will be produced for the Traveller Local Plan.

## **8 CONSULTATION**

8.1 The TLP Issues and Options document has been circulated to relevant officers within the Council for informal comment. Any comments from the Planning and Housing Overview and Scrutiny Panel will be reported to the 13<sup>th</sup> December Cabinet.

8.2 The Issues and Options paper will, if agreed by Cabinet, be published for 6 weeks consultation in January 2019 under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Council's Statement of Community Involvement includes requirements for public consultation on draft Development Plan Documents and it will be necessary to ensure that the consultation complies with this. In addition, there will be ongoing engagement with neighbouring authorities under the Duty to Cooperate.

## **9 TIMETABLE FOR IMPLEMENTATION**

**Table 5: Implementation timetable**

| <b>Date</b>  | <b>Details</b>                                                                                        |
|--------------|-------------------------------------------------------------------------------------------------------|
| January 2019 | Publication of the Traveller Local Plan Issues & Options paper and associated evidence base documents |

9.1 Implementation date if not called in: Immediately.

## **10 APPENDICES**

- Draft version of the Traveller Local Plan Issues and Options paper
- Proposed Traveller Site Assessment Methodology.

## **11 BACKGROUND DOCUMENTS**

11.1 The following background documents are available on the Council website: Council Plan [https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021\\_-\\_council\\_plan](https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan)

11.2 The LDS on the Council website: <http://consult.rbwm.gov.uk/file/4979935>

11.3 The Planning Policy for Traveller Sites from Central Government  
<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

## 12 CONSULTATION (MANDATORY)

| <b>Name of consultee</b> | <b>Post held</b>         | <b>Date issued for comment</b> | <b>Date returned with comments</b> |
|--------------------------|--------------------------|--------------------------------|------------------------------------|
| Cllr Coppinger           | Lead Member for Planning |                                |                                    |
| Russell O'Keefe          | Acting Managing Director |                                |                                    |
| Andy Jeffs               | Executive Director       |                                |                                    |
| Rob Stubbs               | Section 151 Officer      |                                |                                    |
| Louisa Dean              | Communications           |                                |                                    |

### REPORT HISTORY

| <b>Decision type:</b>                                          | <b>Urgency item?</b> | <b>To Follow item?</b> |
|----------------------------------------------------------------|----------------------|------------------------|
| Key decision                                                   | No.                  |                        |
| Report Author: Jenifer Jackson, Head of Planning, 01628 796042 |                      |                        |