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## NOTICE OF MEETING

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# PARISH CONFERENCE

will meet on

**THURSDAY, 11TH JULY, 2019**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE PARISH CONFERENCE

COUNCILLOR CHRISTINE BATESON (CHAIRMAN) AND PARISH COUNCILLOR ANNE-CATHERINE BUXTON

MEMBERS OF PARISH COUNCILS

Karen Shepherd – Service Lead - Governance – Issued: Wed 3<sup>rd</sup> July 2019

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 **Shilpa Manek** 01628 796310

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>WELCOME AND INTRODUCTIONS</u>  The Chairmen to welcome the members and carry out introductions.	
2.	<u>APOLOGIES FOR ABSENCE</u>  To receive any Apologies for Absence.	
3.	<u>MINUTES FROM LAST CONFERENCE</u>  To agree the Minutes from the last Conference held on 11 February 2019.	5 - 10
4.	<u>UPDATE ON HALC/BALC MATTERS (15 MINS)</u>  An update to be received on BALC/HALC matters.	Verbal Update
5.	<u>CIL PAYMENTS SCHEDULE UPDATE (10 MINS)</u>  To receive a verbal update.	Verbal Update
6.	<u>PARISH CHARTER REVIEW (15 MINS)</u>  To consider the Parish Charter.	11 - 20
7.	<u>CABINET REPORT ON PROPOSED REVISIONS TO THE HIGHWAYS MAINTENANCE MANAGEMENT PLAN - 24 HOUR POT HOLE RESPONSE(10 MINS)</u>  To consider the report.	21 - 30
8.	<u>MAINTENANCE OF HEDGES AND VERGES PROGRAMME (10 MINS)</u>  To receive a verbal update.	Verbal Update
9.	<u>TRAVELLER LOCAL PLAN - ISSUES &amp; OPTIONS PUBLIC CONSULTATION (15 MINS)</u>  To receive a verbal update.	31 - 96
10.	<u>UPDATE ON TRAVELLER INCURSIONS (10 MINS)</u>  To receive a verbal update.	Verbal Update
11.	<u>CLIMATE EMERGENCY (10 MINS)</u>	Verbal Update

**RESOLVED: That this Council (25 June 2019):**

**i) Declares an environmental and climate emergency; whilst noting the council's achievements in reducing its environmental impacts including reducing its energy consumption by 21% and the ambitious ongoing targets to further reduce energy consumption by 10% within four years, adopted in the Energy and Water Strategy 2019-2023;**

**ii) Welcomes the Government's commitment to net zero carbon emissions by 2050 and calls on them to provide additional powers and resources to ensure the Royal Borough of Windsor and Maidenhead can help deliver on national targets; and**

**iii) Will establish a Cross-Party Working Group to undertake an in-depth review of the council's current carbon footprint and to formulate, consult and agree on a net Zero Carbon Royal Borough of Windsor and Maidenhead by 2050 Strategy in consultation with local stakeholders and partners with a draft strategy to be brought before Full Council within 12 months.**

**The full set of minutes will be available shortly at**

**<https://rbwm.moderngov.co.uk/ieListDocuments.aspx?CId=134&MId=7393&Ver=4>**

12. DATE OF NEXT CONFERENCE

TUESDAY 22 OCTOBER 2019.

We are looking into changing this date as it falls in the school half term. If it is changed, notification will be sent out.

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# Agenda Item 3

## PARISH CONFERENCE

MONDAY, 11 FEBRUARY 2019

PRESENT: Councillors Christine Bateson (Chairman) and Parish Councillor Chris Graham (Acting joint Chairman)

Also in attendance: Councillor Simon Dudley (RBWM Leader), Councillor Saunders (RBWM Lead Member Finance), David Burfitt (Hurley), Harry Clasper (Datchet), Des Warren (Shottesbrooke), Alan Keene (Bisham), Amanda Robson Brown (Bisham), Martin Coker (Cookham), Chris Graham (Bray), Benta Hickley (Horton), Peter Lord (Wraysbury), Jane Clemance (Wraysbury), Margaret Lenton (Wraysbury), Stephen Hedges (Cox Green), Ian Harvey (Cox Green), Jo Stickland (Datchet), Susan Cook (Bray), Anne-Catherine Buxton (Sunningdale), Ruth Davies (Sunningdale), Anne Horner (Old Windsor), Jane Dawson (Old Windsor), Allison Sharpe (Sunninghill & Ascot), Bob Austen (Eton Town Council), Barbara Story (Sunninghill & Ascot) and Sandra Baker (Hurley), Linda O'Flynn (Datchet) Mandy Bray.

### APOLOGIES FOR ABSENCE

Apologies for absence were received by Mandy Brar who would be attending late. Chris Graham took her place a joint Chairman alongside Cllr Bateson.

### WELCOME AND INTRODUCTIONS

Cllr Dudley, Leader of RBWM, informed that it was wonderful to be attending the Parish Conference as he felt parish councillors did a fantastic job for their local communities. The number of RBWM councillors would soon be reduced following the boundary review and that this made the role of parish councillors more important. He was currently a parish councillor representing Bray Parish Council but as he felt politicians should not be parish councillors he would not be standing for re-election.

Cllr Dudley introduced Mr Duncan Sharkey who had recently been appointed as the new Managing Director at the Royal Borough. Mr Sharkey had been appointed after a rigorous selection process and he had a lot of challenges ahead of him including focusing on housing and infrastructure.

Mr Sharkey informed that he was delighted to be appointed as the Royal Boroughs new Managing Director. He had previously been chief executive at two other authorities. His last position was as a director at Milton Keynes where he had a focus on delivering housing. He said he looked forward to working with the Parish Councils and was happy to visit them.

Cllr Bateson welcomed everyone to the meeting and introductions were made.

### MINUTES FROM LAST CONFERENCE

**Resolved unanimously: that the minutes of the meeting held on 30 October 2018 be approved.**

### BERKSHIRE YOUTH SERVICE (15 MINS)

Item deferred to the next meeting.

### 2019/20 BUDGET (15 MINS)

The Lead Member for Finance, Cllr Saunders, attended the meeting to answer any questions on the draft 2019/20 Budget. He informed that it was a complex budget and asked if the conference had any questions.

The conference asked Cllr Saunders the following questions:

- Concern was raised that only £20k had been allocated to fly-tipping. The conference were informed that this was a specific budget line for mobile cameras to catch fly tippers. There was a wider team that dealt with prevention and prosecution.
- There had been reports of a £7.5 million hole in the budget, how was this being addressed? Cllr Saunders informed that during the current year there had been a number of unprecedented pressures; the increased cost and demand for children in care, lower income from parking charges due to advantage card discounts and housing benefit reconciliation. The pressures had been part offset by the income from the business rates pilot income and efficiency savings. The pressures had been forecasted into the 2019/20 budget.
- The proposed budget had a reduction in the revenue budget and a number of staff changes. Cllr Saunders mentioned he could not discuss staff changes as they were currently out for consultation. The proposed savings had been scrutinised by the appropriate scrutiny panels.
- It was asked if there had been any provision put in place for a possible general election. The conference were informed that the cost of general elections were claimed back from central Government.

The Lead Member for Finance informed that the budget for 2019/20 had been set against a national backdrop of continuing political uncertainty and demand and costs of social care in both adults and children's services. The authority had to continue to provide quality services from a prudent resource base.

As discussed there had been pressures during the current financial year that had been taken into consideration during the budget build process these included a gross overspend in children's services predominantly for children-in-care, and resident advantage card parking charge discounts.. It was good to see an unexpected increased use of the discount but this did create a budget pressure.

Forecasted general reserves for the end of the current financial year are £8.2 million which was £2.3 million above the minimum recommended level. It was proposed to increase council tax by 2.99% which was the maximum amount they could increase it by without a local referendum.

The Lead Member went on to explain that service spend would increase by £11.2m on the 2018/19 revenue budgets. £5 million of this increased budget would be for children's and adults services so the vulnerable in our society could be protected.

The prudent budget allowed weekly bin collections to continue, parking discounts for advantage card holder continues, environmental health, enforcement, CCTV, Community Wardens and tree inspections are all being invested in. There was going to be £0.5 million invested in community facilities such as libraries, leisure centres, Norden Farm, the Guildhall and York House Windsor resident access.

To help fund this growth the Council needed to be run efficiently and thus there were proposed efficiency savings of £5.5 million and additional grant income of £1.3 million.

The Parish Conference noted the 2019/20 budget.

## PARISH EQUALISATION GRANTS

The Lead Member for Finance, Cllr Saunders, informed that in 2013/14, a discounted council tax bill replaced direct payments of council tax benefit for those residents affected. This had the effect of reducing the taxbase for the Council and Parishes. The consequent shortfall in council tax income was initially funded by an increase to the Revenue Support Grant (RSG) for Billing Authorities and a suggestion was made by Central Government that Billing Authorities should fund the shortfall for parishes. Since then the Council has funded the difference in taxbase for Parishes through the equalisation grant at a total cost of approximately £62,000 each year.

The Lead Member wished to continue to support parish councils and had written to all parish councils for their views and was presenting at this conference to seek views on how this was best achieved. Options put forward for consideration were:

- Project needs of each Parish Council are submitted each year with funds allocated similar to the Council's Grant Panel by a body run by the parishes.
- The relative number of electors in each Parish in each prior year – as shown as 2023/24 in appendix B is used for allocation of funds.
- The relative tax base difference in each Parish in each prior year – as shown as 2023/24 in appendix C be used.
- The legacy basis applied from 2013/14 to 2018/19 inclusive – as shown as 2018/19 in both appendices B and C be used.

The conference were asked for their views on how to proceed, the following points of view were put forward:

- There was no statutory obligation to offer the grant so why continue with it as the funds could be spent elsewhere.
- Some parish councils cover large areas that are not as populated as other areas and thus the additional funding helped with projects.
- It was recommended that the proposals be discussed at Dalk.
- It parish council should send in their own views independently there was no need to discuss at DALK.
- Every band D property paid 89pence to be redistributed through the grant, this benefited some parishes but not all and not non perished areas.
- If the parishes went for a grant allocation system then this would be delegated to them in future budget builds.
- There were elections between now and the next meeting therefore should the decision be deferred until after the elections.
- Propose that it is kept in the 2019/20 budget pending future discussions.

The joint Chairman Cllr Bateson thanked Cllr Saunders for making the proposals to parish council's.

### CIL PROCESS REVIEW AND RECRUITMENT UPDATE(10 MINS)

The Deputy Head of Planning informed that as previously reported to the conference it was planned to appoint an officer responsible for CIL but this had not been successful so there would be another recruitment campaign. A consultant was currently in post.

The Conference were informed that each parish council would be written to advise on where we were with the review and how much they could expect to receive through the process.

### PLANNING PROCESS (20 MINS)

The conference were provided with the Council's current Planning Enforcement Policy.

The Deputy Head of Planning informed that whilst working on the Parish Charter it was agreed that parishes would be notified on any significant amendments that materially affected an application. There was also a public consultation period for planning applications and the Royal Borough also sent letters and put up posters for those near the application site. As part of the application process parish councils were also consulted.

The conference were informed that it was up to the planning authority if consultation was required on amended applications. They would look at the level of natural justice, for example if there had been significant change, will it impact original objections and would the changes impact on others who were not originally consulted with.

During discussion on this item the following points were raised:

- Concerns about supplementary planning documents. It was agreed that the revised planning structure chart would be circulated and that if there were any concerns about supplementary information added to an application then they should contact the relevant team leader. Planners were also visiting parish council's to discuss concerns.
- Concern was raised about the borough not applying watertight conditions making it easier for developers to change applications. The conference were informed that national obligations were being met and if a developer proposed changes there was an obligation to consider them.
- Permitted development in the green belt and flood zones. It was asked that if they caused secondary issues such as flooding could permitted development rights be rejected. It was noted that permitted development was a national policy and thus they could only assess against the national policy. If a permitted development caused damage then it could be a civil matter.
- A number of parish council's raised concerns about permitted development and enforcement of certain sites. As these were individual cases it was agreed that they would be discussed after the meeting.

With regards to enforcement the Deputy Head of Planning informed that an updated policy had been approved by Council in December 2018 and was attached to the agenda. The Council had received 400 enforcement complaints the previous year with 321 of these already being dealt with. The team had a substantial workload and prioritised cases as either high, medium or low. High priority cases were investigated in one day, such as work on listed buildings or felling protected trees. Substantial cases can take months to resolve. Medium cases usually take 7 days to investigate and cover areas such as impact on amenities or work not in plans. Low priority cases, such as a fence being too high, are dealt with when possible. The team prioritised cases on areas that impacted on people's lives.

In response to questions the conference were informed that the enforcement process could take a long time as people were given time to 'make good' on work or they may submit a planning application that needs to be processed before further action could be taken. When enforcement was taken this could still take over a year even when the process went correctly. When an enforcement notice was issued it would say what action or work was required to comply with the notice, if this is not done would go to prosecution. The update was noted.

### BALC UPDATE (10 MINS)

The conference received an update on the negotiations with the Hampshire Association of Local Council's (HALC) undertaking the role of supporting our parish council's. The role and service level agreement was being drafted and it was hoped that it would be implemented by 1<sup>st</sup> April 2019.

Due to HALK's greater capacity it was believed a better service would be provided. There had been some concern raised that subsidies would go up but this was not the case as they had been set in November 2018. Services would include additional access to HR, legal advice



and financial guidance. Although it was proposed to move services to HALK the current email address would remain in use.

Concern was raised that training courses would be located in HALC but the conference were informed that the schedule of courses was yet to be agreed but there would be two locations in Berkshire and councillors would also be able to access a greater range of training courses elsewhere.

Concern was also raised that there would be less direct access to advice with a greater use of email rather than one to one contact. The conference were informed that contact via the telephone would still be possible but the preference was to use a generic email as officers worked shifts and this method offered a better way of getting a response to questions quickly and consistently.

The conference were informed that the long term aim was to merge the HALC and BALC websites and that there would be training for clerks in finance and risk assessment. An update would be in the newsletter.

The update was noted.

### HOMELESSNESS PRESENTATION (20 MINS)

The Head of Communities, Enforcement & Partnerships informed the conference that Cabinet in November 2018 approved an updated homelessness strategy, approved to formally consult on an updated housing allocations policy and activated the Severe Weather Emergency Protocol (SWEP).

The homelessness strategy would guide the Council's approach to the provision of homelessness and rough sleeping services in the Borough over the next five years working with partners.

There had been work and engagement with partners including voluntary organisations such as the Brett Foundation and the Windsor Homeless Project, housing providers such as Radian and Housing Solutions, health service providers and Thames Valley Police.

There was a multi-agency approach to helping the homeless with policies to help prevent homelessness, decrease the need for temporary accommodation, improve the quality of housing provision, support for families, reduced number of rough sleepers and improved services.

The conference were informed that by introducing SWEP the Royal Borough had been ahead of other authorities in its implementation as the regulations only required it to be introduced when the temperature dropped to zero or below for three consecutive nights. Not only had the authority introduced it early but it also remained in place throughout the winter which was far beyond the legislation. So far 22 people had been placed under SWEP.

The authority was also working with local landlords and the homeless grant had been used to provide suitable accommodation and have a bigger pool of housing provision. Temporary accommodation was used to meet legislative requirements and individual needs. No single solution suited all so a robust assessment process was used.

At previous conferences there had been discussion about extending the community warden scheme. This had been done and a new problem solving team had been introduced as well as a Mean coordinator. They had joined the national programme so we were part of a network that the team could learn from. This wrap around care provided intensive support for individuals with complex needs.

Officers had met with the long term homeless to get their views and understand issues. There had also been work identifying and understanding the hidden homeless to help resolve their situation.

In response to a question regarding policies preventing homelessness for children leaving care the conference were informed that there were transition plans in place to prepare for adult life and the council's responsibilities for children in care went up to the age of 25.

The update was noted.

ITEMS FOR FUTURE MEETINGS

Requests for future discussion items to be sent to the chairman, Chris Graham or Sandra Baker.

DATE OF NEXT CONFERENCE

Future meeting dates to be circulated when available.

The meeting, which began at 7.00 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD CHARTER WITH PARISH & TOWN COUNCILS

### Aim

**To create a framework for the Royal Borough of Windsor & Maidenhead Council and Parish/Town Councils to work in partnership to improve the economic, social and environmental well-being of the area and its residents, businesses and visitors. We will work in partnership for the benefit of the local community while respecting mutual rights as separate democratic bodies.**

### 1. PROMOTING THE ROLE OF PARISH AND TOWN COUNCILS

#### ***Royal Borough of Windsor & Maidenhead Council will:***

- Recognise the importance of Parish/Town Councils as a tier of local government, and will work closely with them to promote active engagement/participation.
- Provide information/briefings to its staff and members to ensure they have a good understanding of the role and function of the Parish/Town Councils.
- Recognise and understand that there are differing resources available within Parish/Town Councils and therefore their ability to handle information will vary.
- Hold regular liaison meetings with Parish/Town Councils in addition to the Parish Conference.

#### ***Parish/Town councils will:***

- Share their work and achievements with residents, businesses and visitors, the Borough and other Parish/Town Councils.
- Encourage active engagement/participation across all groups.
- Identify local needs and consult with local communities and share where appropriate with the Borough.
- Provide the Borough with information on the services and facilities provided by the Parish/Town Council.

### 2. EFFECTIVE COMMUNICATION

#### ***Royal Borough of Windsor & Maidenhead Council will:***

- Agree with each Parish/Town Council the best communication channels to use for quick, proactive and efficient communication.
- Produce a regularly updated contact list of Borough Officers and Members and provide this on the website.
- Provide direct access to Parish/Town Councils via the phone, email and digital channels.
- Use plain English in written communication.
- Make every effort to attend Parish/Town Council meetings when invited.
- Provide access to Parish/Town councils in the use of survey tools.

#### ***Parish/Town Councils will:***

- Agree with the Borough best communication channels to use for quick, proactive and efficient communication.
- Make every effort to attend meetings/events run by the Borough in which they have an interest.

- Initiate the Council's formal complaints procedure if they are dissatisfied with Borough actions, their response to a request for information or their failure to consult, after all other avenues of communication have been exhausted.

### 3. CONSULTATION

#### ***Royal Borough of Windsor & Maidenhead Council will:***

- Consult Parish/Town Councils on all issues which are likely to affect their area prior to a decision.
- Allow six weeks for Parish/Town Councils to respond to a consultation. If this is not possible the Parish/Town Council will be given an explanation. (This does not apply to planning applications. These are covered in Appendix 1).
- Provide a summary report/brief for complex consultations.
- Provide briefing sessions/workshops to Parish/Town Councils on complex consultation issues.
- Make specific arrangements for consultation on Planning (see Appendix 1).
- Have regard to the views of the Parish/Town Councils when making decisions and in areas of disagreement provide explanations to assist understanding.
- Produce an annual list of key consultations to give Parish/Town councils advance notice.
- Review all feedback from consultations to improve their quality.

#### ***Parish/Town Councils will:***

- Take part in consultation exercises and respond within the given period.
- Notify the Borough if they cannot respond to a consultation within the given period.
- Work with the Borough to seek the views of residents and businesses on issues of common interest.
- Make available agendas and papers to Borough Ward councillors. Officers and Councillors of the Borough will be given an opportunity to speak at local Parish/Town Council meetings on matters of mutual interest.
- Make available copies of Parish/Town Council consultations and invite the Borough to respond.

### 4. SERVICE PROVISION AND MONITORING

#### ***Royal Borough of Windsor & Maidenhead Council will:***

- Provide detailed responses to requests for information from Parish/Town Councils within 10-working days.
- Provide comprehensive information to allow Parish/Town Councils to decide whether they wish to take or wish the Borough to provide functions/services on request.
- On request, provide service specifications against which monitoring can take place along with procedures for reporting service failures or any developing service delivery problems.
- Consult and respond to issues raised by Parish/Town Councils concerning new service delivery models or changes to existing ways of working.
- Allow access to Borough support services (e.g. printing, graphics, mapping, purchasing, training, surveys) at the same cost as they are offered to Borough.

***Parish/Town Councils will:***

- Make available to the Borough their meeting places for public, community or partnership meetings in which they have an interest.
- Consider whether they wish to take on or have the Borough provide any functions/services based on the information as detailed in the second bullet point above.
- Provide monitoring feedback on services provided by the Borough directly or through their partners/contractors.

**5. TRAINING**

***Royal Borough of Windsor & Maidenhead Council will:***

- Ensure new staff and councillor induction includes this Charter.
- Give Parish/Town Councils access to the Borough's relevant training courses.
- Offer briefings on central and local government policies and initiatives which have an impact on Parish/Town Councils, in conjunction with DALC.

***Parish/Town Councils will:***

- Ensure new staff and councillor induction includes this Charter.
- Encourage staff and members to attend relevant training courses and briefings.
- Offer Borough staff access to Parish/Town Councils to learn more about the roles and responsibilities.

**6. STATUS, IMPLEMENTATION, REVIEW AND IMPROVEMENT**

The status of this Charter is that of operational best practice, which sets out the reasonable expectations of the parties for a good working relationship. It is not a legally binding agreement but is a Code of Practice that should be adhered to by both parties.

Notwithstanding the above, all parties to this agreement shall endeavour to apply the principles contained herein by ensuring that all relevant Members and Staff are guided by this Charter's operational expectations.

The Charter shall be reviewed annually with amendments being formalised by the Charter Working Group and approved at the Parish/Borough Conference after due consultation between the parties to this Charter. (*Appendix 5*)

## APPENDIX 1 - PLANNING

### ***Royal Borough of Windsor & Maidenhead Council will:***

- Where the Parish Council has indicated in writing it wishes to be consulted, consult Parish/Town Councils on all planning applications within the relevant Parish area.
- Allow 28 days for the submission of representations by Parish/Town Councils.
- Notify Parish/Town Councils of any significant amendment to a planning application and allow a further period for representations to be made before a decision is taken on the amended plan where it is considered material by Officers. (Significant amendments are those considered by the case officer to materially affect the planning application to the extent re-consultation is required, but not to require a new application).
- Report the views of Parish/Town Councils in Officer Reports, either at the relevant Development Management Panel or applications considered at a delegated level, whichever is relevant in accordance with the Council's scheme of delegation.
- Notify Parish/Town Councils of all planning decisions within the relevant area.
- Notify Parish/Town Councils that applications on which representations have been made by them are coming to panel.
- Allow a Parish/Town Council representative to address the panel providing he/she has registered to speak in line with the process and the parish has made comments on the application.
- Provide confirmation of receipt of Planning Enforcement enquiries, indicative likely timescales for investigation, updates on progress when requested and information on final outcomes, acknowledging that Enforcement resources are limited and they will be allocated to higher priority cases first as set out in the Enforcement Policy.
- Provide periodic training courses for local Parish/Town Councillors and/or Parish/Town Clerks to aid an understanding of the planning process and the matters, which have a material bearing upon the determination of a planning application.

### ***Parish/Town Councils will:***

- Acknowledge that the Borough will not always agree with matters contained in Parish/Town Council planning representations and may come to a different conclusion on applications.
- Respond promptly to all planning applications received from the Borough.
- Comment on planning applications on planning grounds, and specify as fully as possible the planning reasons for an objection to, or support for, a particular application.
- Create a mechanism whereby the Parish/Town Councils can respond to any amended plans received from the Borough.
- Assist the Borough by reporting local breaches of Town and Country Planning Legislation.
- Attend meetings, briefings and training to gain a better understanding of the planning process.

## **APPENDIX 2 - INFORMATION TECHNOLOGY**

Greater usage of technology by the Borough and the parish/town council is guided by:

- Co-operation to provide joined up government for residents and businesses.
- Utilisation of digital/electronic methods of circulation to minimise delay and reduce paper wherever practicable.
- The acknowledgment that access to the Borough's internal intranet will not be available to Parish/Town Councils for reasons of confidentiality and data protection, however methods for greater information sharing will be explored.

## **APPENDIX 3 - FINANCIAL ARRANGEMENTS**

The financial arrangements between the Royal Borough of Windsor & Maidenhead Council and the Parish/Town Councils should be governed by the principles which are, in effect, among those underlying the concept of Best Value including fairness, simplicity, transparency and accountability.

### **Double Taxation**

Double taxation is where residents in certain local council areas are paying twice for various public services. It can happen because many local services are 'concurrent functions' - that is, they can be managed and delivered by either a Parish/Town Council or the Council. All Local Councillors have a legal duty to act in the best interests of their taxpayers. With an ever-greater emphasis on localism, the potential for double taxation may increase.

Therefore, the parties to this Charter agree to work together to investigate areas of double taxation with a view to agreeing a mechanism to address or eliminate them in the interests of fairness and accountability for all council tax payers.

Notwithstanding the above, it is acknowledged that Parish/Town Councils may use their precepting powers to enhance the standard of services which would otherwise be provided. Similarly, the Council may do so in non-parished areas utilising the 'Special Expenses' mechanism.

### **Parish Equalisation Grant**

It is acknowledged that the Council provides a compensating grant to Parish/Town Councils as part of its Council Tax Support Scheme. It is agreed that, in accordance with Central Government guidance, the parties will work collaboratively together if any changes to this support funding are to be considered.



## **APPENDIX 4 - DEMOCRATIC REPRESENTATION**

### **Dual Hatted Members**

It is recognised that 'Dual-Hatted Members' (i.e. a Councillor that is both a Member of the Borough and Parish/Town Councils) may encounter factors that impact upon their ability to fully represent their electors.

Such factors may include:

- Clarity for electors with regards to whether direct communication is with a Borough or Parish/Town Councillor.
- Perception of impartiality.
- Potential for restricted participation due to a required confidentiality from either Council.
- Potential for conflicts of interest between the Councils.

Therefore, notwithstanding the applicable electoral legislation, the parties to this agreement shall not actively encourage dual membership of Councils.

### **Engaging in Local Government**

Participation at elections has traditionally been comparatively low, whilst many factors may influence this, better communication may be beneficial. Therefore the parties to this agreement will work together to produce a plan to actively promote and encourage increased participation in Local Government.

### **Unparished Areas**

To assist with the expansion of democratic representation to areas currently unparished, Parish/Town Councils will assist the Council in promoting the creation of new Parishes within the Borough.

## **APPENDIX 5 - CHARTER IMPLEMENTATION, MONITORING AND REVIEW MECHANISM**

This Charter shall be deemed to be operative once signed by the relevant parties following adoption by formal resolution at each Council's respective meeting. Thereafter to be reconfirmed at the Annual Council meeting of the parties following each ordinary election (usually every four years). All parties to this agreement shall place a copy of the current Charter on its public website.

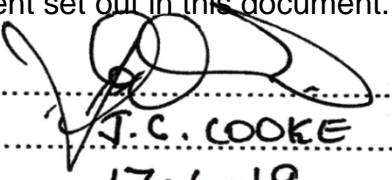




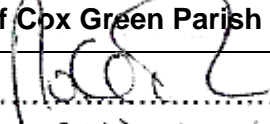
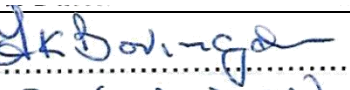
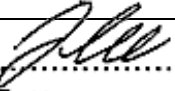
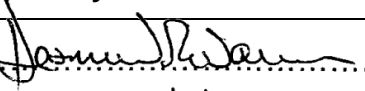
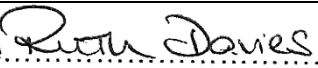
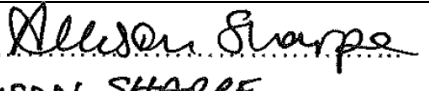
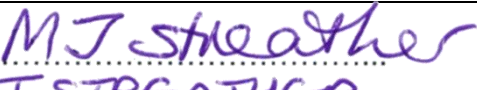
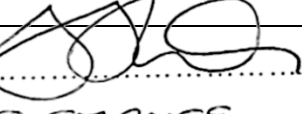
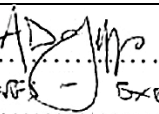
Monitoring and review of this Charter is an essential element of its effectiveness for all parties, therefore a Charter Working Group (CWG) shall be tasked with undertaking a periodic review. It is agreed that the following mechanism will be followed:

- The first meeting of the Parish Conference following the start of the municipal year shall agree the membership of the CWG (such membership to include, as a minimum, 1 x Parish/Town Councillor, 1 x Parish/Town Council Officer, 1 x Borough Councillor and 1 x Borough Council Officer)
- All parties to this agreement will be invited to submit comments regarding the operation of the Charter as well as suggested amendments/additions to the CWG by 31st August each year.
- The CWG will meet in September to consider all representations, reporting its findings and recommendations to the next meeting of the Parish Conference.

For clarity, the CWG is not expected to resolve specific disputes, its role is to assess the effectiveness of the Charter, its operation and relevance as well as considering improvements.

**APPENDIX 6 - SIGN OFF**

All parties represented below hereby agree to operate in line with the partnership arrangement set out in this document.

<p>Signature .....                  Print..... J.C. LOOKE .....                  Date..... 17.6.19 .....                  On behalf of Bisham Parish Council</p>	<p>Signature .....                  Print..... KEN ELVIN .....                  Date..... 25<sup>th</sup> february 2019 .....                  On behalf of Bray Parish Council</p>
<p>Signature .....                  Print..... GILLIAN GWYN - CLERK .....                  Date..... 13/5/2019 (ADOPTED 5/2/2019) .....                  On behalf of Cookham Parish Council</p>	<p>Signature .....                  Print..... Stephen Hedges .....                  Date..... 25<sup>th</sup> March 2019 .....                  On behalf of Cox Green Parish Council</p>
<p>Signature .....                  Print..... J. Stickland .....                  Date..... 11. 2. 19 .....                  On behalf of Datchet Parish Council</p>	<p>Signature .....                  Print..... M. LEWANDOWSKI .....                  Date..... 7/2/19 .....                  On behalf of Eton Town Council</p>
<p>Signature .....                  Print..... F. BOWLING .....                  Date..... 19-2-19 .....                  On behalf of Horton Parish Council</p>	<p>Signature..... Cynthia P. Pittey .....                  Print..... CYNTHIA P. PITTEWAY .....                  Date..... 15.10.2015 .....                  On behalf of Hurley Parish Council</p>
<p>Signature .....                  Print..... JOHN LEE .....                  Date..... 13<sup>TH</sup> FEBRUARY 2019 .....                  On behalf of Old Windsor Parish Council</p>	<p>Signature .....                  Print..... DESMOND WARREN .....                  Date..... 25-02-2019 .....                  On behalf of Shottesbrooke Parish Council</p>
<p>Signature .....                  Print..... RUTH DAVIES (MINUTE 7/19) .....                  Date..... 14<sup>TH</sup> MAY 2019 .....                  On behalf of Sunningdale Parish Council</p>	<p>Signature .....                  Print..... ALLISON SHARPE .....                  Date..... 12 february 2019 .....                  On behalf of Sunninghill &amp; Ascot Parish Council</p>
<p>Signature .....                  Print..... M.J. STREATHER .....                  Date..... 20/4/19 .....                  On behalf of Waltham St Lawrence Parish Council</p>	<p>Signature.....                  Print.....                  Date.....                  On behalf of White Waltham Parish Council</p>
<p>Signature .....                  Print..... J. CLEMANCE .....                  Date..... 18. Feb. 2019 .....                  On behalf of Wraysbury Parish Council</p>	<p>Signature .....                  Print..... Amy Jones - EXECUTIVE DIRECTOR .....                  Date..... 13/02/19 .....                  On behalf of The Royal Borough of Windsor &amp; Maidenhead</p>

## APPENDIX 7 - DOCUMENT CONTROL

Document Name	Royal Borough of Windsor & Maidenhead Charter with Parish & Town Councils		
Document Author	2018 Charter Working Group (CWG): Stephen Hedges, Cox Green Parish Council Chris Graham, Bray Parish Council Jane Dawson, Old Windsor Parish Council Anne-Catherine Buxton, Sunningdale Parish Council Ruth Davies, Sunningdale Parish Council Joanne Stickland, Datchet Parish Council Martin Coker, Cookham Parish Council Cllr Christine Bateson, Royal Borough of Windsor & Maidenhead Andy Jeffs, Royal Borough of Windsor & Maidenhead David Scott, Royal Borough of Windsor & Maidenhead		
Document owner	Charter Working Group		
Accessibility			
File location			
Destruction date			
How this document was created	Version 1	First draft Stephen Hedges	December 2017
	Version 2	First CWG review CWG	30 January 2018
	Version 3	Second CWG review CWG	12 June 2018
	Version 4	Final CWG review CWG	1 August 2018
	Version 5	Final draft for circulation and approval	18 October 2018
	Version 6	Live document	1 May 2019
Circulation restrictions	None		
Review date	31 August 2019		

Report Title:	<b>Proposed revisions to the Highways Maintenance Management Plan – 24 hour pothole response</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Johnson, Lead Member for Infrastructure, Transport Policy and Housing
Meeting and Date:	Cabinet – 30 May 2019
Responsible Officer(s):	Hilary Hall, Interim Director of Adult Services and Deputy Director Strategy & Commissioning
Wards affected:	All

## REPORT SUMMARY

1. Following the local elections, the administration is now intent upon delivering its key manifesto commitments of investing more than £50m in our highways and pavements over the next four years, fixing every reported pothole within 24 hours and introducing an inspection regime for every road every year. This report outlines how the pledge of potholes repairs is proposed to be implemented.
2. Within the current Highways Maintenance Management Plan, a carriageway pothole requiring a repair within two or 24 hours is defined as ‘a defect over 40mm on a high speed or strategic route (category 2 or 3(a))’. On a footway, an actionable defect is over 25mm and in a town centre or footways with high footfalls, these are also repaired within 24 hours.
3. It is proposed that the policy is changed to enable every carriageway pothole over 40mm or footway defect over 25mm to be repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. Retaining the existing definition of an actionable pothole, and at the same time extended the application to all categories of road, will enable the enhanced service to be delivered and still enable the council to defend any insurance claims.
4. This policy change will require a change to the contract with VolkerHighways to provide an additional gang with appropriate supervision at an additional annual cost of up to £450,000.

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATION:** That Cabinet notes the report and:

- i) **Approves a revision to the Highways Maintenance Management Plan to enable every carriageway pothole over 40mm, or footway defect over 25mm to be repaired within 24 working hours regardless of the category of road, at an additional annual cost of £450,000.**

## 2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Current policy

- 2.1 The Royal Borough has a statutory duty to manage and maintain the public highway network. To do this efficiently and effectively, a suite of asset management plans and policies have been adopted. These include:
- Highway Asset Management Strategy (HAMS) – high level strategy focused on carriageways and footways.
  - Highway Maintenance Management Plan (HMMP) – policies, standards and methods for maintaining all highway assets, based upon the Code of Practice and good practice guidelines published by the Department of Transport.
  - Highway Safety Inspection Manual (HSIM) – determines where inspections are needed and where interventions are required for all highway assets.
- 2.2 It is this suite of policies that are considered when Government provides funds for highways – in 2018-2019, this totalled £2,968,000 for the Royal Borough.
- 2.3 The Royal Borough is committed to inspecting all roads every year. Data on the roads is taken using vehicle mounted SCRIM and SCANNER surveys, SCRIM relating to skid resistance and SCANNER relating to condition such as profile, rutting and cracking. Surveys are completed annually on all the borough's A, B and C roads. In addition, all streets are subject to at least an annual visual site inspection - frequency is dependent on their category.
- 2.4 Currently, an actionable carriageway pothole is defined in the policy as '*a defect over 40mm on a high speed or strategic route (category 2 or 3(a))*'. These potholes are fixed within two or 24 hours. On a footway, an actionable defect is 'over 25mm' and in a town centre or footways with high footfall, these also are repaired within 24 hours.
- 2.5 The HMMP contains a Defect Assessment Risk Matrix, see Appendix A, which provides guidance to inspectors on the evaluation of particular defect types and locations. The matrix illustrates the types of defects and the policy timescales to respond, which is fundamental when defending claims. A carriageway pothole over the intervention level of 40mm in a high traffic road would be classed as an actionable pothole and would be repaired within 24 hours. An actionable defect that appears on a lesser trafficked road would not attract the same priority and so would be repaired within a longer timeframe.
- 2.6 For comparative purposes, other Berkshire and neighbouring authorities have adopted policies which include the following intervention levels triggering a response within 24 hours. The proposed revisions to the policy means the Royal Borough would be offering a better response.

**Table 1: Comparison with neighbouring authorities**

<b>Authority</b>	<b>Carriageway</b>	<b>Footway</b>
Reading	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm
Bracknell	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm

Authority	Carriageway	Footway
Slough	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway 20mm depth over an approx. area of 300mm by 300mm
West Berkshire	Carriageway 50mm depth over an approx. area of 300mm by 300mm	Footway depth 20mm depth over an approx. area of 300mm by 300mm
Buckinghamshire CC	No intervention level specified – risk based approach based on area inspector judgement	
Surrey CC	Carriageway 40mm depth (except cycleway and crossing points which are 25mm) over 150mm diameter within five days	Carriageway 20mm depth which are over 100mm diameter within five days.
Wokingham	No intervention level specified – risk based approach based on area inspector judgement	

### Performance Data

- 2.7 Key performance indicators in the VolkerHighways contract require a two hour or 24 hour response time for all actionable defects including potholes and 2018-2019 performance is set out in table 2 below

**Table 2: Performance 2018-2019**

Indicator	Target	Q1	Q2	Q3	Q4
Percentage of 24 hour orders that were responded to on time within the reporting period	98%	100%	92.9%	90%	100%
Percentage of emergency two hour orders that were responded to on time within the reporting period	98%	100%	98.3%	100%	100%

- 2.8 Table 3 shows the number of pothole claims received in comparison with the number settled in the last four years. For context, analysis of insurance trend data for the last 10 years shows that the current policy is robust in protecting the Royal Borough against potentially high insurance pay-outs, of which the Royal Borough meets the cost up to the first £750,000 of any claim. The total estimated cost of settling all the pothole claims over this period is £715,000, whereas the actual cost of settled claims was £203,000, including a single (largest) claim of £90,000 relating to a severe injury arising from a pothole accident. Given that in 2018-2019 only 4% of claims were settled, any changes that are made to the policy need to take into account the ability to continue to defend claims which means that published performance levels must be met.

**Table 3: Pothole claims 2015-2019**

	2015-16	2016-17	2017-18	2018-19
Total number of pothole claims received	18	26	48	53
Number of settled claims	4	3	3	2
Percentage of settled claims	22%	12%	6%	4%
Cost of claims settled	£3,649.06	£1,430.51	£2,332.05	£696.19

- 2.9 Table 4 shows how many enquiries which were described as potholes were logged between January and March 2019. It also shows how many were classified according to the categories in the matrix at Appendix A and of those, how many were classified against policy as requiring a two or 24 hour repair.

**Table 4: Pothole reports, January to March 2019**

<b>Potholes</b>	<b>January 2019</b>	<b>February 2019</b>	<b>March 2019</b>
Number of enquiries reported as potholes on Confirm	133	148	159
Number of potholes classed as actionable and fixed within 24 hours (policy categories P1 and P2)	50	27	23
Number of potholes classed as actionable and fixed within seven days (policy category P3)	36	15	9
Number of potholes classed as actionable and fixed within 14 days (policy category P4)	1	2	0
Number of potholes classed as actionable and fixed within 25 days (policy category P5)	20	28	14
Number of potholes classed as actionable and fixed within three months (policy category P6)	0	0	0

**Customer satisfaction**

- 2.10 In parallel with technical factors, it is critical to understand customer perceptions and satisfaction to deliver a high quality service. In addition to the residents' survey, the Royal Borough has participated in the annual National Highways and Transport (NHT) Benchmarking Survey since 2013. 113 local authorities participate and detailed questions are asked of 3,300 Royal Borough residents, thereby allowing highway authorities to measure and compare service performance on a common and consistent basis and to learn from one another by sharing good and innovative practice.
- 2.11 A summary and comparative details of the Royal Borough's performance for 2017 is set out in table 5. This indicates that the Royal Borough performs very well compared to other local authorities, ranking 8th out of 113 authorities.

**Table 5: Customer satisfaction, National Highways and Transport Benchmarking survey**

	<b>% overall satisfaction to highway maintenance</b>	<b>Rank of a total of 113 Authorities</b>
Bracknell	61	3
<b>RBWM</b>	<b>57</b>	<b>8</b>
Wokingham	55	33
West Berkshire	55	34
Reading	53	54
Surrey CC	52	68
Buckinghamshire CC	49	104
Slough	No information available	No information available.



2.12 By making a commitment to fix potholes in 24 hours, it is very important that this is clearly defined and delivered, otherwise unmet customer expectations will reduce satisfaction.

#### **Current additional approaches**

2.12 Since August 2018, the Royal Borough, through VolkerHighways, has employed an additional gang to pilot a 'Find and Fix' scheme. This was to explore the viability of improving responsiveness and quality, by providing dedicated resources to deliver an enhanced service within high profile areas e.g. town centres.

2.13 The aim was not to deal with emergency defects but to improve the aesthetic appearance of high profile areas and reduce the 'lead in' time for works in these areas to be completed. This approach has proved extremely successful and allowed the Royal Borough to accelerate works in these areas without detrimentally affecting the timescales in fixing hazards or other routine works.

2.14 Another approach has been to focus on a geographic area, whereby dedicated funding is approved for a specific area, for example, Dedworth. This has enabled a targeted approach to repair defects and deliver aesthetic improvements over and above policy interventions which has again proved very successful.

#### **Future delivery and mobilisation**

2.15 It is critical to manage expectations and understand the intention and extent of any revision to the policy. The new standard must be clearly defined for the residents, the council and its contractors.

2.16 It is, therefore, proposed to revise the policy to define a carriageway pothole over 40mm and footway defect over 25mm being repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. The implications of this policy revision for the contract are:

- The requirement for an additional gang to deal with the increased workload, including appropriate supervision and additional call centre capacity.
- An additional annual cost of up to £450,000 which will be subject to contract pricing uplifts in the future.
- A commitment to keep the intervention levels and response times consistent in order to continue to successfully defend claims. It will impact claims if parameters are changed frequently.
- The requirement for a contract variation with the term contractor.

2.17 It is equally important to ensure the quality of any repair. Where it is considered, in the professional view of the inspectors, that the road requires resurfacing due to the nature of the defect(s) rather than simply repairing the pothole, this will take priority over timeliness. The resurfacing works will then form part of the highways capital programme.

2.18 In order to enable VolkerHighways to secure the required resource, it is proposed that the revised policy is implemented with effect from 1 September 2019. This will allow time for recruitment and training and for the accompanying communications and changes to the system to be implemented.

## Options

**Table 6: Options arising from this report**

Option	Comments
To revise the Highways Maintenance Management Plan to define a carriageway pothole over 40mm and a footway defect over 25mm being repaired within 24 working hours (excluding weekends and Bank Holidays), regardless of the category of road. <b>This is the recommended option</b>	This revision will enable the commitment to be met and an enhanced service delivered to residents, whilst at the same time protecting the council in terms of future insurance claims.
Make no revisions to the policy and retain the existing approach to actionable carriageway pothole repairs restricted to high speed or strategic routes (category 2 or 3(a))	This does meet the commitment.

### 3. KEY IMPLICATIONS

3.1 The key implications are set out in table 7.

**Table 7: Key implications**

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Percentage of actionable potholes fixed within 24 working hours of the reported time (excluding weekends and Bank Holidays).	Below 100%	100%	N/A		1 September 2019

### 4. FINANCIAL DETAILS / VALUE MONEY

#### Financial impact on the budget

4.1 The financial implications are set out in table 8 and the revisions to the policy will require additional annual revenue funding of up to £450,000. This funding will form a contract variation with the term contractor and will be subject to contract pricing uplifts in the future.

**Table 8: Financial impact of report's recommendations**

<b>REVENUE COSTS</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Additional total	£450,000	£450,000	£450,000
Reduction	£0	£0	£0
Net Impact	£450,000	£450,000	£450,000

**5. LEGAL IMPLICATIONS**

5.1 The council has a duty under the Highways Act 1980 to maintain the roads in good order. This duty covers all roads which the council is obliged to maintain, including public rights of way.

**6. RISK MANAGEMENT**

**Table 9: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Funding is insufficient to deliver the initiative	Medium	Budget estimates prepared; contractor rates confirmed; fixed prices secured where possible and robust financial governance in place.	Low
24 hour commitment cannot be achieved and customer satisfaction declines	Medium	Resources levels are identified and secured with contingency in place.	Low

**7 POTENTIAL IMPACTS**

7.1 None.

**8. CONSULTATION**

8.1 Consultation on the proposed revisions to the policy has taken place with VolkerHighways.

**9. TIMETABLE FOR IMPLEMENTATION**

9.1 Implementation date if not called in: Immediately'. The full implementation stages are set out in table 10.

**Table 10: Implementation timetable**

<b>Date</b>	<b>Details</b>
-------------	----------------

Date	Details
June to August 2019	Mobilisation including recruitment of additional gang, supervision and call centre capacity.
July to August 2019	Development and launch of communications campaign
	Amendments to system to accommodate policy revision.
1 September 2019	Launch of enhanced service

## 10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Defects assessment matrix from the Royal Borough’s Highways Maintenance Management plan.

## 11. BACKGROUND INFORMATION

11.1 This report is supported by one background document:

- [Highways Asset Management Plan](#)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Johnson	Lead Member for Infrastructure, Transport Policy and Housing	13/05/19	14/05/19
		19/05/19	20/05/19
Duncan Sharkey	Managing Director	13/05/19	14/05/19
Russell O’Keefe	Executive Director	19/05/19	
Andy Jeffs	Executive Director	19/05/19	20/05/19
Rob Stubbs	Section 151 Officer	19/05/19	
Elaine Browne	Interim Head of Law and Governance	19/05/19	
Nikki Craig	Head of HR and Corporate Projects	19/05/19	
Louisa Dean	Communications	19/05/19	20/05/19
Kevin McDaniel	Director of Children’s Services	19/05/19	
Hilary Hall	Deputy Director Strategy and Commissioning	13/05/19	14/05/19
		19/05/19	20/05/19

## REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision: 25 April 2019	No	No
Report Author: Ben Smith, Head of Commissioning – Communities, 01628 796147		

# Appendix A

## Risk Response matrix

Potholes and general surface defects						Verge erosion	Depressions	Manholes, stopcocks covers. Gullies
Recognised pedestrian areas, footways and marked cycle lanes.			Carriageway					
Risk of interaction with pedestrians (f/way)	>= 25mm	< 25mm Likelihood of worsening in short term e.g. advanced local crazing likely to pothole.	Risk of interaction with vehicle (c/way)	>= 40mm	<40 mm Likelihood of worsening in short term. Advanced local crazing likely to pothole.	Road edge breaking away so as to be potentially actionable.  >100 mm depth adjacent to f/way edge  >150 mm depth adjacent to c/way edge	Sunken bowl type defect with no defined edge determined on a case by case basis.  Investigatory levels are  >50mm depth and <300mm in width.	If not RBWM, these are referred to the utility companies with P1 and P3 made safe in the meantime.
Extreme. In a town centre or a main footfall area Cat 1a	<b>P2</b>	<b>P4</b> Inspector discretion for repairs where there is evidence of short term deterioration	Extreme. In line with vehicle path of very high traffic flow. Cat 2	<b>P2</b>	<b>P4</b> Inspector discretion for repairs where there is evidence of short term deterioration.	<b>P3</b> Inspector discretion for repairs where there is evidence of short term deterioration	<b>P4</b>	<b>P1</b> Cover missing/dislodged
Major. Adjacent to main areas of footfall in vulnerable areas. Cats 1 & 2	<b>P2</b>		Major. Adjacent to vehicle path in area of very high traffic flow. Cat 3(a)	<b>P2</b>				<b>P2</b> broken cover
Moderate. Most other footway areas. Cat 3	<b>P4</b>	<b>P5</b> Inspector discretion for repairs...	Moderate. Most other carriageway areas. Cat 3(b) and 4(a)	<b>P3</b>	<b>P5</b> Inspector discretion for repairs...	<b>P4</b>	<b>P5</b>	<b>P4</b> loose or uneven covers
Minor. Negligible risk of interaction, particularly obscure or unused locations. Cat 4	<b>P5</b>	<b>P6</b> Inspector discretion for repairs...	Minor. Negligible risk of interaction, particularly obscure or unused locations. Cat 4(b)	<b>P4</b>	<b>P6</b> Inspector discretion for repairs...	<b>P5</b>	<b>P6</b>	<b>P5</b> cracked or noisy covers not providing an immediate danger

**Risk score matrix**

Risk score	Low	Low/Medium	Medium	Medium/High	High	Extreme
Defect category	2	2	2	2	1	1
Response category	P6	P5	P4	P3	P2	P1
Priority response	Within 3 months.	Works to be repaired within 28 calendar days	Up to 14 calendar days	Up to 7 calendar days	24 hours. Make safe or repair.	3 hours. Make safe or repair.

Report Title:	<b>Traveller Local Plan - Issues &amp; Options</b>
Contains Confidential or Exempt Information?	No
Member reporting:	Councillor Coppinger, Lead Member Planning and Health (including Sustainability)
Meeting and Date:	Cabinet - 13 December 2018
Responsible Officer(s):	Andy Jeffs, Executive Director Communities, Jenifer Jackson, Head of Planning
Wards affected:	All

## 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 Cabinet notes the report and:

- (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 and Health, 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**

Option	Comments
Not publish the Issues and Options paper or the evidence studies.	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.



Option	Comments
This is not the recommended option.	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.
Delay publication of the Issues and Options Paper until mid-2019. This is not the recommended option.	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.
Publish the Issues and Options paper in January 2019 and necessary evidence documents. <b>This is the recommended option.</b>	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.

### 3 KEY IMPLICATIONS.

**Table 2: Key implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
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. It is proposed that the document will be considered by Planning and Housing Overview and Scrutiny Panel on 4<sup>th</sup> December 2018, and any comments 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**

Date	Details
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

- Traveller Site Assessment Methodology
- Traveller Local Plan Issues and Options paper

## 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)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning and Health	15.11.18	15.11.18

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Russell O'Keefe	Acting Managing Director	15.11.18	15.11.18
Rob Stubbs	Section 151 Officer	15.11.18	
Elaine Browne	Interim Head of Law and Governance	15.11.18	27.11.18
Nikki Craig	Head of HR and Corporate Projects		
Louisa Dean	Communications	15.11.18	
Andy Jeffs	Executive Director	15.11.18	15.11.18
Kevin McDaniel	Director of Children's Services	15.11.18	27.11.18
Angela Morris	Director of Adult Social Services		
Hilary Hall	Deputy Director of Commissioning and Strategy	15.11.18	

### **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		



# Proposed Traveller Site Assessment Methodology

**DRAFT**

**November 2018**



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# 1 Introduction

- 1.1 This document sets out the proposed methodology for assessing site options identified for consideration in the forthcoming Royal Borough of Windsor and Maidenhead Traveller Land Availability Assessment (TLAA). The TLAA will form a key part of the evidence base for the Traveller Local Plan (TLP).

## What do we mean by Travellers?

- 1.2 This term covers a number of different groups, including English Gypsies, Irish and Scottish Travellers, Roma, 'New Age' Travellers, Travelling Showpeople and boat-dwellers.
- 1.3 For the purposes of the Traveller Local Plan, any references to 'Travellers' encompasses these three groups:
- Gypsies and Travellers
  - Travelling Showpeople
  - Boat dwellers.

## What is the Traveller Local Plan?

- 1.4 The Traveller Local Plan (TLP) will set out how the Royal Borough will meet the accommodation needs of the Traveller communities. The TLP is likely to include the allocation of new sites for these communities, but in order to allocate sites for future provision, the Council must first agree how potential sites will be identified and assessed.

## What is the Traveller Land Availability Assessment?

- 1.5 The Traveller Land Availability Assessment (TLAA) will identify land that could potentially be used for Traveller accommodation and assess them to see if they are suitable, available and achievable. It will include existing Traveller sites that may be considered to be suitable for expansion or becoming authorised, as well as potential new sites. **However, it will not allocate sites or grant planning permission.**

## What is the Traveller Site Assessment Methodology?

- 1.6 It will be important to ensure that any new Traveller pitches are in a suitable and sustainable location and comply with national and local planning guidance. As part of the process of selecting sites for allocation in the Traveller Local Plan, we need to decide how we will assess possible sites. This document sets out a proposed methodology for assessing sites, using a criteria based approach based on the established Berkshire methodology for assessing housing and economic land for allocating in local plans.

## 2 Policy Context

### National context

- 2.1 Gypsies and Travellers have been present in England for more than 600 years and Travelling Showpeople date back to the Middle Ages. Boat dwellers first began to live on boats in the 1790s.
- 2.2 The policy context for Housing and Economic Land Availability Assessments (HELAAAs) is set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 2.3 Paragraph 67 of the NPPF (2018) states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.
- 2.4 The PPG provides detailed guidance on how local planning authorities should undertake housing and economic land availability assessments.
- 2.5 National planning policy for Gypsies and Travellers and Travelling Showpeople is primarily set out in 'Planning Policy for Traveller Sites' (PPTS), which was last updated in 2015.
- 2.6 It will be important to ensure that any new Traveller pitches are in a sustainable location and comply with national planning policy. The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community. The PPTS encourages local authorities to set their own targets for Gypsies and Travellers and Travelling Showpeople in order to address the likely accommodation needs of these groups in their area. The PPTS definitions of 'Gypsy and Traveller' and 'Travelling Showperson' now exclude those that have stopped travelling on a permanent basis.
- 2.7 The PPTS provides some guidance on where sites should and should not be allocated. For example, it states that local plan policies for Travellers should
  - ensure that children can attend school on a regular basis,
  - promote access to health services,
  - not allocate sites in areas at high risk of flooding, including functional floodplains,
  - provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of Travellers, and
  - ensure the scale of sites does not dominate the nearest settled community.
- 2.8 With regard to Green Belt, the PPTS states that  
"Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the plan-making process and not in response to a planning application. If



land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.”

- 2.9 The Traveller Land Availability Assessment and the Traveller Local Plan will need to take national policy in account.

## Regional Context

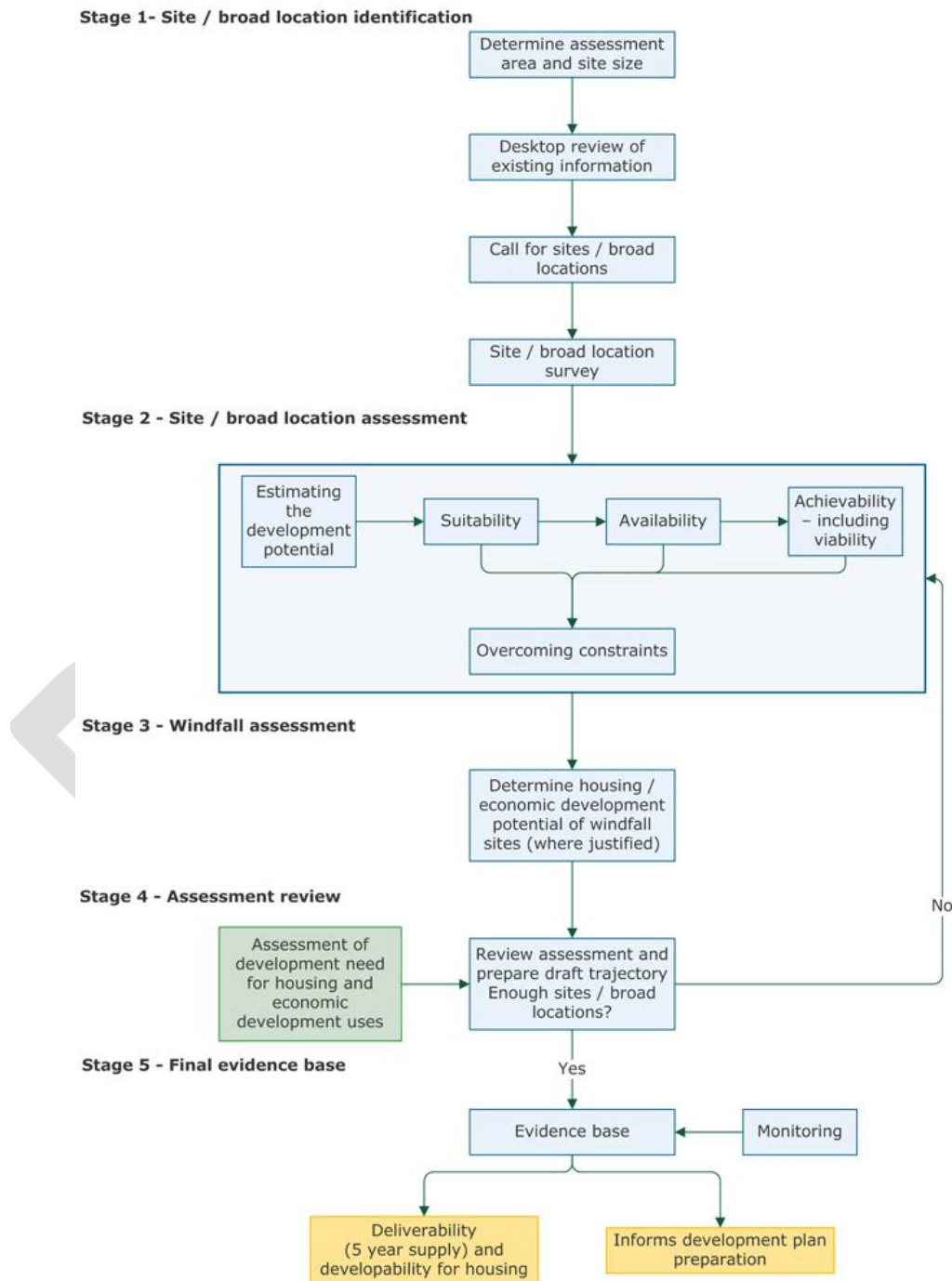
- 2.10 Although the South East Plan was revoked in 2013, one relevant policy (NMR6) relating to development close to the Thames Basin Heaths Special Protection Area (SPA), was retained. This policy states that new residential development which is likely to have a significant effect on the SPA will be required to demonstrate measures to avoid or mitigate potential adverse effects. Much of the southern part of the Borough is affected by the SPA, including most of Ascot.

## Local Context

- 2.11 Travellers have been present in the Royal Borough of Windsor and Maidenhead for centuries. More information on the history of Travellers nationally and locally is provided in the Issues and Options paper.
- 2.12 There are no ‘saved’ policies in the current adopted Royal Borough of Maidenhead and Windsor Local Plan (1999) that relate specifically to Gypsies and Travellers, although a number of policies are relevant.
- 2.13 The emerging Borough Local Plan 2013-2033 Submission Version (BLPSV) was submitted for independent examination in January 2018. It includes a policy (HO4 - Gypsies and Travellers) to guide development management decisions on applications for Gypsy and Traveller and Travelling Showpeople. The policy will also be used to help guide the allocation of sites in the Traveller Local Plan. The version of the policy in the BLPSV can be found in Appendix 1. As the Borough Local Plan is currently being examined, the policy in the final adopted plan may be different to this.
- 2.14 In 2017, the Council commissioned consultants arc<sup>4</sup> to undertake a Gypsy and Traveller Accommodation Assessment (GTAA). This study, which was published in June 2018, concluded that using the definition of Gypsies and Travellers set out in the PPTS, that there is a need for 26 pitches in the period 2017/18 to 2032/33, of which 20 are required in the five year period 2017/18 to 2021/22. However, when the likely turnover of pitches on local authority sites during the plan period is taken into account, this results in a reduced residual need for 21 pitches over the plan period. There is also a need for 14 plots for Travelling Showpeople over the next five years, again under the PPTS definition. The GTAA found ‘no credible evidence of unsatisfied need’ for residential moorings for boat dwellers, although it is possible that much of the actual need is undetected.

# 3 Proposed methodology for assessing traveller site options

3.1 In November 2016, five Berkshire Borough Councils (Reading, RBWM, Slough, West Berkshire and Wokingham) agreed a common methodology for undertaking Housing and Economic Land Availability Assessments (HELAA). The agreed HELAA methodology is based on the standard five stage methodology set out in the Government’s Planning Practice Guidance<sup>1</sup>.



<sup>1</sup> HELAA Methodology – flowchart (PPG, Paragraph: 006 Reference ID: 3-006-20140306

- 3.2 A draft methodology for the Berkshire HELAA was subject to consultation in 2016 and 17 responses were received. Some amendments were made to the methodology as a result.
- 3.3 It is proposed that potential Traveller site options are assessed using a criteria based approach, based on the Berkshire HELAA methodology. However, the needs for Traveller sites are invariably different to those of the settled community and so this methodology has been adapted, as follows:
- 3.4 **Stage 1** is the identification of sites and broad locations. The following sources will be drawn upon:
- Existing known authorised and unauthorised Traveller sites, taken from the GTAA.
  - Sites where there has been a recent planning application for Traveller use, including those that were unsuccessful in gaining planning permission.
  - Sites put forward through 'call for sites' exercises. There have been a number of general call for sites exercise carried out in the Borough in connection with the emerging Borough Local Plan, most recently in July 2017. A specific Traveller call for sites for the TLAA was undertaken in July and August 2018. This was advertised by contacting key stakeholders, including known Traveller contacts, major landowners, public sector organisations, adjoining local authorities and town and parish councils. The call for sites was also publicised through the Estates Gazette, local papers and libraries, and on the Council's website.
  - Sites in the Council's ownership.
- 3.5 The Council will not consider any sites not identified through the above sources, for example non-promoted land around towns and villages, or sites promoted for other uses. It is important that the assessment exercise is based on land that is available and deliverable and is also kept manageable.
- 3.6 The Berkshire HELAA methodology uses a minimum size threshold of 5 dwellings or 0.25 ha (housing development) and 500 sq.m. floorspace (economic uses). It is more problematic to arrive at an appropriate minimum size for a Traveller site. The PPTS does not provide any guidance and the now withdrawn 'Designing Gypsy and Traveller Sites Good Practice Guide' (DCLG, 2008) also declines to offer any suggestions on a minimum area, instead stating that
- "There is no one ideal size of site or number of pitches although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. However, smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family."
- 3.7 The guidance adds that a pitch should be able to accommodate "two touring caravans, two parking spaces and private amenities." In accordance with the 2008 guidance, it is suggested that 0.2 ha be used as a minimum size threshold for the TLAA as this can accommodate about 4 pitches. The same size threshold would be used for other types of site, such as for Travelling Showpeople and boat dwellers. Any sites below this size threshold would not be considered for assessment.

3.8 **Stage 2** is the assessment of the sites. This will involve estimating the development potential of the identified sites, as well as their suitability, availability and achievability, including whether constraints can be overcome.

3.9 It is proposed that stage 2 is divided into two parts:

- Stage 2a would comprise an initial desktop filtering exercise using GIS data to sieve out those sites that are subject to fundamental 'showstopper' constraints.
- Stage 2b would be to undertake a more detailed assessment of the remaining sites against a wide range of environmental, economic and social criteria.

### Stage 2a – Initial assessment

3.10 It is proposed that the following factors would be used at stage 2a to exclude 'showstopper' sites:

Stage 2a criteria	Reason
<b>Site is completely within Flood Zone 3 (high probability of flooding) or in Zone 3b (functional floodplain)</b>	Caravans and mobile homes are a highly vulnerable use and should not be permitted in Zone 3 <sup>2</sup> .
<b>Site is completely within a Special Protection Area.</b>	Legislation and the NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on the integrity of a European site.
<b>Site is completely within 400m of the Thames Basin Heaths Special protection Area</b>	Natural England advises that the recreational impacts of residential development cannot be mitigated within 400m of the designation.
<b>Sites within a Ramsar site</b>	The NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on a Ramsar site.
<b>Sites within a Site of Special Scientific Interest</b>	Legislation and the NPPF advises that planning permission should not normally be granted for development that is likely to have an adverse effect on an SSSI.
<b>Sites wholly within or containing ancient woodland</b>	The NPPF advises that planning permission should not normally be granted for development that is likely to result in the loss of or deterioration of ancient woodland.
<b>Sites within notified safety zones</b>	Development within certain safety zones may be considered unsuitable due to safety concerns, e.g. airport safety zones.

### Stage 2b – More detailed qualitative assessment

3.11 The next stage of the assessment (Stage 2b) would be to assess remaining sites against a wide range of environmental, economic and social criteria in order to assess their suitability and sustainability, also using GIS data. It is proposed that the following factors are taken into account at this stage:

<sup>2</sup> Planning Practice Guidance on Flood Risk and coastal change (Para: 067 Reference ID: 7-067-20140306).

Stage 2b criteria
Whether site is within Metropolitan Green Belt
Whether site is affected by any landscape designations.
Whether site is affected by nature conservation designations.
Whether use would have impact on heritage assets
Whether site can be safely accessed by pedestrians and vehicles to and from highway
Whether site is relatively level
Whether there would be an impact on green infrastructure / open spaces
Whether site has access to services, including health, schools, shops and public transport
Whether site comprises best and most versatile agricultural land
Whether site is safeguarded in a plan for another use (e.g. minerals and waste or employment use)
Whether site has (on could have) adequate on-site utilities
Whether site could provide suitable level of amenity for occupiers and nearest settled community

### Sustainability Appraisal

3.12 The Traveller Local Plan will be subject to sustainability appraisal (SA). SA is a systematic process that must be carried out by Local Planning Authorities during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The appointed consultants (Lepus Consulting) produced a Draft Sustainability Appraisal (SA/SEA) Scoping Report which was subject to consultation with Historic England, Natural England and the Environment Agency before being finalised. This contains an SA framework so that they can appraise 'reasonable alternative' site options using GIS data. Therefore, the Council will need to ensure that the TLAA and SA processes are complementary, as there will be clear synergies between them.

### Green Belt

3.13 Traveller sites in the Green Belt are 'inappropriate development'. The PPTS states that "If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the plan making process, and not in response to a planning application", with land allocated as a Traveller site only. About 83% of the Borough's area is Green Belt, and this designation covers almost all of the land outside of towns and villages. Therefore, it is proposed that Green Belt is not included as a stage 2a 'showstopper' constraint, as this would mean that almost (if not all) of the existing and any future nominated sites would be immediately rejected.

### Accessibility to services

- 3.14 With regard to accessibility to services, it will be necessary to consider a suitable distance within which sites will be reasonably accessible, including to health services and schools. Policy HO4 in the emerging Borough Local Plan requires Traveller sites to be suitably connected by sustainable modes of transport to a settlement with health care, retail and school facilities with capacity.

### Assessment of the availability and achievability

- 3.15 Stage 2b will also include an assessment of the availability and achievability of the potential Traveller sites.

### **Assessing availability for Traveller use**

- 3.16 The Planning Practice Guidance for HELAAs advises that a site is considered available for development when, on the basis of the best information available, there is confidence that there are no legal or ownership problems. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome.
- 3.17 Sites nominated through a call for sites submission, including by any landowner / agent / developer or the planning authority, will need to be checked, especially where a site is in multiple ownership. Sites currently in Traveller use or with a current planning permission will be assumed to be available.

### **Assessing achievability for Traveller use**

- 3.18 The PPG states that a site is considered to be achievable where there is a reasonable prospect that a site will be developed at a particular point in time. This is essentially a judgment about the economic viability of a site. An 'achievability' assessment will be carried out at the point when a site is first found 'suitable' and 'available'. The Council will determine whether a site is 'achievable' by contacting developers and having regard to viability information such as market, cost and delivery factors. For example, there may be a need to install mains water, electricity, drainage and sanitation or to remediate contaminated land. There is also evidence that the Travelling communities are subject to high levels of poverty and so are unlikely to be able to compete on the open market for sites.
- 3.19 The assessment of suitability, availability and achievability will then be used to reach a judgement of whether sites can be considered to be deliverable over the plan period. The PPTS requires local planning authorities to maintain a five year supply of specific deliverable Gypsy and Traveller and Travelling Showpeople sites against locally set targets. It adds that authorities should also identify a supply of specific, deliverable sites or broad locations for years 6 to 10 and (where possible) for years 11-15. Therefore all sites that are considered to be suitable, available and achievable will then be classified as being deliverable (years 1-5), developable (6-10, 11-15) or not developable. To be considered deliverable, sites should be immediately available, offer a suitable location for development now and be found to be

achievable with a realistic and viable prospect for development that can be delivered within five years. To be considered developable, sites should be in a suitable location for Traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

- 3.20 **Stage 3** in the Berkshire (and NPPG) HELAA methodology is a windfall assessment. Windfall sites are sites not specifically identified in the development plan<sup>3</sup>. The Council can make an allowance for windfalls if there is compelling evidence that such sites have consistently become available in the local area and will continue to do so. All Traveller sites in the Royal Borough have been windfall sites, as we have not previously allocated land for Traveller accommodation or published a Traveller LAA. However, as we are now proposing to allocate additional sites, the amount of windfall sites coming forward may start to decrease, although they are still likely to come forward if insufficient sites can be allocated.
- 3.21 **Stage 4** is to review the assessment and to see if there are enough suitable and deliverable sites to meet the objectively assessed need. If there are not enough sites, then Stages 1 to 3 will be revisited to see if anything can be done to alter the outcome of the assessment. For example, it might be possible to change some of the assumptions used on the capacity of sites or by looking for additional sites to assess. This could include reviewing the previous criteria for exclusion, including those relating to the distances to services.
- 3.22 If there is clear evidence that the needs cannot be met locally, the Council will consider whether adjoining areas can help meet some of the need, in accordance with the duty to cooperate.
- 3.23 **Stage 5** is the final evidence base, including the Traveller LAA.
- 3.24 The TLAA will present a list of all of the known Traveller sites in the Borough and newly identified and promoted sites. It will include a set of proformas that provide a detailed assessment of each site, informed by sustainability appraisal. It is anticipated that this will include
- Its address and size
  - a description of the site and its current use,
  - potential future use,
  - a summary of its planning history,
  - key constraints,
  - access to the site,
  - accessibility to key services such as shops, schools and doctors surgeries
  - Its suitability, availability and achievability.
- 3.25 The PPTS requires local authorities to identify and update annually a supply of specific deliverable sites for five years' worth of Gypsy and Traveller and Travelling Showpeople sites against a locally set target and to identify a supply of or broad locations for years 6 to 10 and, where possible for years 11-15. The Traveller LAA will therefore also include tables showing when new pitches are expected to be delivered, grouped in five year periods.

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<sup>3</sup> NPPF 2018, Annex 2.

## 4 Next Steps

- 4.1 This document presents a proposed methodology for assessing sites, based on Government guidance. The Council is seeking views on the draft methodology as part of the Traveller Local Plan Issues and Options consultation. Further details on how to comment on the Issues and Options paper can be found on the Council's website ([www3.rbwm.gov.uk/travellerlocalplan](http://www3.rbwm.gov.uk/travellerlocalplan)).
- 4.2 It is expected that the first TLAA will be published alongside the Draft Traveller Local Plan in Autumn 2019.

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## 5 Appendix

### Appendix 5.1 – Policy HO4 in the Submission Version of the Borough Local Plan 2013-20330

#### POLICY HO 4

##### Gypsies and Travellers

1. The need for Gypsy and Traveller Accommodation will be addressed through the proposed Gypsy and Traveller Local Plan.<sup>(11)</sup> The current Gypsy and Traveller Accommodation Assessment will identify need for transit and permanent pitches to meet needs in the area. Meanwhile applications for planning permission will be considered positively in the light of national planning policy and the criteria listed below.
2. Planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will be granted providing all of the following criteria are met:
  - a. the site is suitably connected by sustainable modes of transport to a settlement with health care, retail, and school facilities with capacity
  - b. the impact of development including in combination with existing pitches would not harm the landscape, heritage assets, biodiversity or visual character and amenity of the area, in particular the Green Belt
  - c. the site can be safely accessed by pedestrians, vehicles and caravans to and from the highway
  - d. the site is not located in an area at high risk of flooding as defined by the Council's strategic flood risk assessment and shown on the Policies Map
  - e. adequate on-site utilities, including water resources and supply, waste disposal and treatment, are provided for the benefit of residents and also in order to avoid adverse impacts on the natural environment
3. In addition to the above, the following criterion applies to Travelling Showpeople accommodation only: 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.
4. Due to the nature of this housing need, there will be continuing cooperation with neighbouring local planning authorities to ensure that the appropriate demand is identified and provision made.

# Traveller Local Plan

## Issues and Options paper

Draft

November 2018



## Consultation Details

This document explores the issues and options relating to the provision of sites to meet the needs of the Traveller communities in the Borough.

The public and other stakeholders are now invited to submit comments on the content of this Issues and Options Paper and the accompanying Sustainability Appraisal / Strategic Environmental Assessment Report and Proposed Traveller Site Assessment Methodology.

### How can I respond to this consultation?

You can respond in several different ways:

- By completing the on-line response form
- By downloading the response form, completing it and returning it to by email to [planning.policy@rbwm.gov.uk](mailto:planning.policy@rbwm.gov.uk)
- By sending comments to us by email (using the above address)
- By sending comments to us by post to Planning Policy, The Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, Berkshire SL6 1RF.

More information can be found on the Council's website (<https://www3.rbwm.gov.uk/travellerlocalplan>).

**All comments must be received by 5pm on X February 2019.**

If you have any queries regarding this document please contact a member of the planning policy team at [planning.policy@rbwm.gov.uk](mailto:planning.policy@rbwm.gov.uk) or by telephone at **01628 796357**.

Further information on how your personal data will be used is given in the [privacy notice](#). Non personal data may be published on this website in due course.

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# 1 Introduction

## What do we mean by Travellers?

- 1.1 The term 'Travellers' is difficult to define as it does not constitute a single, homogenous group, but encompasses a range of people and groups with different histories, cultures and beliefs including: English Romany Gypsies, Irish and Scottish Travellers, European Roma, 'New Age' Travellers, Travelling Showpeople and boat dwellers.
- 1.2 For the purposes of this Local Plan, any references to 'Travellers' encompasses these three groups:
- Gypsies and Travellers
  - Travelling Showpeople
  - Boat dwellers
- 1.3 In 'Planning Policy for Traveller Sites' (PPTS, DCLG, 2015), the Government has defined 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."*
- 1.4 In determining whether persons are "Gypsies and Travellers", the PPTS states that consideration should be given to the following issues amongst other relevant matters:
- a) Whether they previously led a nomadic habit of life;
  - b) The reasons for ceasing their nomadic habit of life; and
  - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 1.5 Travelling Showpeople are defined in the PPTS as
- "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."*
- 1.6 There is no known Government definition of 'boat dwellers'. The British Waterways Act 1971 sets out a definition for the term 'Houseboat' with additional interpretation set out in the British Waterways Act 1995. However, a houseboat as defined by the legislation may not be lived on at all and so the terms 'boat dweller' or Bargee Travellers are often used instead to cover those people living on boats and travelling on waterways, or living on permanent moorings.
- 1.7 There are three main types of Traveller site:

- Permanent residential sites – these can be public, social rented sites or privately owned sites. Sites are normally made up of individual caravan pitches, with amenity blocks and essential services; Travelling Showpeople plots (also known as yards) which are normally mixed use and incorporate space for the storage and repair of equipment; or residential moorings for houseboats.
- Transit sites – these are permanent sites used to provide only temporary accommodation to their residents.
- Temporary stopping places – these are pieces of land in temporary use as authorised short-term stopping places.

## What is a Traveller Local Plan?

- 1.8 The Traveller Local Plan (TLP) is a type of Local Plan, a document which sets out local planning policies and identifies how land is used and what will be built where. The TLP will set out how the Royal Borough of Windsor and Maidenhead will meet the future accommodation needs of the Traveller communities. This is likely to include the allocation of new sites. It will also cover other related issues such as site design, type, tenure and mix.
- 1.9 The Traveller Local Plan will, once adopted, form part of the Development Plan, alongside the 1999 Local Plan (expected to be replaced by the emerging Borough Local Plan), the Maidenhead Town Centre Area Action Plan, Minerals and Waste Plans, “made” (adopted) neighbourhood plans and one retained policy from the South East Plan. The Traveller Local Plan will cover the whole of the Royal Borough of Windsor and Maidenhead.

## Why do we need one?

- 1.10 Travellers form part of the community within the Borough. However, these groups can face inequalities and experience some of the worst outcomes of any groups across a range of social indicators. Local authorities have a legal responsibility to assess and plan for the accommodation needs of Travellers.
- 1.11 Ensuring the provision of a sufficient supply of good quality pitches, plots and moorings for Travellers can help to address the inequalities that they experience. This can also help to reduce the number of unauthorised sites and encampments, which are a frequent source of tension between the travelling and settled communities.
- 1.12 Failure to allocate sufficient land to meet the identified needs would have a number of negative impacts, both for the settled population and for Traveller communities. It would make it harder to resist future speculative planning applications for the grant of temporary planning permission and to take effective enforcement action against unauthorised sites. It could also mean that more sites are permitted through the planning appeal process. These sites may not be in the most sustainable locations, meaning that the Traveller communities would not be able to access the services and support they need.

### How does this paper fit into the Traveller Local Plan work?

1.13 This Issues and Options paper is the first formal stage of the process of producing the Traveller Local Plan. The diagram below shows how the Issues and Options document fits into the whole plan-making process:

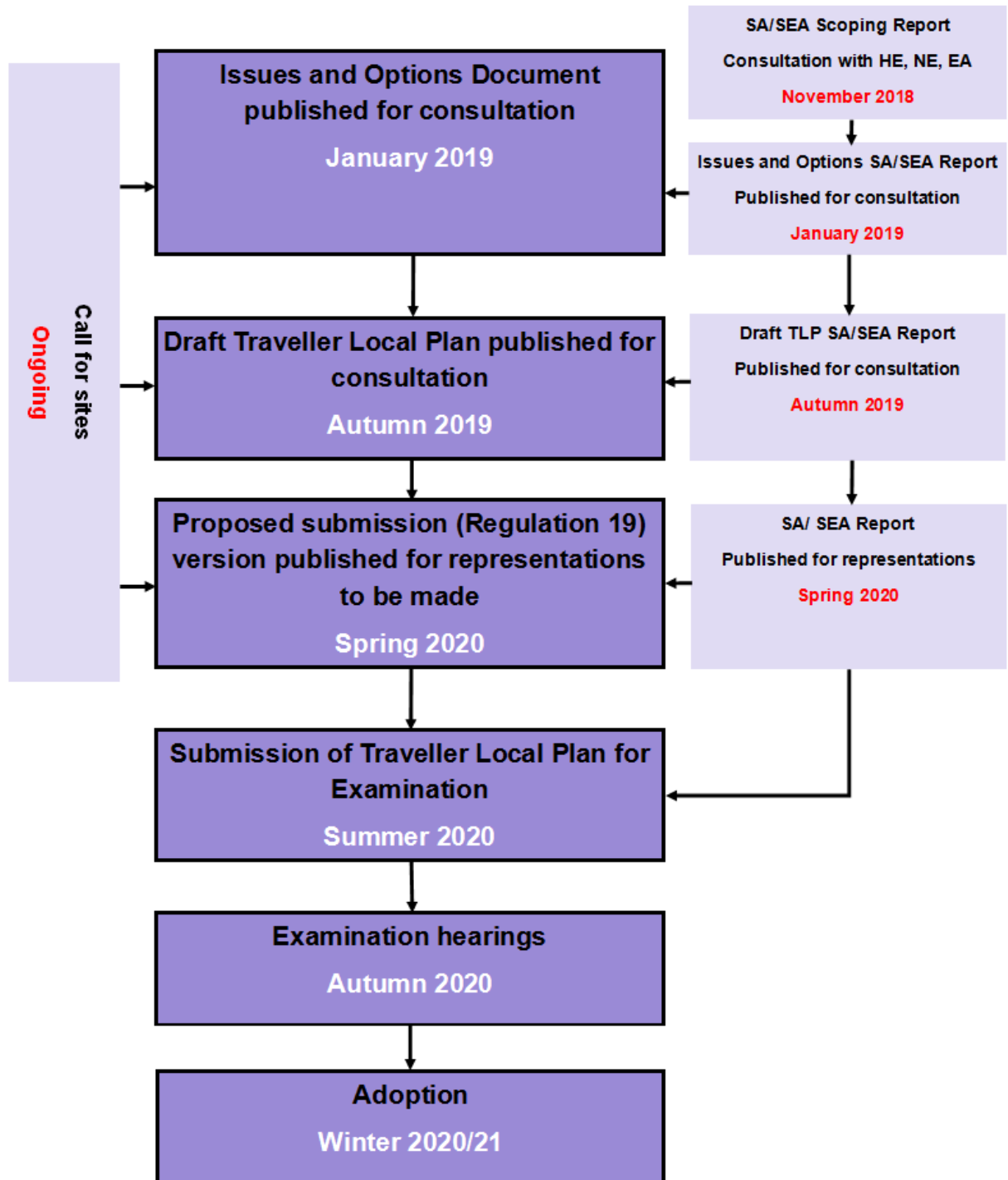


Figure 1 - Indicative Timetable for the Traveller Local Plan



- 1.14 The purpose of the current Issues and Options stage is to:
- Identify the issues the Council should address through the Traveller Local Plan;
  - Set out a series of potential options the Council could employ to address these issues, and
  - Obtain views from the community and stakeholders on the issues and options identified by the Council to see if there are any that the Council has missed.

### What have we done so far?

- 1.15 The Council will need to identify a supply of potential Traveller sites before it can begin the process of establishing which sites might be suitable for allocation in the Traveller Local Plan to meet the identified need.
- 1.16 The first step in this process was to identify the accommodation needs of Gypsies and Travellers, Travelling Showpeople and boat dwellers. A study called a Gypsy and Traveller Accommodation Assessment (GTAA) was published in June 2018.
- 1.17 The second step was to undertake a 'Call for sites' exercise. A specific Call for Traveller sites was undertaken by the Council in the summer of 2018 following the Housing and Employment Land Availability Assessment (HELAA) Call for sites in 2017 where landowners and site promoters were free to suggest land for Traveller sites. The Traveller Call for sites was widely publicised through direct communication with key stakeholders, including members of the Traveller community (and Traveller organisations), parish councils, neighbourhood plan groups, adjoining local authorities and public sector bodies. Public notices were placed in local newspapers and the Estate Gazette and information on how to respond was placed in libraries and on the Council's website. In all, 10 potential Traveller sites have been suggested to the Council. This process is ongoing (see figure 1).

### Working with local communities and statutory stakeholders

- 1.18 The Issues and Options document will be the principle vehicle that the Council will use to consult with local communities, statutory bodies and other stakeholders to understand their views, ideas and concerns in relation to the issues and options raised. The Council will draw upon this information when preparing the draft Traveller Local Plan.
- 1.19 There will be further public consultation at the draft Local Plan stage and again on the Proposed Submission version of the plan, although at that stage this is limited to inviting formal representations to be made on the 'soundness' of the plan for the inspector to consider at the examination.

### Format of the Issues and Options document and how to use it

- 1.20 After this initial introduction section, there is a context section that provides more information on the history of Travellers within the Royal Borough, the policy context

and evidence needed to support the plan. There is then a section on the vision and objectives for the plan. This is followed by separate sections covering Gypsies and Travellers, Travelling Showpeople and boat dwellers. These give more information on these distinct groups and sets out a series of potential options the Council could employ to address the issues identified for each group. Each Issues and Options section for the Traveller groups is followed by some questions.

- 1.21 We would like your views on whether we have correctly identified the issues and options. We would encourage you to use the questions to guide any response that you wish to make. However, if you feel that other issues should also be taken into account, please take this opportunity to make comments about these.
- 1.22 The Issues and Options Paper is supported by an evidence basis. The Council also welcomes comments and observations on this evidence base.

### How do I make comments?

- 1.23 There are several different ways in which you can make comments on the Issues and Options document. These include
- Completing the on-line response form
  - Completing a copy of the response form and returning it to by email to [planning.policy@rbwm.gov.uk](mailto:planning.policy@rbwm.gov.uk).
  - By sending comments to us by email (using the above address) or
  - By sending comments to us by post to Planning Policy, The Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, Berkshire SL6 1RF.
- 1.24 Please see the section at the start of this document entitled 'consultation details' for more details on how to respond. All comments must be received by 5pm on X February 2019.

### What happens next?

- 1.25 All comments received before the end of the consultation period will be carefully reviewed and considered. This information will be taken into account in the preparation of the Draft version of the Traveller Local Plan, which we expect to be published in the Autumn of 2019.

## 2 Context

### History of Travellers

- 2.1 It is believed that Europe's Gypsy and Roma populations originated from nomadic tribes in North West India in the ninth century. Irish Travellers are a distinct ethnic population who are known to have travelled between Ireland and Britain in the mid 1600's<sup>1</sup>. New Age Travellers are groups of people who often embrace New Age values and evolved in Britain in the 1980's.
- 2.2 Gypsies and Travellers have been present in England for more than 600 years<sup>2</sup>. Around 58,000 people identifying themselves as members of the Gypsy and Traveller community living in England and Wales<sup>3</sup>. English Gypsies and Irish Travellers are now recognised as ethnic minority groups under the Race Relations Act.
- 2.3 Travelling Showpeople have a separate traditional history dated back to when royal charters were granted for fairs in the Middle Ages and gatherings for trade in the Roman era. They are mainly self-employed business people whose distinct way of life is based around operating travelling fun fairs and circuses.
- 2.4 Boat dwellers first began to live on narrowboats during the success of the coal and mine industry in the 1790's. Consequently, travelling on Britain's waterways became a popular way of life. It is estimated there are around 10,000-15,000 boats in the UK that are the primary residence for their occupiers<sup>4</sup>. This alternative housing solution has become popular in the past decade due to the increasing property prices near London.

### Travellers in RBWM and the wider area today

- 2.5 Travellers have been present in the Royal Borough of Windsor and Maidenhead for centuries. For example, Royal Ascot week was used as a meeting place by Gypsies since it began in 1711<sup>5</sup> and historically Travellers centred around Datchet and towards Heathrow Airport. There is anecdotal evidence of a Traveller encampment historically located near to Windsor Castle where food and provisions were provided by the reigning monarch, Queen Victoria.
- 2.6 Today, Gypsies, travellers and Travelling Showpeople living in the Borough tend to use popular routes to various parts of the UK including the M3 and M4 corridor, visiting locations such as Essex, the Appleby Horse Fair in Cumbria and Wales.

<sup>1</sup> Being with our own kind: The contexts of Gypsy-Traveller Elders' Social and Leisure Engagement (Greenfields and Ryder, 2010).

<sup>2</sup> <http://www.gypsy-traveller.org/wp-content/uploads/2010/08/FFT-Factsheet-Historical-Law.pdf>

<sup>3</sup> Gypsies and Travellers Briefing Paper (House of Commons Library, 2018)

<sup>4</sup> Association of Inland Navigation Authorities (AINA)

<sup>5</sup> [http://news.bbc.co.uk/local/berkshire/hi/people\\_and\\_places/history/newsid\\_8743000/8743118.stm](http://news.bbc.co.uk/local/berkshire/hi/people_and_places/history/newsid_8743000/8743118.stm)

## Policy context

### National Planning Policy

- 2.7 National planning policies for Traveller sites are set out in 'Planning Policy for Traveller Sites' (PPTS), which was last updated in August 2015. The PPTS must be taken into consideration in preparing local plans and taking planning decisions.
- 2.8 The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community<sup>6</sup>. The PPTS seeks to ensure that local planning authorities make their own assessments of need and then work collaboratively with neighbouring local authorities to meet this need through the identification of land for sites in sustainable locations.
- 2.9 The PPTS states that local authorities should set pitch targets for Travellers to address the likely permanent and transit site accommodation needs in their area<sup>7</sup>.
- 2.10 Local authorities also need to:
- identify (and update annually) a supply of specific deliverable sites sufficient to provide five years' worth of sites against this target, and
  - identify a supply of specific, deliverable sites or broad locations for years six to ten, and, where possible, years 11-15<sup>8</sup>.
- 2.11 The PPTS provides some guidance on the factors to take into account in finding sites<sup>9</sup>. For example, local planning authorities should
- protect local amenity and environment,
  - relate the number of pitches to the circumstances of the site and the surrounding population,
  - promote access to health services and schools,
  - provide for consideration of the effect of local environmental quality on health and well-being,
  - avoid placing undue pressure on local infrastructure, and
  - avoid locating sites in areas at high risk of flooding.
- 2.12 With regard to the Green Belt, the PPTS states that Traveller sites are 'inappropriate development' for which very special circumstances need to be demonstrated<sup>10</sup>. It adds that if a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in

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<sup>6</sup> PPTS, paragraph 3.

<sup>7</sup> PPTS, Paragraph 9.

<sup>8</sup> PPTS, paragraph 10.

<sup>9</sup> PPTS paragraphs 10 and 13.

<sup>10</sup> PPTS paragraph 16.

- response to a planning application. Such land should be specifically allocated in the development plan as a Traveller site only<sup>11</sup>.
- 2.13 The PPTS also states that if there is a lack of affordable land to meet local traveller needs, local planning authorities should, where viable and practical, consider allocating sites solely for affordable use through a 'rural exception sites' policy<sup>12</sup>.
- 2.14 The PPTS needs to be read in conjunction with the National Planning Policy Framework (NPPF, 2018). This states that the purpose of the planning system is to contribute to the achievement of sustainable development, with the 'presumption in favour of sustainable development' at the heart of the Framework<sup>13</sup>.
- 2.15 The NPPF also states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the NPPF provide a strong reason to restrict the scale, type of distribution of development in the plan area, or the adverse impacts of doing so would outweigh the benefits, when assessed against the NPPF as a whole<sup>14</sup>. It adds that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including Travellers<sup>15</sup>.
- 2.16 The other policies in the NPPF are also relevant to planning for Traveller sites, for example those relating to promoting healthy and safe communities, achieving well-designed places, protecting the Green Belt and conserving and enhancing the natural environment.

### South East Plan

- 2.17 Although the South East Plan was revoked in 2013, one relevant policy (NMR6) relating to development close to the Thames Basin Heaths Special Protection Area, was retained. This policy states that new residential development which is likely to have a significant effect on the Thames Basin Heaths SPA will be required to demonstrate measures to avoid or mitigate potential adverse effects. This is achieved in practice through avoiding new housing development within 400m of the SPA (through an exclusion zone) and by seeking Suitable Alternative Natural Greenspace (SANG) within 5km of the SPA.
- 2.18 The 5km zone of influence extends covers much of the southern part of the Borough, including the settlements of Sunninghill, Sunningdale, Cheapside and most of Ascot. The emerging Borough Local Plan includes a policy (NR4) that seeks new residential development between 400m and 5km of the SPA to provide an appropriate contribution towards the provision of SANG and the associated Strategic Access Management and Monitoring (SAMM).

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<sup>11</sup> PPTS paragraph 17.

<sup>12</sup> PPTS paragraph 15.

<sup>13</sup> NPPF, paragraph 10.

<sup>14</sup> NPPF, paragraph 11

<sup>15</sup> NPPF, paragraph 61.

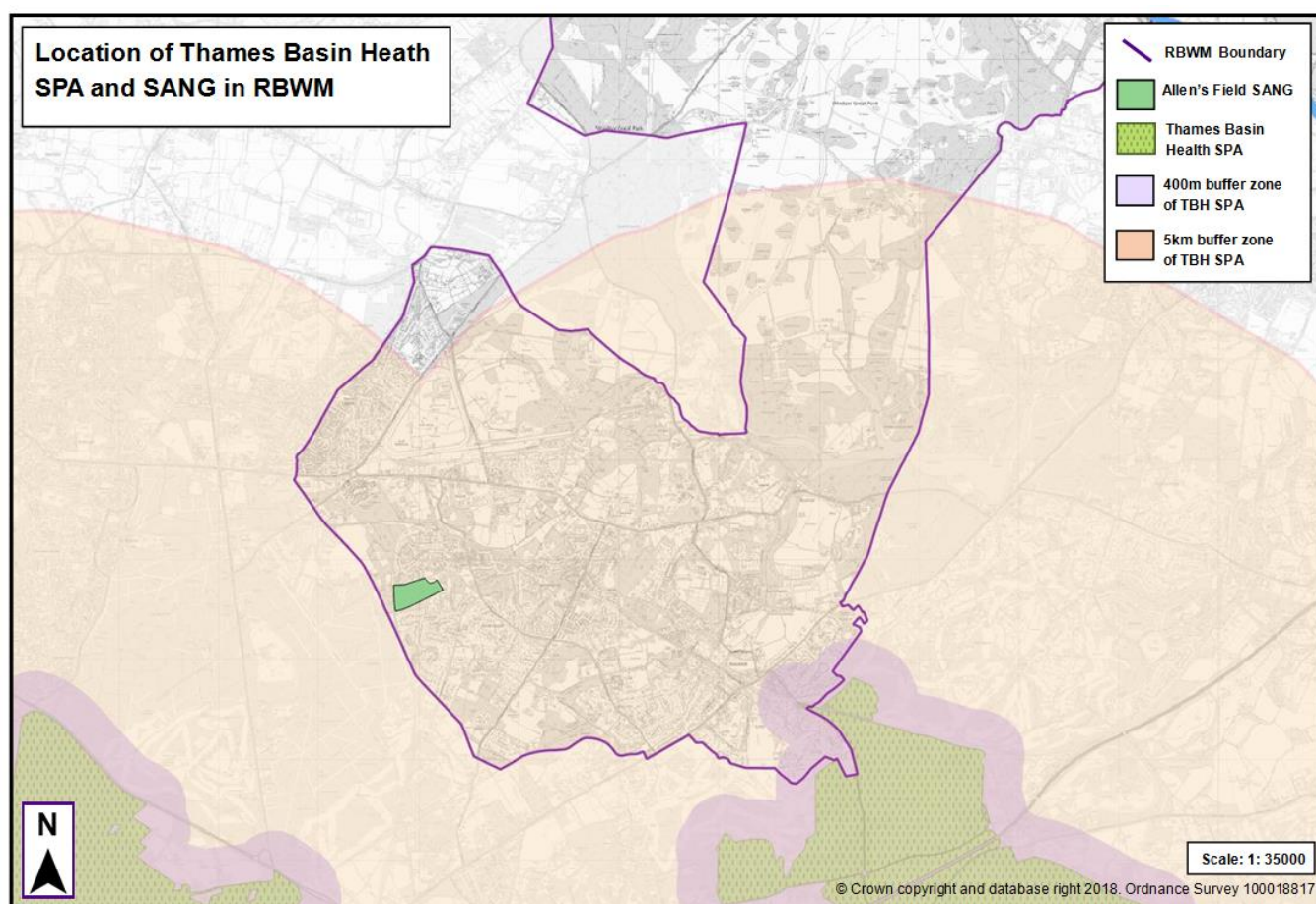


Figure 2 - Location of Thames Basin Heath SPA and SANG in RBWM.

### Local Planning Policy

- 2.19 There are no 'saved' policies in the current adopted Royal Borough of Maidenhead and Windsor Local Plan (1999) that relate specifically to Travellers. However, a number of the policies are relevant, including Green Belt policies GB1-GB3, design policy DG1, flooding policy F1, transport policy T6 and implementation policy INF1, although depending on the level of conformity with the NPPF, some of these may have reduced weight in decision-making.
- 2.20 The emerging Borough Local Plan 2013-2033 Submission Version (BLPSV) was submitted for independent examination in January 2018. It includes a policy (HO4 - Gypsies and Travellers) to guide development management decisions on applications for Gypsy and Traveller and Travelling Showpeople. The policy will also be used to help guide the allocation of sites in the Traveller Local Plan. The version of the policy in the BLPSV can be found in Appendix 1. As the Borough Local Plan is currently being examined, the policy in the final adopted plan may be different to this.
- 2.21 A number of the other policies are strategic in nature, and once it is adopted they will be relevant to Traveller development proposals.
- 2.22 Three Neighbourhood Plans have so far been 'made' (adopted) in the Borough and are therefore part of the development plan. None of these contain any policies

specifically relating to Travellers, although the policies within the plans may be relevant to development management decisions for Traveller related proposals.

## Supporting Evidence for the Traveller Local Plan

- 2.23 The Traveller Local Plan will be supported by a range of evidence base documents. These include the Royal Borough of Windsor and Maidenhead Gypsy and Traveller and Travelling Showperson Accommodation Assessment (May 2018), which provides evidence of need, sustainability appraisal reports and the Proposed Traveller Site Assessment Methodology.

### RBWM Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017/18

- 2.24 Understanding the need for Traveller accommodation in RBWM is a fundamental step in preparing a Traveller Local Plan. The needs are not just in terms of numbers, but also type, size, tenure and location.
- 2.25 The Council commissioned consultants arc4 in 2017 to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) to identify the accommodation needs for Gypsies, Travellers, Travelling Showpeople and houseboat dwellers from across the Borough. This study, which was published in June 2018, was based on a review of existing data, an online survey of key stakeholders and interviews with Gypsy and Traveller households.
- 2.26 Details of the findings of the GTAA are given in Sections 4 to 6 of this document.

### Traveller Site Assessment Methodology / Traveller Land Availability Assessment

- 2.27 The Council has prepared a proposed methodology on how the Council would propose to assess any potential sites for Traveller development. The suggested methodology is based on a similar methodology used to assess housing and economic sites through the Housing and Employment Land Availability Assessment (HELAA) that supports the emerging Borough Local Plan. However, the criteria for assessing Traveller sites are different to those of the settled community and so this methodology has had to be adapted.
- 2.28 The Methodology has been published alongside the Issues and Options document as part of the evidence base. The Council is now seeking views on the draft methodology as part of this Issues and Options consultation.
- 2.29 Once the methodology has been finalised, the Council will use it to prepare a Traveller Land Availability Assessment (TLAA). This will include a detailed assessment of potential sites, including through detailed sustainability appraisal.

### Sustainability Appraisal

- 2.30 Sustainability appraisal is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- 2.31 The Traveller Local Plan must therefore be subject to a Sustainability Appraisal (SA) iteratively throughout its process, informing the development of the plan. SAs incorporate the requirements of the Strategic Environmental Assessment (SEA) Regulations, which implement the requirements of the European Directive 2001/42/EC.
- 2.32 Lepus Consulting have been appointed to carry out SA for the Traveller Local Plan. They produced a Draft Sustainability Appraisal (SA/SEA) Scoping Report which was subject to consultation with Historic England, Natural England and the Environment Agency before being finalised. The Scoping Report identifies the scope and level of detail of the information to be included in the SA Report. It also sets out the context, objectives and approach of the assessment, and identifies relevant environmental, economic and social issues and objectives.
- 2.33 A Sustainability Appraisal (SA) has been prepared for this Issues and Options Paper and this is available on the Council's website at [www3.rbwm.gov.uk/travellerlocalplan](http://www3.rbwm.gov.uk/travellerlocalplan).
- 2.34 At future stages, the SA will evaluate alternative site allocation options and policies, using a similar approach to that used for the Borough Local Plan. Sites will be assessed against a number of social, environmental and economic objectives and indicators in order to test their sustainability.

### Habitats Regulation Assessment (HRA)

- 2.35 The Conservation of Habitats and Species Regulations 2010 (as amended) are commonly referred to as the "Habitats Regulations". A Local Plan needs a Habitats Regulation Assessment (HRA) if it is considered likely to have significant effects on European habitats or species, either alone or in combination with other plans or projects.
- 2.36 The Borough includes a number of areas internationally designated as Special Areas of Conservation (SAC), the Thames Basin Heaths Special Protection Areas (SPA), and Ramsar Sites designated under the Natura 2000 Convention.
- 2.37 As there are several European level nature conservation sites within and near the Royal Borough, there will be a need to screen the proposed Traveller Local Plan in relation to the Habitats Regulations. There may then be a need to have an 'Appropriate Assessment'. However at this point we do not know if this will be needed.



### Water Quality, Flooding and Sequential testing

- 2.38 A Strategic Flood Risk Assessment (SFRA) will be undertaken to inform the Traveller Local Plan. The Government expects local authorities to adopt a sequential risk-based approach to development and flood risk so that new development is steered, as far as reasonably possible, towards areas where the risk of flooding (from all sources) is lowest.
- 2.39 The main source of flood risk in the Borough is fluvial flooding from the River Thames, although there are a number of other watercourses that can contribute to localised flooding problems. Flooding can also result from rainfall, rising groundwater or overwhelmed sewers and drainage systems, man-made lakes, reservoirs and flood alleviation channels. The Borough has experienced major floods in 1894, 1947 and 2014.
- 2.40 Caravans and mobile homes intended for permanent residential use are highly vulnerable in terms of flood risk and are normally restricted to high ground areas at lower risk of flooding.
- 2.41 The Thames River Basin Management Plan (2015), prepared by the Environment Agency under the European Water Framework Directive, also requires local authorities to consider the impact on water quality of future development in the preparation of their local plans<sup>16</sup>.

#### **Question 2a.**

**Do you think that we have correctly identified the evidence needed to support the Traveller Local Plan? If not, what additional evidence should be sought?**

<sup>16</sup> [Thames river basin management plan, 2015, Environment Agency](#)

## 3 Vision and Objectives

### The Vision

- 3.1 The emerging Submission Version Borough Local Plan (BLP) sets out a spatial vision for what the Borough will look like following the implementation of the plan. A key element of this emerging plan vision is “The Royal Borough of Windsor and Maidenhead will remain a place where everyone can thrive in a safe, healthy and sustainable environment.”
- 3.2 It will be necessary to produce a vision to underpin the Traveller Local Plan. This needs to be aspirational but realistic and should be unique to the Traveller Local Plan, as its scope is narrower than that of the BLP. Nevertheless, it is likely that many of the general planning principles that underpin the plans will be the same or similar.
- 3.3 A suggested vision is as follows:

*By [end date of plan], The Royal Borough of Windsor and Maidenhead will have provided a sufficient number of sustainable and high quality sites to fully meet the assessed accommodation needs of the Gypsy and Traveller, Travelling Showpeople and boat dweller communities. Sites will be located in areas that provide protection from flooding and enable adequate access to community facilities such as schools, health centres and shops. There will be a reduced incidence of unauthorised developments and encampments, and increased integration between the Travelling communities and the settled community. The special built and natural character of the Borough, including its countryside, open space, Green Belt, historic environment, River Thames and woodland will have been protected and enhanced.*

#### Question 3a.

**Do you feel this suggested vision is appropriate for the RBWM Traveller Local Plan?**

### Plan period

- 3.4 One of the decisions we need to make relates to the time period covered by the plan. The GTAA study looked ahead to 2033 and this is also the end date of the emerging Borough Local Plan. However, the NPPF states that “strategic policies should look ahead over a minimum 15 year period from adoption”. As the Traveller Local Plan is not expected to be adopted until 2020 at the earliest, we think that it should have an end date of 2035 or 2036.
- 3.5 The options that the Council needs to consider in relation to the end date of the plan are:

## Options for end date of plan

Ref.	Option	Description	Advantages / Disadvantages
1	<b>End date of 2033</b>	The TLP would have an end date of 2033.	<ul style="list-style-type: none"> <li>• Consistent with evidence of need and Borough Local Plan end date</li> <li>• Less than 15 years from adoption, contrary to national policy (NPPF).</li> </ul>
2	<b>End date of 2035</b>	The TLP would have an end date of 2035.	<ul style="list-style-type: none"> <li>• 15 years from adoption, in accordance with NPPF, provided plan adopted by 2020.</li> <li>• Evidence of need would have to be amended to cover extra 2 years.</li> </ul>
3	<b>End date of 2036</b>	The TLP would have an end date of 2036.	<ul style="list-style-type: none"> <li>• 15 years from adoption, in accordance with NPPF, provided plan adopted by 2021.</li> <li>• Evidence of need would have to be amended to cover extra 3 years.</li> </ul>

### Question 3b.

**Should the end date of the plan be 2033, 2035, 2036 or another date? Please explain your response.**

## The Objectives

- 3.6 The Traveller Local Plan will also need to have a set of objectives. Objectives should flow from the issues identified and support the delivery of the spatial vision.
- 3.7 The BLPSV includes a set of 11 objectives, relating to
- Conserving and enhancing the special qualities of the Borough's built and natural environments
  - Meeting housing needs
  - Visitor economy
  - Local business economy
  - Town, district and local centres
  - Infrastructure
  - Sustainable transport
  - Heritage

- Environmental protection
- Open space and leisure, and
- Climate change and biodiversity.

**Question 3c.**

**Do you have any views on what should be the objectives for the Traveller Local Plan?**

- 3.8 The following sections of the document will separately look at the main three Traveller groups identified earlier in more detail, including key facts on current provision and identified need and then issues and options.

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## 4 Gypsies and Travellers

### Policy Context

#### National Planning Policy

- 4.1 The Government definition of Gypsies and Travellers from the PPTS was given in Section 1. This definition covers all persons of nomadic habit of life, but excludes those who have ceased to travel and also excludes Travelling Showpeople. This section of the Issues and Options document covers English Romany Gypsies, Irish and Scottish Travellers, European Roma and 'New Age' Travellers. However it does not cover Travelling Showpeople or boat dwellers, who are covered in separate chapters.

#### Adopted Local Plan

- 4.2 As stated earlier, there are no 'saved' policies in the current adopted 1999 Local Plan that relate specifically to Gypsies and Travellers.

#### Emerging Local Plan

- 4.3 The emerging Borough Local Plan contains a specific policy, HO4, relating to Gypsy and Travellers.

### Key facts

#### Existing authorised Gypsy & Traveller sites

- 4.4 There are four existing authorised Gypsy and Traveller sites in the Borough. As can be seen from the table below, two are permanent authorised Council owned sites and two have a temporary permission.

Site address	Current status	Ownership	Pitches
Mill Place, Datchet	Authorised	Council	16
Pool Lane, Waltham St Lawrence	Authorised	Council	9
Brayfields Stables, Windsor Road, Water Oakley	Temporary authorised	Private	2
Land Rear of Stratton Cottages, Fifield Road	Temporary Authorised	Private	2

- 4.5 The two Council owned sites are well established and are managed by Housing Associations.

- 4.6 Brayfield Stables has a temporary planning permission that is due to expire in November 2019. Land rear of Stratton Cottages also has a temporary permission due to expire in March 2020.
- 4.7 In addition to the above four sites, there are three sites that contain some authorised pitches:

Site address	Current status	Ownership	Pitches
Feathers Lane, Wraysbury	A mix of authorised & tolerated	Private	c.15
Land South of Hilarion, Waltham St Lawrence	One temporary authorised pitch – currently vacant	Private	7
Land to the west and rear of 1A The Bungalow, Horton	A mix of lawful & tolerated	Private	c.27

- 4.8 Feathers Lane comprises a number of traveller pitches, some authorised and some unauthorised but tolerated<sup>17</sup>, and it has evolved over many years. The Land South of Hilarion site has one pitch that was granted temporary planning permission in 2016 but the whole site is now vacant. The Land to the west and rear of 1A The Bungalow site comprises a number of pitches that have developed separately over time. Some are lawful and others are unauthorised but tolerated.
- 4.9 There are no transit sites or temporary stopping places in the Borough at present.

<sup>17</sup> See Glossary for definition of tolerated.

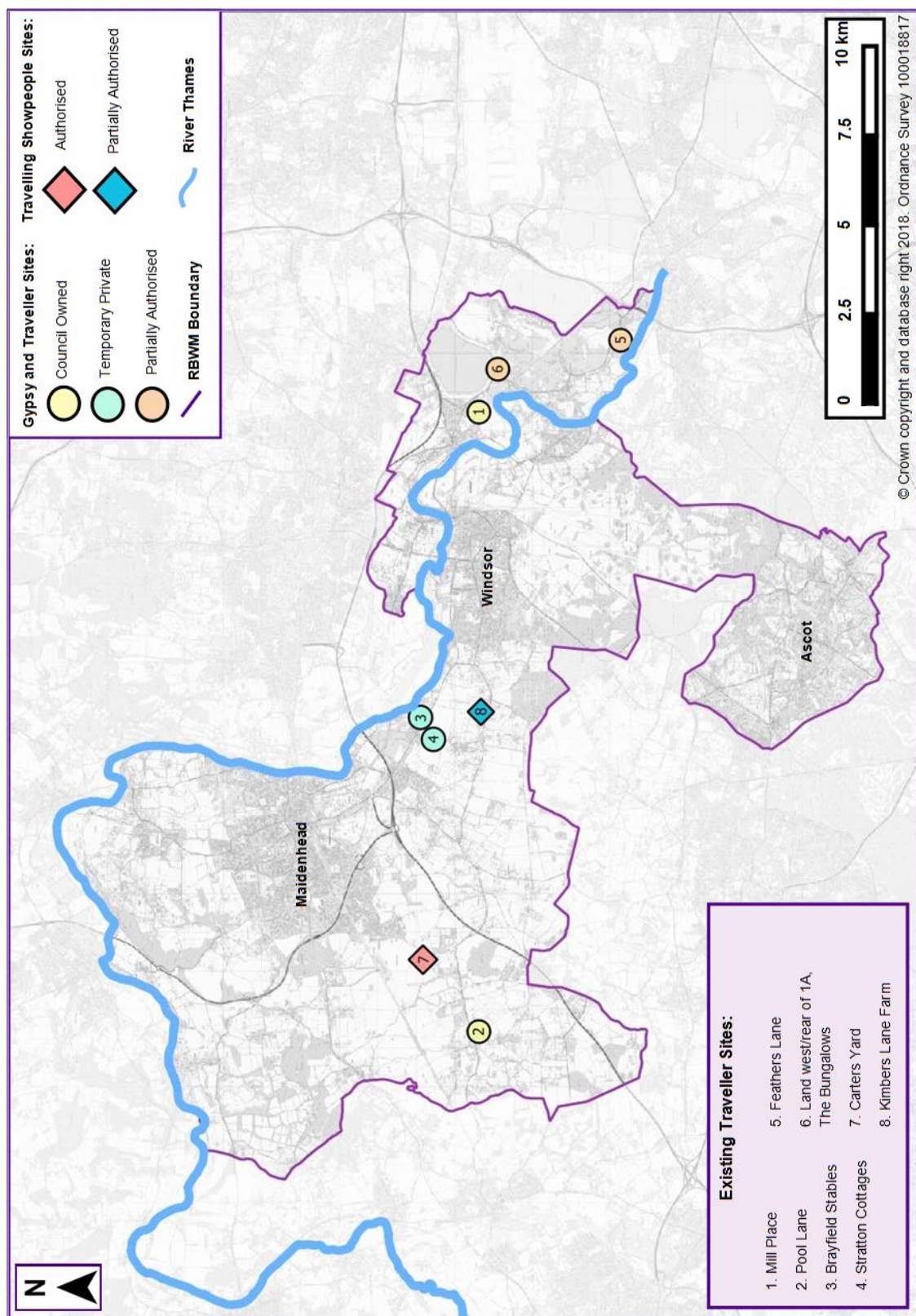


Figure 3 - Existing Traveller sites located within the Borough.

Unauthorised sites

- 4.10 There are a further four existing Gypsy and Traveller sites that are unauthorised but tolerated.

Site address	Current status	Ownership	Pitches
Foundry Lane, Horton	Tolerated	Private	1
1 & 2 The Bungalow, Welley Road, Wraysbury	Tolerated	Private	2
New Stables (Welley Corner), Welley Road	Tolerated	Private	6
Land adjacent to Newtonside Orchard, Burfield Road, Old Windsor	Tolerated	Private	1

- 4.11 Three of the above sites are in the Datchet / Horton / Wraysbury area and the fourth is in nearby Old Windsor.

Unauthorised encampments

- 4.12 An unauthorised encampment is a group of people with vehicles who are trespassing on land with the intention of residing there without the owner's permission. Trespass is a civil act and it is for the landowner to seek repossession of their property via civil court procedures. When this situation takes place, the Council will assess the impact of the encampment and take a balanced and proportionate approach. Government guidance recommends that if the encampment is causing 'little or no nuisance' a policy of toleration should be considered together with a negotiated leaving date.
- 4.13 Where people are residing in vehicles (including caravans), Section 77 of the Criminal Justice and Public Order Act 1994 gives local authorities power to give a direction to leave the land to the occupiers. The police have discretionary powers under Section 61 of the same Act to direct trespassers to leave and remove their property.
- 4.14 Unauthorised encampments can disrupt local community facilities, worsen relationships with settled communities and cost the Council time and resources to manage. With regard to unauthorised encampments in the Borough, the GTAA reports that these are usually fewer and smaller than in neighbouring areas. Notwithstanding this, in 2016/17 there were 23 unauthorised encampments across the Borough although this fell to 10 incidents in 2017/18. Where this has occurred on publicly owned land, there have been significant associated costs of dealing with this matter.

Identified Need

- 4.15 The Gypsy and Traveller Accommodation Assessment (GTAA) published in 2018 found that, using the definition of Gypsies and Travellers set out in the PPTS, that there is a need for 26 pitches in the period 2017/18 to 2032/33. However, when the likely turnover of pitches on local authority sites during the plan period is taken into



account, this results in a reduced residual need for 21 pitches over this period. Of the 26 pitches, 20 are required in the five year period 2017/18 to 2021/22.

- 4.16 The GTAA also examined the broader need under the 'cultural' definition which encompasses all of those who are ethnically defined as Gypsies or Travellers. This showed a cultural need for 70 pitches in the five year period 2017/18 to 2021/22 and a 90 pitch need over the period to 2032/33. This decreases slightly to 85 pitches when expected turnover of pitches is factored in.
- 4.17 The above level of need is driven by four factors:
- the number of sites that are tolerated and not permanently authorised;
  - the waiting list for pitches;
  - the need from households wanting to move from bricks and mortar housing; and
  - emerging household need (children growing up and forming their own households).
- 4.18 There are currently lengthy waiting lists for both of the Council owned sites. Many of these people are currently living in 'bricks and mortar' housing.
- 4.19 With regard to transit sites, the GTAA concluded that given the relatively low level of unauthorised encampment activity, there may be a need for a transit site but recommended that the Council explores options for provision with other local authorities and also considers temporary stop over provision.

#### Identified potential supply

- 4.20 We will be working towards the production of a Traveller Land Availability Assessment (TLAA) and this will identify the potential supply of Gypsy and Traveller sites for the Borough.

## Issues

- 4.21 From the above key facts, the following issues have been identified:

#### Cultural need versus PPTS need

- 4.22 Planning Policy for Traveller Sites now defines Gypsies and Travellers as persons of nomadic habit of life and expressly excludes those who have permanently ceased to travel. Local Planning Authorities are only required to meet the accommodation needs of Gypsies and Travellers who meet this revised, narrower definition. However, the GTAA also identified the accommodation needs of all those people who are ethnically defined as Gypsies and Travellers. This 'cultural need' produces a much higher need figure.
- 4.23 The issue is whether we should seek to meet the (lower) PPTS need only or whether we should also seek to meet some of the wider cultural needs, on the grounds that

some ethnic Gypsies and Travellers who have ceased to travel may still wish to live on Traveller sites in a caravan or mobile home.

#### Meeting the objectively assessed needs in full or not

- 4.24 As stated in Section 2, the NPPF requires strategic policies to provide for objectively assessed needs for housing and other uses (as a minimum) unless there are strong reasons to restrict this. The objectively assessed need for Gypsy and Traveller sites is that identified within the GTAA. However, the Borough is heavily constrained environmentally. For example, most of the Borough is Green Belt and significant areas are affected by severe flood risk. The Thames Basin Heaths SPA and other international nature conservation sites also affect large areas of the Borough. It may therefore be challenging to meet the Gypsy and Traveller needs in full, and if so the Council would need to work collaboratively with other neighbouring Local Planning authorities under the 'duty to cooperate'.

#### Maintaining a supply of pitches

- 4.25 The Council will need to maintain a supply of deliverable Gypsy and Traveller sites sufficient to provide 5 years' worth of sites against a locally set target. It will also need to identify a supply of specific deliverable sites, or broad locations for growth, for years 6-10 and, if possible, also for years 11-15.
- 4.26 Very few new Gypsy and Traveller pitches have been provided recently and there are no outstanding planning permissions yet to be implemented in the Borough.
- 4.27 Once the Council has decided on a pitch target for the Traveller Local Plan, it will be possible to examine five year supply issues in more detail.

#### Spatial distribution of existing pitches

- 4.28 Of the authorised and partly authorised Gypsy and Traveller sites, Mill Place, Land to the west and rear of 1A The Bungalow and Feathers Lane are all in the Datchet / Horton / Wraysbury area in the east of the Borough. Pool Lane and Land South of Hilarion are in the Waltham St Lawrence area. Brayfield Stables and Land rear of Stratton Cottages are in the Bray area. Therefore there are three clusters of sites, all located in a narrow horizontal belt in the centre of the Borough. There are no sites in the north of the Borough (e.g. north of Maidenhead) or to the south (e.g. around Ascot).
- 4.29 We will need to consider whether this current uneven spatial distribution should continue or whether in future we should seek a more even distribution across the Borough. A related issue is whether new Gypsy and Traveller sites should be located in rural areas, as they are at present, or whether new sites should be located within urban areas. Policy HO4 in the BLP states that sites should be suitably connected by sustainable modes of transport to a settlement. As with any form of housing, poorly located Gypsy and Traveller sites will have a detrimental effect on the inhabitants'

ability to access services such as education, health and shopping. However, national policy recognises that rural sites may need to be considered.

#### Types of Gypsy and Traveller sites to provide

- 4.30 As well as deciding how many pitches to provide, and where they should be located, another factor is the type of site to provide, for example in terms of their size, tenure and ownership. At present, there are two Council owned sites (Mill Place and Pool Lane) with 16 and 9 pitches respectively. Mill Place is just under 1 hectare in size and Pool Lane is about 0.4 hectares in size. There is no one ideal size of site or number of pitches although it has been suggested that there should normally be no more than 15 pitches on a site as this provides a comfortable environment which is easy to manage<sup>18</sup>.
- 4.31 As well as size, another issue is that of tenure. There are currently two sites that are owned by the Council and occupants pay rent to a Housing Association. When pitches become available, the housing association will re-allocate them to people on the maintained waiting list. However, all of the other sites are privately owned. Some of the larger sites, such as Feathers Lane, Wraysbury and Land to the west and rear of 1A The Bungalow, Horton are thought to be in multiple private ownership.

#### Affordability

- 4.32 A related issue to tenure is affordability. The Borough is one of the most prosperous areas in the country with very high house prices. Many people cannot afford market housing either to buy or rent. There is limited information on affordability in the GTAA. However, the fact that both of the two Council owned sites (which both provide social rented accommodation) have long waiting lists suggests that there is a need for more affordable pitches in the Borough. We could therefore ensure that a proportion of the new pitches are genuinely affordable, for example through providing additional social rented pitches. This could be achieved through a 'rural exception sites' policy which can allocate sites in areas where Gypsy and Traveller sites would not normally be allowed and ensure that these pitches remain affordable in perpetuity. Alternatively, it may be possible to secure a proportion of affordable Gypsy and Traveller pitches as part of a large new build housing developments.

#### Flooding

- 4.33 As stated above, many parts of the Borough are liable to flood, especially close to the River Thames. Caravans and mobile homes are highly vulnerable in terms of flood risk. However, some of the existing sites (including parts of the two Council owned sites) are within Flood Zone 3 (high flood risk areas). Both national guidance in the PPTS and Policy HO4 of the emerging Borough Local Plan state that Gypsy and Traveller sites should not be located in areas at high risk of flooding. Whilst clearly this is an appropriate starting point, there may be situations where the wider

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<sup>18</sup> Designing Gypsy and Traveller Sites Good Practice Guide, DCLG 2008 (now withdrawn)

sustainability benefits of a Gypsy and Traveller proposal would outweigh flood risks and mitigation measures can ensure that public safety can be maintained.

#### Suitable Alternative Natural Greenspace (SANG)

- 4.34 As stated in Section 4, Policy NR4 in the emerging Borough Local Plan seeks that new residential development located between 400m and 5km of the Thames Basin Heaths Special Protection Area (SPA) should make a financial contribution towards Suitable Alternative Natural Greenspace (SANG<sup>19</sup>) in order to mitigate potential adverse effects on the SPA. As Gypsy and Traveller pitches are a form of residential development, any sites between 400m and 5km of the SPA would be expected to make such a contribution. It also mean that sites would not be acceptable within 400m of the SPA. The availability and cost of SANG could be a restrictive factor on the ability to provide Gypsy and Traveller sites in the Ascot/Sunninghill and Sunningdale area.

#### Design

- 4.35 The NPPF states that good design is a key aspect of sustainable development but there is limited guidance on the design of new Gypsy and Traveller sites. The PPTS states that sites should be well planned or soft landscaped in a way to positively enhance the environment and increase its openness, with adequate landscaping and play areas for children. It warns against enclosing sites with hard landscaping, high walls or fences.
- 4.36 Detailed guidance was given in Designing Gypsy and Traveller Sites (DCLG, 2008) but this document was cancelled in 2015. Nevertheless, it contains some useful material on site layout, access and orientation of permanent sites and transit sites, as well as site services and facilities. It is essential, for example, that each pitch has an amenity building with access to mains water, electricity, a toilet/bathroom, a kitchen and a dining area. It is also important that sites provide visual and acoustic privacy both for people living on the site and those living nearby. One key issue is whether the Traveller Local Plan should contain a policy to provide design requirements for new Gypsy and Traveller sites and if so, what matters should be covered by the policy.

#### Providing transit sites

- 4.37 Transit sites are permanent authorised sites used to provide short stay accommodation for Travellers, usually for no more than three months. They provide basic amenities and services (e.g. water supply, toilets, electric and waste disposal) and are usually provided by local authorities. Transit sites can help to reduce the number of unauthorised encampments, as they provide a legal place for Gypsies and Travellers passing through to stay for a short period. Also, if a suitable local authority transit site or temporary stopping place is available, Section 62a of the Criminal Justice and Public Order Act gives the police power to direct trespassers to this site.

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<sup>19</sup> See Glossary for a definition of SANG.

Emergency stopping places (also known as temporary stopping areas) are similar to transit sites, but are for shorter periods of time, usually a maximum of 28 days, and have minimal facilities.

- 4.38 There are no transit sites in the Borough and it is believed that there are none in any of the local authorities adjacent to the Borough (Slough, Wokingham, Bracknell Forest, Runnymede, Wycombe, South Bucks, Spelthorne and Surrey Heath).
- 4.39 The GTAA study recommended that the Council should consider working with neighbouring local authorities to address the need for transit sites strategically. It also recommended that the Council considers the use of temporary stopping areas. However, transit sites and temporary stopping places can be contentious, and as they feature a higher turnover of residents, they are more likely to be vandalised and lead to problems for nearby neighbours. As such, they are more likely to be located in more isolated locations away from local services and facilities.
- 4.40 Notwithstanding this, transit sites and temporary stopping places can significantly reduce unauthorised encampments and given the cost of dealing with such encampments, and it is therefore considered that the provision of such sites, potentially jointly with other LPAs, should be considered further.

## Options

- 4.41 The above issues are interlinked and so the Council has attempted to consider them as a whole rather than separately and have developed some potential policy options accordingly. These are shown below.

### Options for the provision of Gypsy and Traveller accommodation

Ref.	Option	Description	Advantages / Disadvantages
1	Do nothing	Rely on sites coming through the Development Management process and not identify or allocate specific sites for Gypsies and Travellers.	This option would leave the Council with no control over where sites come forward. The Council would not have a 5 year supply of Gypsy and Traveller sites and thus would be vulnerable to sites being imposed through the planning appeal process. These sites may not be in the most sustainable locations.
2	Allocate small new sites across Borough	Allocate small sites (e.g. 3-4 pitches each) across the Borough, including in urban areas, broadly in line with the spatial strategy in the BLP.	This option would result in a greater evenness of provision across the Borough, although introducing Gypsy and Traveller sites into new communities could be contentious. However, these would be small and could make good use of small plots in urban areas, which have better accessibility to services. Such sites could better integrate with the locality. However, these sites may be too small for housing associations to

			manage effectively and so most sites would need to be privately owned and therefore may not be affordable.
3	Allocate larger new sites	Allocate one or two larger new sites (e.g. 10-12 pitches each), for example on rural sites close to settlements.	This option would introduce Gypsy and Traveller sites into some new communities in the Borough, which could be contentious. These would be likely to be outside of settlements, in less accessible locations. Larger sites could be easier for Housing Associations to manage. If they are 'rural exception' sites, they could be affordable and retained in perpetuity for people with local connections.
4	Allocate some existing unauthorised sites	Allocate some of the existing unauthorised but tolerated Gypsy and Traveller sites, where these are considered to be suitable.	This option would effectively regularise existing long term Gypsy and Traveller sites that are not creating any problems and are well established. However, these sites may not be in sustainable locations and will maintain the existing uneven spatial distribution of pitches.
5	Expand existing Gypsy and Traveller sites	Expand one or both of the existing Council owned sites to meet the assessed need.	There is land adjacent (or close to) both of the Council owned site that may be suitable as an extension to these sites. If these were on Council owned land they would be affordable. However, these would intensify provision in these locations which would maintain the existing uneven spatial distribution of pitches. The sites could also become too large to manage effectively.
6	Large housing developments to provide some pitches	Require large new housing developments (e.g. 500 dwellings or more) to provide a proportion of affordable Gypsy and Traveller pitches as part of the scheme.	This would help to create sustainable, mixed communities. Such sites could be designed to integrate well with the settled housing and could managed by housing association as affordable pitches. However, this approach tends to meet resistance.

## Questions to consider

### Question 4a.

Which of the identified policy options do you feel is the most appropriate? Please explain why you think this.

### Question 4b.

Are there any other possible policy options with regards to the provision of Gypsy and Traveller accommodation? If so, please provide details.

### Question 4c.

Should we provide the minimum number of Gypsy and Traveller pitches that we have to (e.g. 21 pitches to meet the needs of those who still travel) or should we allocate a much higher number in order to meet some of the wider cultural need as well?

### Question 4d.

Do you have any comments on the Proposed Traveller Site Assessment Methodology? For example, what factors should we take into account in determining where sites should be located? Should areas within the Green Belt and at a high risk of flooding be automatically rejected?

### Question 4e.

Should the Traveller Local Plan contain a policy to provide design requirements for new Gypsy and Traveller sites? Which of the following matters should be covered by the policy?

- A. Access and parking
- B. Landscaping / fencing
- C. Size / orientation of pitches
- D. Open space / children's play space provision
- E. Utility provision / surface water drainage
- F. Waste storage
- G. Communal facilities / amenity buildings
- H. Space for work activities / animals
- I. External lighting
- J. Hardstanding.

**Question 4f.**

**Should there be a more even distribution of Gypsy and Traveller sites in the Borough or is it better to retain the current uneven distribution?**

**Question 4g.**

**What would be the appropriate minimum and maximum number of pitches on a new Gypsy and Traveller site? Please explain your response.**

**Question 4h.**

**What would be the appropriate minimum size for a new Gypsy and Traveller site?**



## 5 Travelling Showpeople

### Policy Context

#### National Planning Policy

- 5.1 This section of the Issues and Options document covers Travelling Showpeople, who are groups that organise fairs, circuses or shows. The Government definition of Travelling Showpeople from the PPTS was given in Section 1. This definition now exclude those that have stopped travelling on a permanent basis. The PPTS states that local authorities should set plot targets for Travelling Showpeople to address their needs within their area<sup>20</sup>. A plot means a pitch on a Travelling Showpeople site, which is often called a yard.
- 5.2 Unlike Gypsy and Traveller pitches, Travelling Showpeople plots are often used for residential and business purposes. The PPTS states that local planning authorities should have regard to the need that Travelling Showpeople have for mixed use yards to allow space for the storage of equipment as well as residential accommodation.

#### Adopted Local Plan

- 5.3 There are no 'saved' policies in the current adopted 1999 Local Plan that relate specifically to Travelling Showpeople.

#### Emerging Local Plan

- 5.4 The emerging Borough Local Plan contains a specific policy, HO4, relating to Gypsy and Travellers. The policy sets out a number of requirements to be met by new sites and confirms that this part of the policy (criterion 2) is also relevant to planning applications for Travelling Showpeople accommodation. There is an additional criterion (3) that applies only to Travelling Showpeople. This requires that sites should be suitable for the storage and maintenance of show equipment and associated vehicles without causing harm though other policies in the Plan.

### Key Facts

#### Existing sites

- 5.5 There are three existing Travelling Showpeople yards in the Borough, all of which are privately owned. These are listed in the table below.

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<sup>20</sup> PPTS, paragraph 9.

Site/Yard Name and Address	Current status	Ownership	Total Plots
Punters Yard, Welley Road, Horton	Tolerated	Private	1
Carters Yard, Grove Park, White Waltham	Authorised	Private	12
Kimbers Lane Farm, Oakley Green Road	A mix of authorised and tolerated	Private	4

- 5.6 The largest site is Carters Yard in Grove Park, White Waltham, which contains 12 authorised plots. This is a well-established family business located within a business park near the White Waltham Airfield. The uses are authorised through personal planning permissions.
- 5.7 Punters Yard is a single plot yard close to several Gypsy and Traveller sites at Welley Road, Horton. This is unauthorised but tolerated.
- 5.8 Kimbers Lane Farm off Oakley Green Road in Bray Parish contains buildings used for the maintenance and repair of showpersons' equipment as well as a dwellinghouse. These uses are lawful. The figure of 4 plots in the table is based on a site visit from 2017 undertaken by the GTAA consultants, who found 4 households living on the site. At this time there were eight unauthorised caravans on the site but these have now been removed, so this figure may no longer be accurate.

#### Identified Need

- 5.9 The Gypsy and Traveller Accommodation Assessment (GTAA) found that, using the definition set out in the PPTS, there is a need for 14 plots for Travelling Showpeople over the next five years (2017/18 to 2021/22).
- 5.10 The GTAA also examined the broader need under the 'cultural' definition which includes those who have ceased travelling permanently and it found that there was a need for 16 plots.
- 5.11 The above figures were based on the assumption that the three existing yards were all on unauthorised (but tolerated) sites. However, it has since been established that Carters Yard is authorised. However, the shortfall only exists because some of the existing sites are unauthorised. There is no need for any additional new sites.

#### Identified Potential Supply

- 5.12 We will be working towards the production of a Traveller Land Availability Assessment (TLAA) and this will identify the potential supply of Travelling Showpeople sites for the Borough.

## Issues

- 5.13 From the above key facts, the following issues have been identified:

### Cultural Need versus PPTS need

- 5.14 The difference between the cultural need identified for Travelling Showpeople plots and the GTAA need (based on those who still travel) is only 2 plots (16 plots compared to 14 plots). Although there is still a decision to be made on whether to seek to meet the PPTS need of 14 plots or the wider cultural need of 16 plots, this shortfall only exists because not all of the sites are authorised.

### Maintaining a supply of plots

- 5.15 The Council will need to maintain a supply of deliverable Travelling Showpeople plots sufficient to provide 5 years' worth of sites against a locally set target. It will also need to identify a supply of specific deliverable sites, or broad locations for growth, for years 6-10 and, if possible, also for years 11-15.
- 5.16 Very few new Travelling Showpeople plots have been provided recently and there are no outstanding planning permissions yet to be implemented in the Borough.
- 5.17 Once the Council has decided on a plot target for the Traveller Local Plan, it will be possible to examine five year supply issues in more detail.

### Types of Travelling Showpeople sites to provide

- 5.18 All three of the existing yards are privately owned. This is not unusual, as Travelling Showpeople operate fairs and circuses as private businesses. There is no evidence that any additional sites are needed beyond these three existing sites. However, one issue is whether the Council should seek to find alternative locations for any of these sites.
- 5.19 Carters Yard is within the Grove Business Park at White Waltham, but the whole of the business park (except Carters Yard) has been promoted by the landowner for mixed use development (including housing and employment). If this occurred, it could create conflict between the existing Travelling Showpeople use and the subsequent mixed use of the adjacent site.

### Provision for mixed use yards

- 5.20 All three of the existing Travelling Showpeople yards in the Borough are mixed use with residential and business uses. However, at Kimber's Lane Farm there is no authorised residential accommodation other than a dwellinghouse. There have been mobile homes and caravans stationed at the site in recent years, but these have been unlawful and enforcement action has been taken in order to remove them. This suggests that the site as it is currently set out may not fully meet the operational requirements of the operator.

### Flooding

- 5.21 None of the existing three yards are within a high risk flood zone.

### Suitable Alternative Natural Greenspace (SANG)

- 5.22 None of the existing three yards are within 5km of the Thames Basin Heaths Special Protection Area, and these are unaffected by the requirement for SANG.

### Design

- 5.23 The withdrawn guidance on Designing Gypsy and Traveller Sites (DCLG, 2008) does not cover the design of Travelling Showpeople yards. However, the absence of previous national guidance does not necessarily mean that the Council could not produce a policy to provide design requirements for new or extended Travelling Showpeople yards plots/yards.

## Options

- 5.24 Based on the above issues, the Council has developed some potential policy options for Travelling Showpeople. These are shown below.

### Options for the provision of Travelling Showpeople accommodation

Ref.	Option	Description	Advantages / Disadvantages
1	Do nothing	Maintain the current situation with some of the existing sites remaining unauthorised. Rely on new Travelling Showpeople sites or alterations to existing sites coming forward through the Development Management process.	This option would leave the Council with no control over where sites come forward. As some sites would remain unauthorised the operators may not be able to expand legally. The Council may not be able to demonstrate a 5 year supply of Travelling Showperson sites and thus could be vulnerable to sites being imposed through the planning appeal process. These sites may not be in the most sustainable locations.
2	Authorise existing unauthorised sites.	The unauthorised but tolerated Travelling Showpeople yards could be authorised, either through being allocated or some other mechanism.	This option would ensure that the identified Travelling Showperson need is fully met through lawful sites. This is likely to be an easier option than having to find a new site. However, the existing sites may not be in the most sustainable locations. The process of authorising sites could be legally complex/expensive.
3	Identify new sites	Identify and allocating one or more new (or replacement) sites for the Travelling Showpeople community.	It could be difficult or controversial to find suitable new sites for Travelling Showpeople, especially as these tend to be larger in size than Gypsy and Traveller sites. There may be some

			resistance from the groups to move to a new site. However, the new sites could be in more sustainable locations.
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## Questions to consider

### Question 5a.

Which of the identified policy options do you feel is the most appropriate? Please explain why you think this.

### Question 5b.

Are there any other possible policy options with regards to the provision of Travelling Showpeople accommodation? If so, please provide details.

### Question 5c.

Should the Traveller Local Plan contain a separate policy to provide design requirements for new Travelling Showpeople sites or can there be a single policy for the design of both Gypsy and Traveller and Travelling Showpeople sites? Which of the following matters should be covered by the policy?

- A. Access and parking
- B. Landscaping / fencing
- C. Size / orientation of pitches
- D. Open space / children's play space provision
- E. Utility provision / surface water drainage
- F. Waste storage
- G. Communal facilities / amenity buildings
- H. Space for work activities / animals
- I. External lighting
- J. Hardstanding.

## 6 Boat Dwellers

### Policy Context

#### National Planning Policy

- 6.1 The Planning Policy for Traveller Sites guidance makes no specific references to boat dwellers or bargee Travellers. However, boat dwellers would fall under the definition of Gypsy and Traveller in the PTSS as this relates to 'persons of nomadic habit of life whatever their race or origin' and it makes no reference to the type of vehicle that the occupants live in.
- 6.2 As such the guidance (and requirements) in the PPTS on Gypsies and Travellers also relates to boat dwellers, including the need to assess needs and identify sites to meet that need.

#### Adopted Local Plan

- 6.3 There are no 'saved' policies in the current adopted 1999 Local Plan that relate specifically to boat dwellers. However, Policy R16 seeks to protect from redevelopment boatyards or other buildings that provide service facilities to boat users, unless replacements facilities are provided.

#### Emerging Local Plan

- 6.4 Policy HO4 in the emerging Borough Local Plan (BLPSV) on Gypsy and Travellers makes no reference to boat dwellers.

### Key Facts

#### Different types of boat dweller

- 6.5 There are, it is considered, four main types of boat dweller. Firstly, there are those people who live permanently at a residential mooring<sup>22</sup>, with the boat as their only residence. These people usually stay in one place and so are therefore less likely to be nomadic. Secondly, there are recreational or leisure boaters who have a 'bricks and mortar' dwelling and stay on their boat occasionally as they travel waterways for pleasure purposes. Thirdly there are those people who have a 'bricks and mortar' dwelling but stay on a boat for part of the week, for example to access employment opportunities or avoid a long commute to work. Finally, there are those boaters who are constantly moving between moorings and do not own a bricks and mortar dwelling.

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<sup>22</sup> In the context of this document, a residential mooring is a long-term mooring which may need planning permission for the moored boat to be used as the occupant's sole or primary residence.

### Existing authorised sites for boat dwellers

- 6.6 The GTAA found that there are relatively few residential moorings in the Borough. It identified that the Sorbon Estate manages five sites on the River Thames<sup>23</sup> within or near the Borough, which have a total of over 100 moorings, but that only one of these is a residential mooring. There are no authorised residential moorings at Bray Marina (out of 400 berths) or at the Windsor Racecourse Marina following its recent upgrade. There may be some residential houseboats at the Willows Riverside Park in Windsor.

### Identified Need

- 6.7 The GTAA found 'no credible evidence of unsatisfied need' for residential moorings. However, there is limited reliable and accurate information on the number of residential houseboats in the Borough. Some people are living on boats and are not travelling and are staying on moorings that are not authorised for permanent or temporary residential use. As the use is unauthorised, people may not be willing to admit to this and so it is possible that much of the actual need is undetected.

### Identified Potential Supply

- 6.8 No potential new sites to cater for boat dwellers have been suggested. The GTAA recommended that the Council engages with the Canals and Rivers Trust to establish the feasibility of increasing the number of residential moorings in the Borough.

## Issues

- 6.9 From the above key facts, the following issues have been identified:

### Limited information and guidance on boat dwellers

- 6.10 As stated above, there is very limited data in the GTAA or other official data sources on the need and supply of moorings for boat dwellers. Therefore it is unclear how many people live/stay on boats within the Borough. As a result, it is unclear what the need is and how many moorings should be provided to meet this need. More data and research is needed on the presence of boat dwellers in the Borough and their needs.

### Who should we be providing moorings for?

- 6.11 Another issue is whether we should be providing accommodation for all of the four types of houseboat dweller identified above (including recreational users) or just some of these groups. All of these groups, except the recreational boaters, will be accessing these types of accommodation for either lifestyle or affordability reasons.

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<sup>23</sup> Saxon Estates, Bourne End, Henley, Platts Eyot and Thameside Moorings

As such, in many instances it could be seen as a particular form of affordable market accommodation. In some parts of the country authorities have given active encouragement to dwelling on waterways to meet affordability needs and to encourage/assist with regeneration of waterways and the surrounding area.

#### Spatial distribution of houseboats moorings

- 6.12 The location of moorings for boat dwellers is clearly constrained by the fact that boats need to be on waterbodies. The Borough includes watercourses, such as the River Thames and gravel lakes, that are potentially suitable for the mooring of boats for people to live or stay on. In terms of spatial distribution, in the western part of the Borough, the River Thames runs along the northern boundary until it reaches Windsor, from where it runs through Datchet, Horton and Wraysbury parishes. The gravel lakes are mainly located in these three parishes.

#### Flooding and safety

- 6.13 It is essential that those people living on boats have safe access and egress to and from their homes during flooding events. The Government's Planning Practice Guidance states that marinas are 'water compatible development' which may be suitable in Flood Zone 3b (the functional floodplain)<sup>24</sup>. It also states that water based recreation is 'water compatible development' but it adds that this excludes sleeping accommodation<sup>25</sup>.

#### Design

- 6.14 The withdrawn guidance on Designing Gypsy and Traveller Sites (DCLG, 2008) does not cover the design of moorings or marinas.
- 6.15 There are a number of matters that would need to be taken into account in designing new accommodation for boat dwellers. It would be necessary to consider the amenity impacts on nearby residents. For example, houseboats can create noise (for example from electricity generators placed on the towpath). The provision of car parking is another issue. Environmental and physical constraints would also need to be taken into account. Environmental constraints could include Sites of Special Scientific Interest (SSSIs) and Special Areas of Conservation (SACs). Physical constraints could include pylons, pipeline markers and trees.
- 6.16 It would also be necessary to ensure that house boat occupiers have reasonable or good access to utilities, including water, waste water, electricity and also access to services and facilities such as schools, health centres and shops, including chandlery supplies.

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<sup>24</sup> Subject to the Exception Test.

<sup>25</sup> PPG, Paragraph: 066 Reference ID: 7-066-20140306



## Options for the provision of boat dweller accommodation

Ref.	Option	Description	Advantages / Disadvantages
1	Do nothing	Maintain the current situation with limited information on the supply of residential moorings and whether there is a need for more accommodation for boat dwellers. Rely on new mooring sites or alterations to existing moorings coming forward through the Development Management process.	This option would leave the Council with no control over where moorings or marinas come forward, and no clear idea of what type of accommodation for boat dwellers to provide for. The Council would have no specific policies for dealing with planning applications relating to boat dwellers. The sites that do come forward may not be in the most sustainable locations. Doing nothing would be a lost opportunity. Unauthorised uses may lead to environmental damage and conflict with the settled community.
2	Provide for some types of boat dweller only	Provide for some types of boat dweller only, for example all of those except recreational boaters who only use their boat for leisure purposes for part of the year. This would be achieved through criteria based policies on location and design or the allocation of sites.	This option would involve undertaking more research on the supply and need for some types of boat dweller in the Borough. It would ensure that the accommodation needs of boat dwellers who live on their boats regularly are met, in particular those in need of affordable homes. However, it may be difficult to identify this need accurately as some people may be living on unauthorised moorings and may not wish to admit to this. It could also be difficult to differentiate between the different types of boat dweller when determining applications.
3	Provide for all types of boat dweller	Provide for all types of boat dweller, including those except recreational boaters who only use their boat for leisure purposes for part of the year. This would be achieved through criteria based policies on location and design or the allocation of sites.	This option would involve undertaking more research on the supply and need for all boat dwellers in the Borough, including recreational. It would ensure that the accommodation needs of all boat dwellers are met, even though some of these may not be in need of affordable homes. However, it may be difficult to identify this need accurately as some people may be living on unauthorised moorings and may not wish to admit to this. There would be no need to differentiate between the different types of boat dweller when determining applications.

## Questions to consider

### Question 6a.

Which of the identified policy options do you feel is the most appropriate?  
Please explain why you think this.

### Question 6b.

Should the Traveller Local Plan be providing for boat dwellers?

### Question 6c.

If so, should the Traveller Local Plan be providing for all boat dwellers, including those recreational boaters, or only those who use their boats as their main or only residence?

### Question 6d.

Are there any other possible policy options with regards to the provision of boat dweller accommodation? If so, please provide details

### Question 6e.

Should the Traveller Local Plan contain a separate policy to provide design requirements for moorings and marinas? Which of the following matters should be covered by the policy?

- A. Access and parking
- B. Landscaping / fencing
- C. Layout of moorings/marinas
- D. Open space provision
- E. Utility provision
- F. Waste storage
- G. External lighting

### Question 6f.

Do you have any information on boat dwellers in the Borough that you would be willing to share with the Council?

**Question 6g.**

**Do you have a view on whether boat dwellers accommodation is appropriate in the functional floodplain?**

## **7 Are there any other issues and options?**

- 7.1 We have tried to identify in this paper all of the relevant issues and options relating to Gypsies and Travellers, Travelling Showpeople and boat dwellers within the Borough. However, if you think that there are other issues and options that we have not included or you have a view on what should be covered within the Traveller Local Plan, please let us know by answering the following question.

**Question 7a.**

**Are there any other issues and/or options not specified in this paper that you wish to raise?**

## 8 Appendices

### Appendix 1 – Policy HO4 in the Submission Version of the Borough Local Plan

#### POLICY HO 4

##### Gypsies and Travellers

1. The need for Gypsy and Traveller Accommodation will be addressed through the proposed Gypsy and Traveller Local Plan.<sup>(11)</sup> The current Gypsy and Traveller Accommodation Assessment will identify need for transit and permanent pitches to meet needs in the area. Meanwhile applications for planning permission will be considered positively in the light of national planning policy and the criteria listed below.
2. Planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will be granted providing all of the following criteria are met:
  - a. the site is suitably connected by sustainable modes of transport to a settlement with health care, retail, and school facilities with capacity
  - b. the impact of development including in combination with existing pitches would not harm the landscape, heritage assets, biodiversity or visual character and amenity of the area, in particular the Green Belt
  - c. the site can be safely accessed by pedestrians, vehicles and caravans to and from the highway
  - d. the site is not located in an area at high risk of flooding as defined by the Council's strategic flood risk assessment and shown on the Policies Map
  - e. adequate on-site utilities, including water resources and supply, waste disposal and treatment, are provided for the benefit of residents and also in order to avoid adverse impacts on the natural environment
3. In addition to the above, the following criterion applies to Travelling Showpeople accommodation only: 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.
4. Due to the nature of this housing need, there will be continuing cooperation with neighbouring local planning authorities to ensure that the appropriate demand is identified and provision made.

## Appendix 2 – Glossary

Term	Explanation
<b>Amenity block</b>	A building sited on a pitch to provide a dayroom or facilities such as bathroom, toilet, sink and plumbing for a washing machine.
<b>Appropriate Assessment</b>	An assessment of the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The AA is part of the HRA process.
<b>Bargee Traveller</b>	See definition for Boat dweller.
<b>Berkshire Housing and Economic Land Availability Assessment (HELAA)</b>	A technical study which forms a critical component of the evidence base for local plans. The purpose of the HELAA is to assist in identifying suitable land which is available for housing and economic development, the development potential and when development is likely to occur.
<b>Boat Dwellers</b>	There is no known Government definition of 'boat dwellers'. The British Waterways Act 1971 sets out a definition for the term 'Houseboat' with additional interpretation is set out in the British Waterways Act 1995. However, a houseboat as defined by the legislation may not be lived on at all and so the terms 'boat dweller' or Bargee Travellers are often used instead to cover those people living on boats and travelling on waterways, or living on permanent moorings.
<b>Borough Local Plan 2013-2033 (BLP)</b>	The plan currently being prepared by the Royal Borough for the future development of the local area. In law this is described as a development plan document adopted under the Planning and Compulsory Purchase Act 2004. The BLP Submission Version (BLPSV) was submitted for independent examination in January 2018.
<b>Brick and Mortar</b>	Permanent mainstream housing.
<b>Designing Gypsy and Traveller Sites (2008)</b>	This document provided general design guidance for Gypsy sites/pitches, including indicative site layout and case studies (Department for Communities and Local Government). It was cancelled in 2015.
<b>Functional floodplain</b>	A functional floodplain (also known as Flood Zone 3b) is a very important planning tool in making space for flood waters when flooding occurs. Generally, development should be directed away from these areas.
<b>Green Belt</b>	The Green Belt policy is implemented to prevent urban sprawl by keeping land permanently open and undeveloped. In the Royal Borough of Windsor and Maidenhead, Green Belt refers to the Metropolitan Green Belt. The designation accounts for 83% of the land area of the Royal Borough.
<b>Gypsies and Travellers</b>	'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.' (PPTS, 2015).

<b>Gypsy, Traveller and Travelling Showperson Accommodation Assessment (GTAA)</b>	An assessment carried out to calculate the need for additional Gypsy, Traveller and Travelling Showpeople accommodation, for the purposes of planning. The RBWM GTAA was published in 2018 and was based on a review of existing data, online surveys and interviews.
<b>Habitats Regulations Assessment (HRA)</b>	A recognised step by step process which helps determine likely significant effect and assess adverse impacts on the integrity of a European site, and examines alternative solutions.
<b>Local Plan</b>	A document which sets out local planning policies and identifies how land is used and what will be built where.
<b>Marina</b>	Dedicated basins for boat moorings, usually purpose-built, but sometimes converted from a gravel lake.
<b>National Planning Policy Framework (NPPF)</b>	National planning guidance issued by the Government, setting out policy guidance on different aspects of planning. Local Planning Authorities must take the content into account in preparing Local Plans and decision making. The NPPF was last updated in July 2018.
<b>Permanent residential Sites</b>	These can be public, social rented sites or privately owned sites. Sites are normally made up of individual caravan pitches, with amenity blocks and essential services, or as residential moorings for houseboats.
<b>Pitch</b>	Area of land on a Gypsy/Traveller site occupied by one resident family, including their caravans, an amenity block, parking space and essential services. There is no standard size for a pitch.
<b>Planning Policy for Traveller Sites (PPTS)</b>	National planning document which sets out the Government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework (NPPF). The PPTS was last updated in 2015.
<b>Plot</b>	An area of land of unspecified size on a Travelling Showpeople site occupied by one resident household. This can contain Travelling Showpeople's caravans, trailers, mobile homes and sometimes equipment.
<b>Residential moorings</b>	A long-term mooring which may need planning permission for the moored boat to be used as the occupant's sole or primary residence.
<b>Sequential approach</b>	This approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
<b>Sites of Special Scientific Interest (SSSI)</b>	Sites designated by Natural England under the Wildlife and Countryside Act 1981. SSSI is a formal conservation designation for an area which is of particular interest because of its fauna, flora or geological or physiological features.
<b>South East Plan</b>	The South East Plan set out a vision for the future of the South East region to 2026. On 25 March 2013 the majority of the South East Plan (except for Policy NRM6: Thames Basin Heath SPA) was revoked.

<b>Special Areas of Conservation (SAC)</b>	Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.
<b>Special Protection Areas (SPA)</b>	Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds. They are European designated sites, classified under the Bird Directive.
<b>Strategic Environmental Assessment (SEA)</b>	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
<b>Strategic Flood Risk Assessment (SFRA)</b>	A Strategic Flood Risk Assessment is a study carried out by one or more local planning authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk.
<b>Suitable Alternative Green Space (SANG)</b>	Suitable Alternative Natural Greenspace (SANG) is the name given to the green space that is of a quality and type suitable to be used as mitigation in the context of the Thames Basin Heaths Special Protection Area (TBH SPA). Its role is to provide alternative open space to divert visitors from visiting TBH SPA.
<b>Sustainability Appraisal (SA)</b>	An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. SAs incorporate the requirements of the Strategic Environmental Assessment (SEA) Regulations.
<b>Temporary stopping places</b>	Pieces of land in temporary use as authorised short-term (less than 28 days) stopping places for all Travelling communities.
<b>Thames Basin Heaths SPA</b>	The Thames Basin Heaths Special Protection Area (TBH SPA) was designated on 9th March 2005 and forms part of Natura 2000, a European-wide network of sites of international importance for nature conservation established under the European Community Wild Birds and Habitat directives.
<b>Tolerated sites</b>	An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.
<b>Transit Sites</b>	Permanent sites used to provide only temporary accommodation for their residents. Lengths of stay can vary but are usually set at between 28 days and three months
<b>Traveller Land Availability Assessment (TLAA)</b>	A study produced by the Royal Borough of Windsor and Maidenhead to assess sites promoted or otherwise identified as having potential as future Traveller sites.
<b>Traveller Local Plan (TLP)</b>	A type of Local Plan, the TLP will set out how the Royal Borough of Windsor and Maidenhead will meet the future accommodation needs of the Traveller communities. It is likely to include the allocation of new sites and will also cover issues such as site design, type, tenure and mix. Once adopted, the TLP will form part of the Development Plan.

<b>Travelling Showpeople</b>	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.
<b>Unauthorised encampments</b>	Land occupied by Gypsies and Travellers and Travelling Showpeople without the benefit of planning permission or the permission of the land owner.
<b>Yard</b>	A site used by Travelling Showpeople. Yards generally consist of mixed-use plots which may need to incorporate space or to be split to allow for the storage of equipment.

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