

Report Title:	Traveller Local Plan - Issues & Options
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

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REPORT SUMMARY

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

1 DETAILS OF RECOMMENDATION

RECOMMENDATION: That 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. This is the recommended option.	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

Risks	Uncontrolled Risk	Controls	Controlled Risk
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 4th December 2018, and any comments will be reported to the 13th 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
- 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

Name of consultee	Post held	Date sent	Date returned
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

Decision type:	Urgency item?	To Follow item?
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

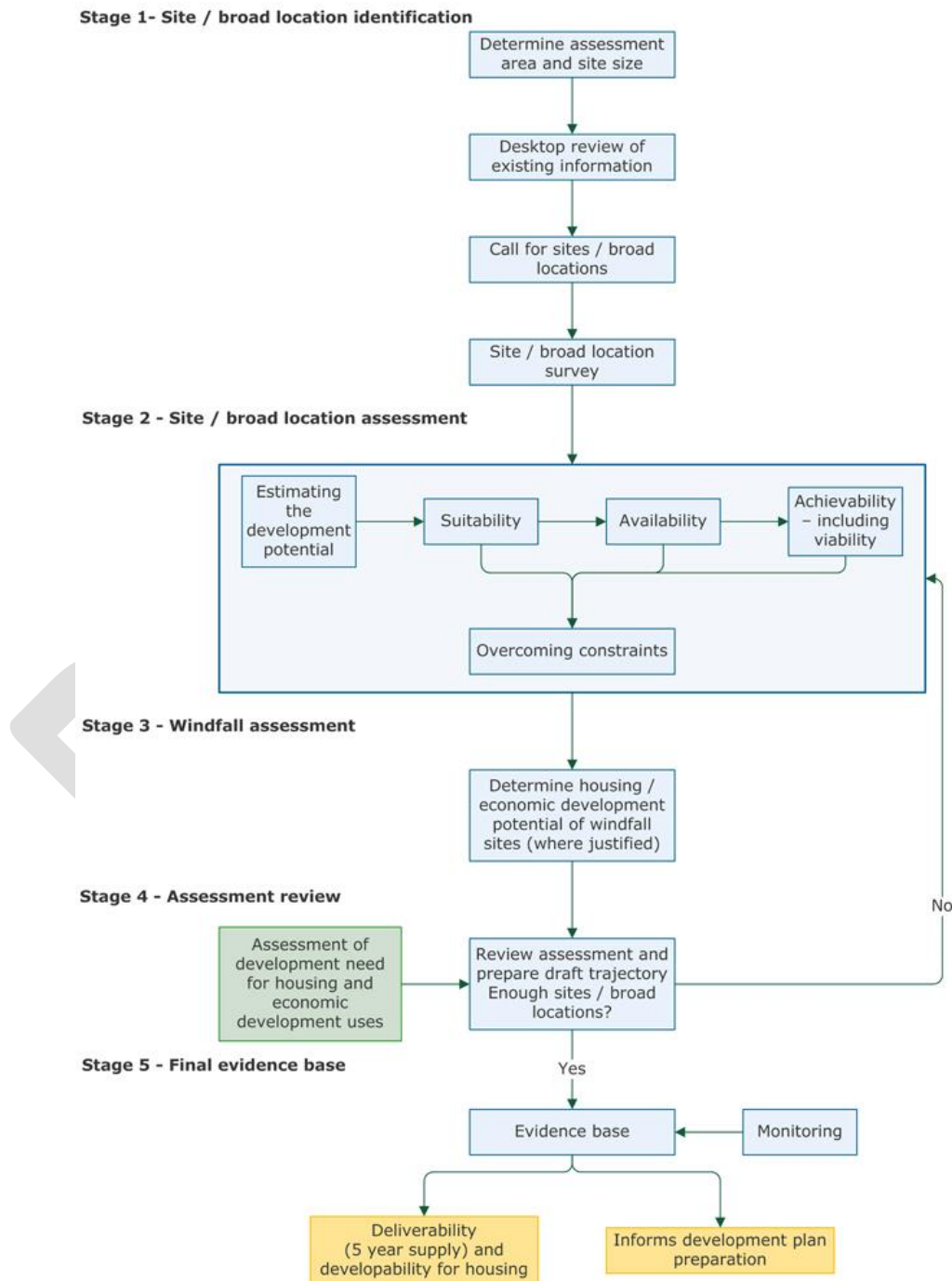
- 2.10 Although the South East Plan was revoked in 2013, one relevant policy (NMR6) relating to development close to the Thames Basin Heaths Special Protection Area (SPA), was retained. This policy states that new residential development which is likely to have a significant effect on the SPA will be 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 arc⁴ 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 Guidance¹.



¹ 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
Site is completely within Flood Zone 3 (high probability of flooding) or in Zone 3b (functional floodplain)	Caravans and mobile homes are a highly vulnerable use and should not be permitted in Zone 3 ² .
Site is completely within a Special Protection Area.	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.
Site is completely within 400m of the Thames Basin Heaths Special protection Area	Natural England advises that the recreational impacts of residential development cannot be mitigated within 400m of the designation.
Sites within a Ramsar site	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.
Sites within a Site of Special Scientific Interest	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.
Sites wholly within or containing ancient woodland	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.
Sites within notified safety zones	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:

² 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 plan³. 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.

³ 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).
- 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.⁽¹¹⁾ 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
- 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 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:

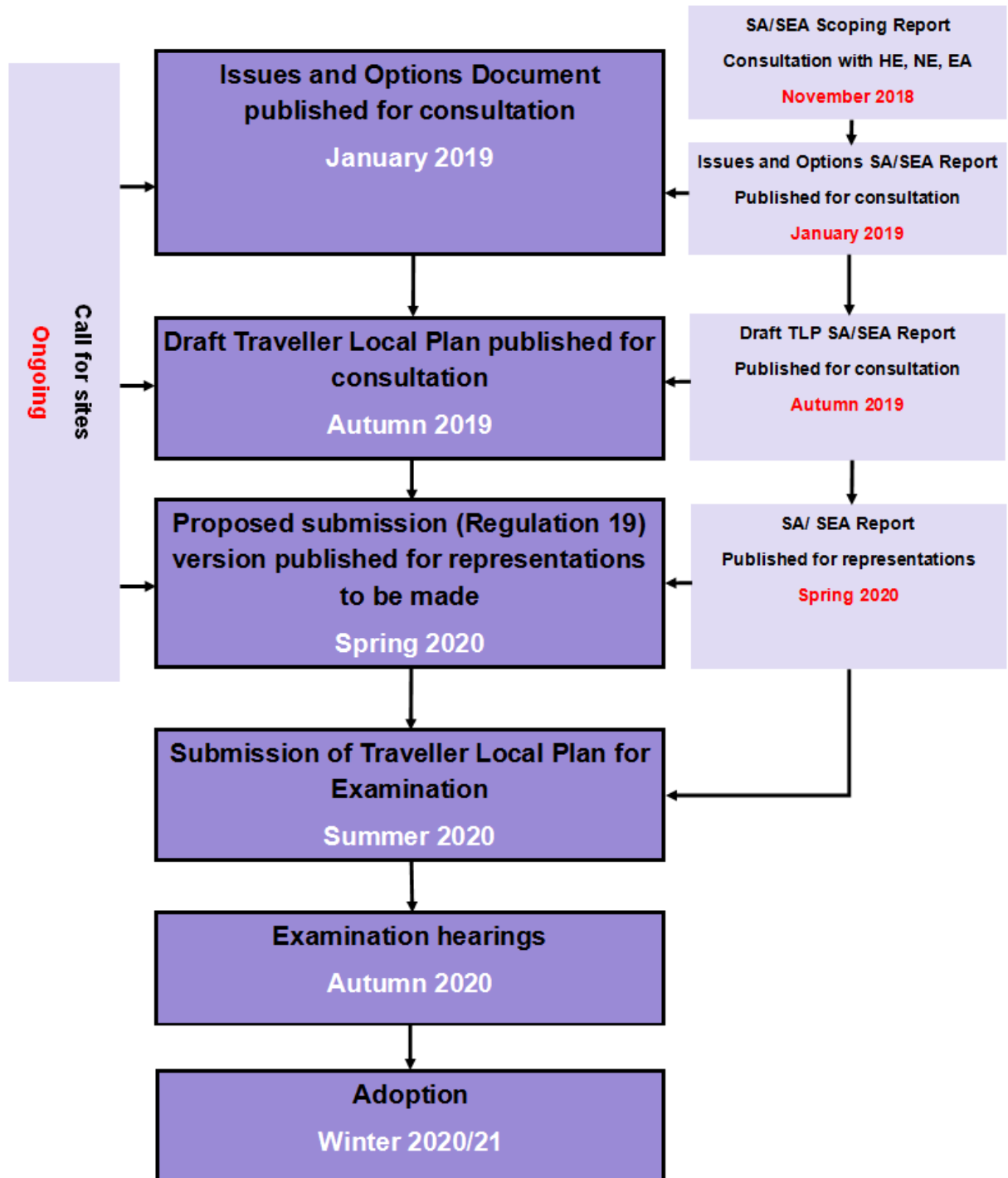


Figure 1 - Indicative Timetable for the Traveller Local Plan

- 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.
 - 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's¹. 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 years². Around 58,000 people identifying themselves as members of the Gypsy and Traveller community living in England and Wales³. 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 occupiers⁴. 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 1711⁵ 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.

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

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

³ Gypsies and Travellers Briefing Paper (House of Commons Library, 2018)

⁴ Association of Inland Navigation Authorities (AINA)

⁵ 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 community⁶. 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 area⁷.
- 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 11-15⁸.
- 2.11 The PPTS provides some guidance on the factors to take into account in finding sites⁹. 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 demonstrated¹⁰. 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

⁶ PPTS, paragraph 3.

⁷ PPTS, Paragraph 9.

⁸ PPTS, paragraph 10.

⁹ PPTS paragraphs 10 and 13.

¹⁰ PPTS paragraph 16.

- response to a planning application. Such land should be specifically allocated in the development plan as a Traveller site only¹¹.
- 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' policy¹².
- 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 Framework¹³.
- 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 whole¹⁴. 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 Travellers¹⁵.
- 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).

¹¹ PPTS paragraph 17.

¹² PPTS paragraph 15.

¹³ NPPF, paragraph 10.

¹⁴ NPPF, paragraph 11

¹⁵ NPPF, paragraph 61.

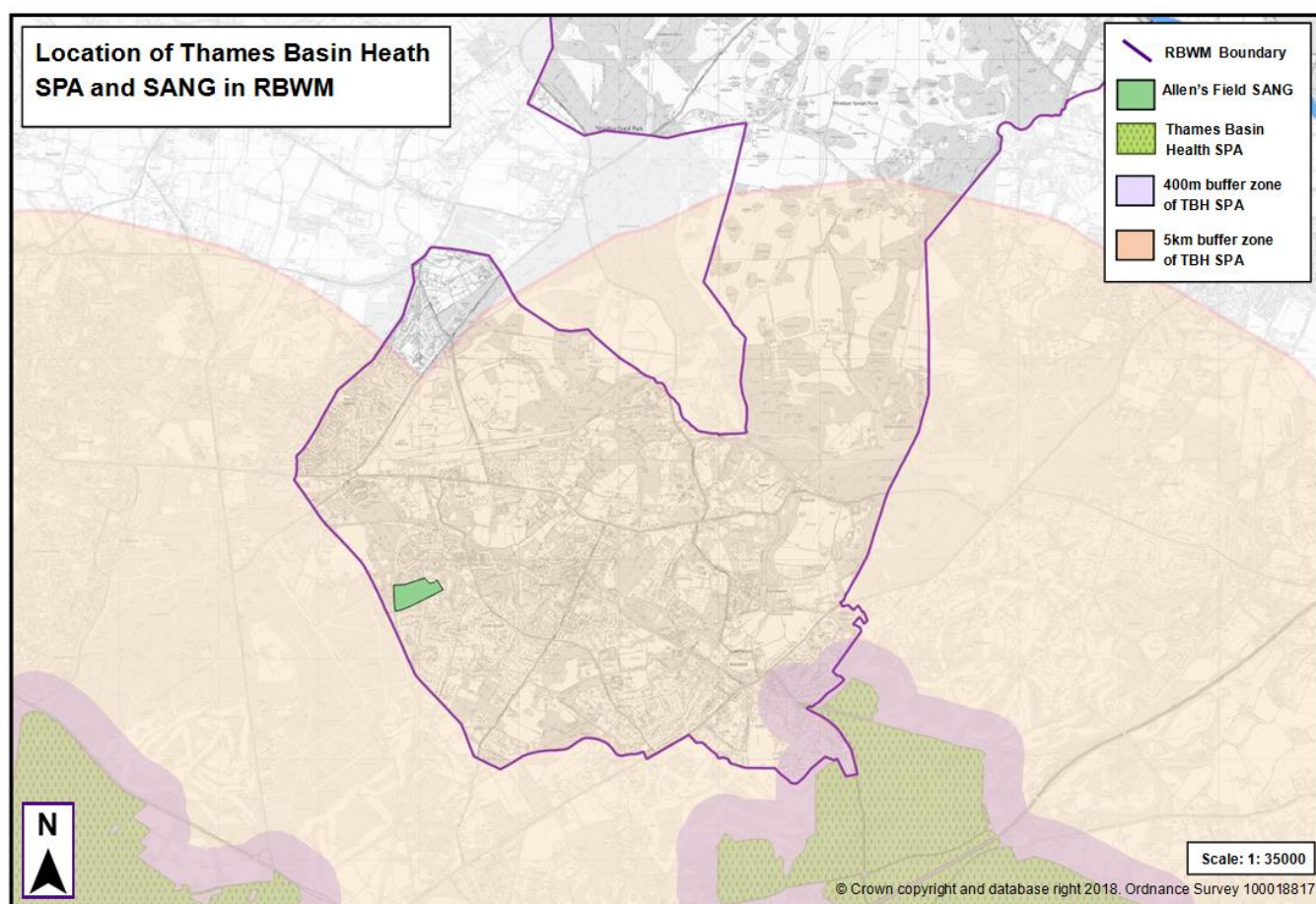


Figure 2 - Location of Thames Basin Heath SPA and SANG in RBWM.

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.
- 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 plans¹⁶.

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?

¹⁶ [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	End date of 2033	The TLP would have an end date of 2033.	<ul style="list-style-type: none"> • Consistent with evidence of need and Borough Local Plan end date • Less than 15 years from adoption, contrary to national policy (NPPF).
2	End date of 2035	The TLP would have an end date of 2035.	<ul style="list-style-type: none"> • 15 years from adoption, in accordance with NPPF, provided plan adopted by 2020. • Evidence of need would have to be amended to cover extra 2 years.
3	End date of 2036	The TLP would have an end date of 2036.	<ul style="list-style-type: none"> • 15 years from adoption, in accordance with NPPF, provided plan adopted by 2021. • Evidence of need would have to be amended to cover extra 3 years.

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.

DRAFT

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 tolerated¹⁷, 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.

¹⁷ See Glossary for definition of tolerated.

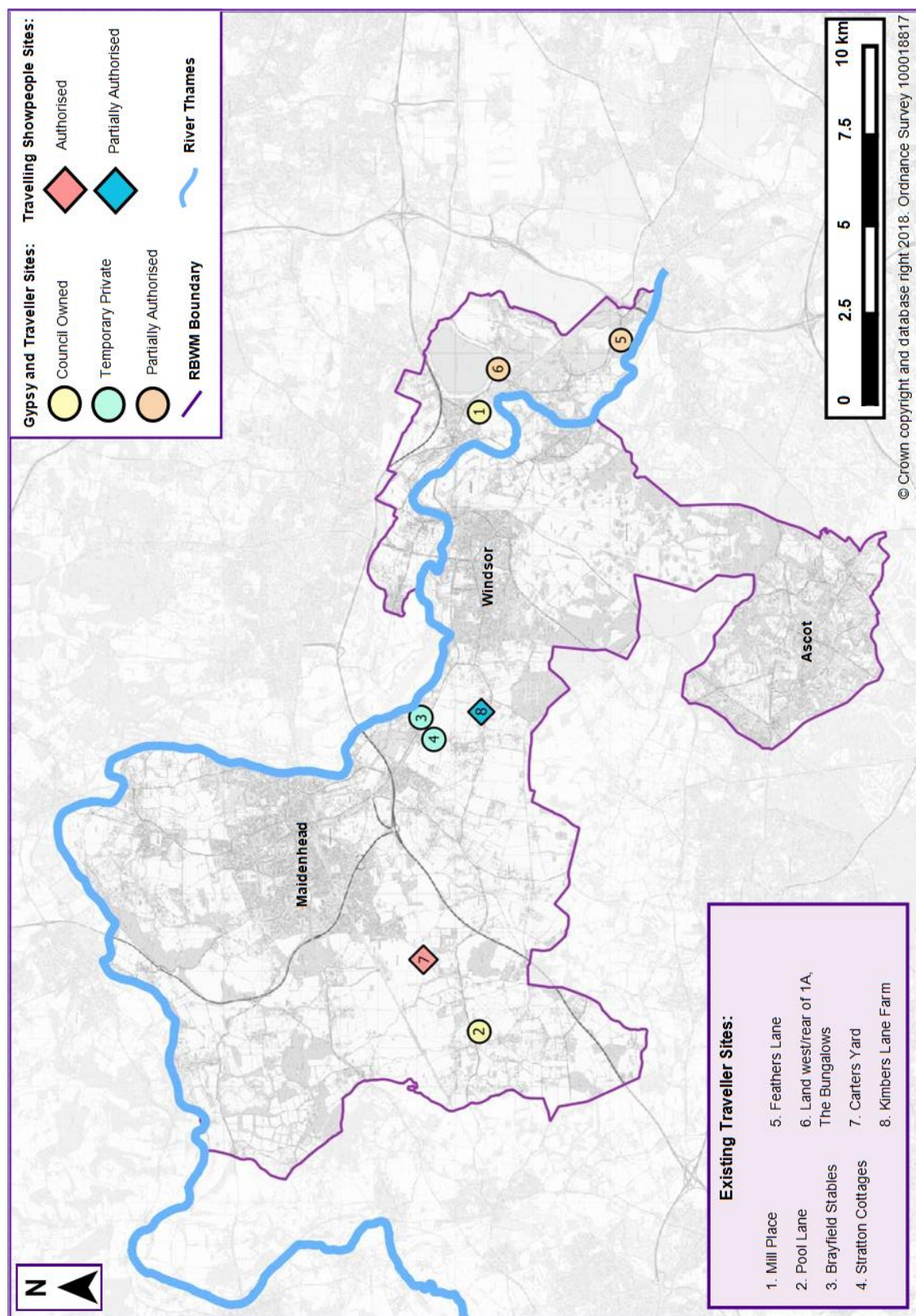


Figure 3 - Existing Traveller sites located within the Borough.

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 manage¹⁸.
- 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

¹⁸ 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 (SANG¹⁹) 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.

¹⁹ 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 area²⁰. 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.

²⁰ 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 mooring²², 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.

²² 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 Thames²³ 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.

²³ 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)²⁴. It also states that water based recreation is 'water compatible development' but it adds that this excludes sleeping accommodation²⁵.

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.

²⁴ Subject to the Exception Test.

²⁵ 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.⁽¹¹⁾ 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
Amenity block	A building sited on a pitch to provide a dayroom or facilities such as bathroom, toilet, sink and plumbing for a washing machine.
Appropriate Assessment	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.
Bargee Traveller	See definition for Boat dweller.
Berkshire Housing and Economic Land Availability Assessment (HELAA)	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.
Boat Dwellers	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.
Borough Local Plan 2013-2033 (BLP)	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.
Brick and Mortar	Permanent mainstream housing.
Designing Gypsy and Traveller Sites (2008)	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.
Functional floodplain	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.
Green Belt	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.
Gypsies and Travellers	'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).

Gypsy, Traveller and Travelling Showperson Accommodation Assessment (GTAA)	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.
Habitats Regulations Assessment (HRA)	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.
Local Plan	A document which sets out local planning policies and identifies how land is used and what will be built where.
Marina	Dedicated basins for boat moorings, usually purpose-built, but sometimes converted from a gravel lake.
National Planning Policy Framework (NPPF)	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.
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, or as residential moorings for houseboats.
Pitch	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.
Planning Policy for Traveller Sites (PPTS)	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.
Plot	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.
Residential moorings	A long-term mooring which may need planning permission for the moored boat to be used as the occupant's sole or primary residence.
Sequential approach	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.
Sites of Special Scientific Interest (SSSI)	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.
South East Plan	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.

Special Areas of Conservation (SAC)	Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.
Special Protection Areas (SPA)	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.
Strategic Environmental Assessment (SEA)	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.
Strategic Flood Risk Assessment (SFRA)	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.
Suitable Alternative Green Space (SANG)	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.
Sustainability Appraisal (SA)	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.
Temporary stopping places	Pieces of land in temporary use as authorised short-term (less than 28 days) stopping places for all Travelling communities.
Thames Basin Heaths SPA	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.
Tolerated sites	An unauthorised encampment/site where a local authority has decided not to take enforcement action to seek its removal.
Transit Sites	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
Traveller Land Availability Assessment (TLAA)	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.
Traveller Local Plan (TLP)	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.

Travelling Showpeople	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.
Unauthorised encampments	Land occupied by Gypsies and Travellers and Travelling Showpeople without the benefit of planning permission or the permission of the land owner.
Yard	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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