

## **Travellers' Sites Development Plan Document**

### **Main Issues Statement**

#### **Issue 1 – Questions (i to iii)**

##### **(Document Number 1.1)**

**Issue 1 – Have the relevant procedural and legal requirements been met, including the duty to co-operate?**

**Question (i) - The Council has undertaken Sustainability Appraisal (A10 & A11) and Habitats Regulations Assessment (A12). Is it satisfied that these are adequate and comply with the relevant legislation?**

**Response**

1.1 The Sustainability Appraisal (SA) of the emerging Travellers' Sites Development Plan Document (DPD) has been carried out in an integrated manner encompassing Strategic Environmental Assessment (SEA). This integrated process is reflected in the Sustainability Appraisal (core document A10.) This integrated approach accords with guidance contained in the Planning Practice Guidance (PPG) which provides that:

*“Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.”* The requirements of the SEA Directive and Regulations are set out in Table 1.1 of the SA Report 2017 (A10) and the legislative requirements have informed the development of the DPD.

1.2 The SA process started in June 2014 when a Scoping Report for the DPD, was produced (B2). The Scoping Report established the range and level of detail for the SA and provided base data used for the SA Report. It identified draft SA objectives, and outlines the draft SA Framework and site checklist tools. The Scoping Report was issued for consultation with various stakeholders including the statutory consultees for SEA - Natural England, the Environment Agency and English Heritage. Consultation responses received to the Scoping Report (together with the subsequent consultations upon the Issues and Options document and Preferred Options document) are set out in Appendix 1 of the SA Report 2017 (A10).

1.3 In 2014 the Council commissioned independent consultants Land Use Consultants (LUC) who specialise in SAs, SEAs and HRAs and LUC continued the SA work at subsequent stages of the process.

1.4 The SA process has been carried out in an iterative manner throughout the plan making process. Chapter 2 of the SA Report 2017 (A10) explains how the SA process has been undertaken at each stage in the plan making process and how it has provided sustainability guidance and informed its development. At every stage a review of the baseline data and policy context has taken place as well as a review of significant changes made to the policies and proposals, or new options as relevant, to determine the sustainability implications of the changes and whether any additional SA work was needed. Furthermore at each stage of the plan preparation process, policies and proposals of the Travellers' Sites DPD have been the subject of consultation and some have been subsequently appropriately amended. Consequently the SA process has been repeated where necessary to take into account any

changes made as a result of consultation and/or where additional evidence has become available. This approach has ensured a thorough process resulting in a reliable and robust SA.

- 1.5 Different levels of detail were used at various stages of the SA process. This reflects the need to ensure that the process was proportionate and has reflected the nature of the evolution of the DPD. At the early stages of preparation it considered issues and options and latterly more detailed appraisal matrices as the plan has evolved identified specific sites and become a more detailed development management type document. The approach used at each stage was consistent across the whole appraisal at the time. The SA process included consideration of a range of reasonable alternatives including a range of options related to the options for providing residential pitches, transit pitches, the size and tenure of sites and traveller sites related development.
- 1.6 The Travellers' Sites DPD has been subject to a Habitats Regulations Assessment (HRA) carried out in order to establish whether the plan will have any likely significant effects on European sites in and around Herefordshire. As with the work on the SA, Herefordshire Council commissioned LUC to prepare the HRA of the Travellers' Sites DPD. The information compiled for the HRA of the Herefordshire Local Plan Core Strategy was drawn on in undertaking the HRA, in particular the evidence associated with water quality issues in the River Wye SAC.
- 1.7 The first stage of the HRA was undertaken at the Preferred Options stage in the plan preparation once potential Travellers' sites had been identified (B8). The HRA concluded that most of the European sites are some distance away from the proposed travellers' sites and are unlikely to be affected by the proposals, due to their scale. The only European site in close proximity to any of the proposed sites is the River Wye SAC. Although five of the sites were considered to be close enough that recreational activities could increase physical disturbance/damage, or erosion/trampling. However, in all cases, the scale of development was considered to be very small and unlikely to result in significant effects.
- 1.8 The HRA undertaken upon the pre-submission Travellers' Sites DPD came to the same conclusion (A12).
- 1.9 In conclusion the Council has diligently appraised all stages of plan production against the legal requirements of Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment in a proportionate manner, including the consideration of realistic and reasonable alternative options. These appraisals are documented in the SA Report (A10 & A11) and appendices and HRA Report (A12) accompanying the Pre-Submission Travellers' Sites DPD.

**Question (ii) - The duty to co-operate statement (A19) concludes that the duty has been met although details of the co-operation actually undertaken are quite limited. Is there anything further the Council wishes to add about the engagement with neighbouring authorities and whether it has been constructive, active and on an on-going basis? Paragraph 5.6 confirms that the Council has not been requested by any of its neighbours to meet unmet need from elsewhere and has not sought assistance in meeting its own needs. Is the Council able to provide any more detail about the plan-making position of adjoining authorities in relation to traveller sites?**

## **Response**

- 1.10 In summary the duty to cooperate places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters. The Council has engaged constructively, actively with neighbouring authorities from an early stage in the plan preparation process and throughout to explore any opportunities for joint working and to identify any issues regarding unmet need in any of the neighbouring authorities. This co-operation was over and above the strict requirements associated with the formal consultation processes.
- 1.11 The duty to cooperate has been achieved through formal meetings and communication between planning officers by telephone or email. Correspondence from individual authorities is provided in post submission document PS1 to this issue statement confirming that there are no unresolved strategic cross boundary issues. This was also confirmed by Shropshire Council and Malvern Hills District Council (on behalf of the South Worcestershire Councils) in their responses on the Pre-submission consultation. PS1 also includes notes of meetings and file notes of telephone discussions.
- 1.12 Discussions took place with neighbouring authorities at early stage in the DPD process to identify opportunities for joint provision. However these early discussions showed that there were no opportunities for this as explained below. Even though this was established at an early stage in the process, ongoing contact was carried out to identify whether there were any changes in the situation. The below sections provide further information on an individual local authority basis.

## **Shropshire Council**

- 1.13 Traditionally, when it comes to neighbouring authorities Herefordshire has worked most closely with Shropshire County on plan making matters due to its functional relationships and similar rural character. In addition to regular dialogue between officers from both of the councils, meetings were held in June 2014 and January 2017 covering a number of issues including gypsy and traveller issues discussing pitch provision and plan preparation timetables. It was concluded that there were not any strategic cross boundary issues arising.
- 1.14 GTAAs have been prepared separately, but in close consultation, by both authorities reflecting the progress of their local plan preparation. Shropshire adopted its Core Strategy in February 2011 and the Sites and Allocations Development Document in December 2015.

The latter did not include any site allocations for gypsies and travellers as the GTAA did not indicate a need for new pitches. However the Council has recently updated its GTAA in the context of its emerging local plan review. This concluded that turnover addresses both the cultural need and the need that meets the definition within Planning Policy for Traveller Sites 2015. A permanent site to replace the temporary site of travelling showpeople is required as is a transit site of 8 – 10 pitches. It is understood that the Council is in the process of identifying a site on the M54 corridor in the north of the county to address the requirement identified in the GTAA for Shropshire.

### **Forest of Dean District Council**

- 1.15 Forest of Dean District Council is part of a two tier local government structure in Gloucestershire with Gloucestershire County Council and five other district councils (Tewkesbury Borough, Cheltenham Borough, Gloucester City, Stroud District and Cotswold District Councils). A joint GTAA was carried out for all these local authorities published in March in 2017.
- 1.16 The Forest of Dean District Council assessed its requirement for a gypsy and traveller pitches as part of the Gloucestershire county wide GTAA. At the beginning of the preparation of the Herefordshire Travellers Sites Development plan, the relevant Gloucestershire GTAA was dated 2013 and this provided the evidence base for the allocations plan that is currently under examination. This was further updated in 2017.

### **Malvern hills District Council**

- 1.17 Herefordshire Council entered into a Memorandum of Understanding (January 2015) with Malvern Hills's District Council on behalf of the South Worcestershire Authorities in relation to Duty to cooperate on all strategic planning matters . Meetings have been held with officers from Malvern Hills District Council in November 2015 and January 2017. At both of these meetings it was confirmed that there are no cross boundary strategic issues relating to the provision of traveller sites. The meeting notes and Memorandum of Understanding can be found in Post Submission document PS1.

### **Monmouthshire Council**

- 1.18 The boundary with Monmouthshire and Herefordshire crosses the A40 between Monmouth and Ross-on-Wye. Officers at Herefordshire Council approached officers at Monmouthshire at an early stage in the development plan process to assess any potential for joint provision of a temporary stopping place in the vicinity of the county boundaries close to the A40. However discussions identified that the different timescales in GTAA and plan preparation would make this difficult to achieve and it was considered that there are generally low levels of unauthorised encampments within Monmouthshire. This was confirmed in the Monmouthshire GTAA which was approved by the Welsh Government in December 2016. Furthermore it was advised that as a Welsh local authority, if a requirement is identified for a transit site this would be addressed on a Welsh regional basis as part of the emerging Strategic Development Plan (SDP) process. On the 19<sup>th</sup> March 2018 Monmouthshire Council formally resolved to be part of the South East Wales Strategic Development Plan.

## **Powys County Council and Brecon Councils National Park Authority**

- 1.19 A joint duty to cooperate meeting was held in January 2017 with Shropshire Council. Apart from this dialogue has taken place between officers as required. However no strategic issues were identified and the potential for joint provision for a transit site or temporary shopping place would be limited as the routes between the two counties do not give rise to traveller movement and unauthorised encampments. The needs identified in the Powys GTAA 2016 have been met through site allocations in Powys, as identified in the adopted Powys Local Development Plan 2018. The need arising in Brecon is included in the GTAA for Powys. A new site of 14 pitches has been developed in Brecon which meets the need identified in the GTAA.

1.20 The table below provides information about the plan-making position of adjoining authorities in relation to traveller sites.

Local authority	Development plan
Forest of Dean Local Plan	<p>Core Strategy Adopted February 2012  <a href="http://www.fdean.gov.uk/media/2530/cs-adopted-version-february-2012.pdf">http://www.fdean.gov.uk/media/2530/cs-adopted-version-february-2012.pdf</a></p> <p>Policy CSP. 6 sets out how the needs of Gypsies, Travellers and Travelling Showpeople will be met with sites being identified in the Allocations plan.</p> <p>Allocations Plan (Currently under examination)  <a href="http://www.fdean.gov.uk/residents/planning-building/planning-policy/local-plan-new/allocations-plan/examination-of-allocations-plan/">http://www.fdean.gov.uk/residents/planning-building/planning-policy/local-plan-new/allocations-plan/examination-of-allocations-plan/</a></p> <p>The allocations plans identified two sites for travellers in Policies AP16 and AP17. An interim report was published by the Inspector in June 2016: <a href="http://www.fdean.gov.uk/media/2673/interim-findings-24jun16.pdf">http://www.fdean.gov.uk/media/2673/interim-findings-24jun16.pdf</a> Main Modifications Consultation took place between 23 October 2017 and 18 December 2017. The Inspector's final report is expected imminently.</p>
Malvern Hills District Council (Working jointly with Wychavon District and Worcester City Councils)	<p>South Worcestershire Development Plan Adopted February 2016  <a href="http://www.swdevelopmentplan.org/wp-content/uploads/2016/06/The-Adopted-SWDP-February-2016.pdf">http://www.swdevelopmentplan.org/wp-content/uploads/2016/06/The-Adopted-SWDP-February-2016.pdf</a></p> <p>Policy SWDP 17 sets out the requirements for traveller pitches to be identified in an allocations plan.</p> <p>South Worcestershire Travellers and Travelling Showpeople Site Allocations Development Plan Document Revised preferred options consultation document February 2018  <a href="http://www.swdevelopmentplan.org/?p=13676">http://www.swdevelopmentplan.org/?p=13676</a></p> <p>To meet the need for 26 deliverable permanent residential Traveller pitches in the first 5 year period to 2022/23 the SWC propose that new or additional pitches be allocated at the 8 sites. The GTAA identifies two plots are required for Travelling Show People for the period from 2018/19 but none have been identified at this stage. The consultation document suggests the removal of 19 transit pitches on a larger site at Crossway Green near Stourport that were granted temporary planning permission, leaving a transit site of five pitches which would meet the requirement identified in the GTAA.</p>
Shropshire Council	The Local Plan is made up of several planning documents, known as Local Development Documents (LDDs).

	<p>Two of the key documents which make up the Shropshire Local Development Framework (LDF) are:</p> <ul style="list-style-type: none"> <li>•Core Strategy DPD - adopted 24 February 2011</li> <li>•Site Allocations and Management of Development Adopted Plan – adopted 17 December 2015 <a href="https://shropshire.gov.uk/planning-policy/local-planning/samdev-plan-2006-2026/the-plan/">https://shropshire.gov.uk/planning-policy/local-planning/samdev-plan-2006-2026/the-plan/</a></li> </ul> <p>Inspectors report on the SamDev concluded that” To conclude, the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling showpersons.”</p> <p>A partial review of the Local plan has begun and consultation on the strategic issues has been carried out. Gypsy and traveller site provision, along with some other issues, will be considered at a later stage in the partial review.</p> <p>The published Shropshire GTAA 2017 is available on Shropshire Council’s website via the following the link:-</p> <p><a href="https://shropshire.gov.uk/media/8735/gtaa-gypsy-and-traveller-accommodation-assessment-2017.pdf">https://shropshire.gov.uk/media/8735/gtaa-gypsy-and-traveller-accommodation-assessment-2017.pdf</a></p> <p>The GTAA concludes that:</p> <p>“It is recommended that the Local Plan acknowledges the overall need (excluding turnover) for 90 additional pitches based on a cultural interpretation of need and 34 based on a PPTS interpretation of need. For the purposes of the review of the Local Plan it is however concluded that turnover on local authority pitches is expected to address this need, and that there is no current requirement for site allocations or the identification of sites for longer term provision. Although there is no overall shortfall in pitches once turnover is considered, the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families should they be forthcoming over the Plan period.</p> <p>There is currently one temporary Travelling Showpersons’ yard in Shropshire. The 2017 GTAA has not found any evidence of a need for additional plots to be provided over the plan period, other than a suitable permanent site for the existing residents at the temporary site.</p> <p>The Council should continue to engage with the Showman’s Guild of Great Britain and consider any future need should it arise.”</p>
Brecon Beacons National Park	Adopted local plan December 2013. This allocated a new site at Brecon for 14 pitches to address an identified need and this has now been implemented.

	<p>Any further need arising in Brecon Beacons area will be identified in the GTAA carried out by Powys county council. (see below)</p> <p>The authority initiated a review of the local plan in December 2017. It is currently preparing a Review Report which will set out which issues are to be reviewed. It intends to submit the Report to the Welsh Government and to undertake a formal public consultation on its content by June 2018.</p> <p><a href="http://www.beacons-npa.gov.uk/planning/draft-strategy-and-policy/local-development-plan-review/">http://www.beacons-npa.gov.uk/planning/draft-strategy-and-policy/local-development-plan-review/</a></p>
<p>Monmouthshire County Council</p>	<p>At its meeting on 19th March 2018, Monmouthshire County Council (MCC) approved the commencement of a full revision to its Local Development Plan, for the period up to 2033. At the same meeting, MCC endorsed the Draft Delivery Agreement (DDA) for targeted consultation with specific consultation bodies.</p> <p>Before substantive work commences on the Revision of the LDP a Delivery Agreement has to be prepared by the Council and agreed with the Welsh Government. The purpose of the Delivery Agreement is to set out the timetable for plan preparation and a Community Involvement Scheme (CIS). Timescale for key stages includes</p> <ul style="list-style-type: none"> <li>• call for sites summer/autumn 2018</li> <li>• consultation on options April /May 2019</li> <li>• Pre-deposit consultation December 2019 /January 2020</li> <li>• Submission to welsh government June 21</li> <li>• Adoption January/February 2022</li> </ul>
<p>Powys</p>	<p>The Powys Local Development Plan (2011 – 2026) was adopted on the 17<sup>th</sup> April 2018.</p> <p>The Inspectors report March 2018 concluded that the proposed site allocation policy meets the need identified in the GTAA of 7 additional pitches, 5 pitches to meet the need for accommodation in the first 5 years of the LDP period and 2 pitches to meet the projected need for the remainder of the Plan period. No need was identified for the provision of additional transit sites or for accommodation for Travelling Showpeople.</p>

**Question (iii) - In preparing the Local Plan has the Council complied with its Statement of Community Involvement (A14)?**

**Response**

1.21 In preparing the Travellers' Sites DPD the Council considers that it has properly complied with its Statement of Community Involvement (SCI) and in a number of instances has gone beyond those requirements set out in the document. These are identified below. The SCI identifies Gypsies and Travellers as a group at risk of exclusion from community engagement in the planning process and includes a number of consultation methods that could be used to encourage greater participation. These are set out in the table below:

Approach included in the SCI	
<p>Utilise links with the Herefordshire Gypsy, Roma, Traveller Strategy Group (GRT)</p> <p>Note: This is a multi-agency group, consisting of representatives from West Mercia Police, Herefordshire Travellers Support Group and Officers from Herefordshire Council (including planning, social inclusion and education, licensing and equalities)</p>	<p>Regular updates and discussions on the DPD at the GRT meetings. All group members were aware of the DPD preparation process and therefore were able to suggest approaches to consultation and raise awareness of the call for sites process and consultation periods.</p>
<p>Social Media</p>	<p>The Council has used Facebook, (both the Herefordshire Council Facebook page and the GRT page. Details of consultation featured on the Friends Family &amp; Travellers, Ross Gazette and Hereford Voice Social Media pages. (See pages 55-57 of reg 22 statement)</p>
<p>Specific Publications</p>	<p>Information was sent to the Travellers Times website and discussions were held with their project manager. (See page 51 of reg 22 statement)</p>
<p>National organisations/ bodies</p>	<p>Information about all the consultations were sent to:</p> <ul style="list-style-type: none"> <li>• Friends, Families and Travellers</li> <li>• National Federation of Gypsy Liaison Groups,</li> <li>• Showman's Guild.</li> <li>• Churches Network for Gypsies, Travellers and Roma</li> <li>• Irish Traveller Movement</li> <li>• The Gypsy Council</li> <li>• The Traveller Law Reform Project</li> </ul>

	<ul style="list-style-type: none"> <li>• The Traveller Movement (See pages 20 &amp; 43 of reg 22 statement)</li> </ul> <p>A meeting was held with the representatives from the Showman's Guild and the Herefordshire Travellers Support Group chaired by the Lead Cabinet member for infrastructure. Notes attached in post submission document PS1.</p>
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1.22 In addition to those approaches identified above:

- Planning Officers worked closely with other officers in the Council who have regular contact with Travellers (Sites Licensing Team and the Social Inclusion Team) to make them aware of the consultations and for them to help raise awareness about them and to respond to any queries raised.
- Dates of traditional fairs that Travellers often attend were checked to ensure that the preferred options consultation did not coincide with these.
- Planning officers visited the local authority sites to raise awareness and answer queries and to advise of the process about the proposed new pitches
- Additional drop in event for parish councils in February 2017 to provide more information on the Travellers DPD.
- The Council has endeavored to provide a greater understanding of the Gypsy and Traveller Community and the background to the Development Plan Document to all members of the community through discussions at drop in events and with an online FAQ sheet.
- The approach has sought to use plain English and the avoidance of planning jargon.

1.23 The table below sets out the requirements of the current SCI (adopted December 2016) during preparation of a DPD and how these requirements were met. (It should be recognised however, that the extensive, use of email and social media did not feature in the Council's previous SCI; therefore those methods only apply to the preferred options and pre-submission stages of consultation)

1.24 Preparation of the Travellers' Sites DPD included three stages of consultation, Issues and Options, Preferred Options and Pre-Submission Draft. This is one more stage of public consultation than specifically referred to in the SCI.

<b>SCI Requirement</b>	<b>Summary of process undertaken</b>
<p>Email prior notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the draft document and accompanying sustainability appraisal report will shortly be published for consultation and be available for inspection.</p>	<p>Specified statutory consultees, G&amp;T support groups, individuals from main LDF database, parish representatives and neighbouring authorities were sent notification of the consultation dates and details of where to find further information either by email or letter. A reminder was also sent out mid-way through the consultation.</p> <p>See details on pages 10 &amp; 34 of reg 22 statement. (Submission Document A18)</p>
<p>Prepare and distribute a press release to local papers and radio, outlining details of the consultation.</p>	<p>Press releases were issued and the consultations were publicised in appropriate publications including Hereford Times, Ross Gazette, Ledbury Reporter, Worcester News, Hereford Voice and Friends Families &amp; Travellers.</p> <p>Pages 6 &amp; 34 of reg 22 statement (Submission Document A18)</p>
<p>Make copies of the document and accompanying sustainability appraisal report available for inspection at the Councils offices and any other venue the Council considers appropriate. (Reg 35.</p>	<p>Hard copies were distributed to all information centres and libraries across the county. Instructions were sent regarding required dates for display and officer contact details in case of any questions. This was also followed up by a phone call to ensure all relevant documents had been received.</p> <p>Pages 11 &amp; 34 of reg 22 statement (Submission Document A18)</p>
<p>Publish the documents on the Council website. Include guidance notes on how to make a representation and what will happen when a representation has been received. Produce a standard response form to enable people to make representations in writing or on line via the Council website</p>	<p>Information on dates of the consultation and any drop-in sessions, background documents and details of how to make a representation all featured on a dedicated web page, the address of which featured on all letters, emails and publicity.</p> <p>Pages 11 &amp; 34 of reg 22 statement (Submission Document A18)</p>
<p>Publish consultation details, dates and links on social media.</p>	<p>Details were posted at regular intervals on Herefordshire Council Facebook and Twitter, as well as Friends, Families and Travellers,</p>

	<p>Hereford Voice and Ross Gazette Facebook.</p> <p>Page 34 of reg 22 statement (Submission Document A18)</p>
<p>Use additional, more targeted community involvement methods if deemed appropriate to do so by the Council.</p>	<p>Drop in sessions were held at Holmer church parish centre for Issues and Options and Preferred Options consultations. Further drop-ins were held at Larruperz centre, Ross on Wye and Leominster Community Centre for the Preferred Options consultation. The drop ins were staffed by senior officers and a member of the Herefordshire Council Social Inclusion team.</p> <p>(Pages 11 &amp; 34 of 22 reg statement)</p>
<p>Acknowledge receipt of all representations submitted and publish them on the Council website</p>	<p>Each respondent was written to either by email or letter to confirm receipt of representation. A detailed summary of responses was published on the Travellers sites web page.</p> <p>(Pages 14 &amp; 81 of reg 22 statement Submission Document A18)</p>
<p>Consider all representations received within the specified 6 week period (Reg 20)</p> <p>Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result.</p>	<p>A council response was published alongside each of the summarised consultee responses, to explain how the issue would be addressed in the document and if not, the reason why.</p> <p>(Submission document A16)</p>