

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
6 December 2016

**Subject: HAMBLETON GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE
GUIDANCE NOTE**

**All Wards
Portfolio Holder for Planning: Councillor B Phillips**

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to feedback on the consultation on the Hambleton Gypsy, Traveller and Travelling Showpeople Guidance Note, to recommend changes where appropriate and to request that Cabinet recommends to Council that the Guidance Note is adopted for Development Management purposes.
- 1.2 In order to reflect the new 'planning' traveller definition and the findings of the Gypsy and Traveller Accommodation Assessment which was considered by Cabinet in July 2016, the Council prepared a Draft Guidance Note for Gypsies and Travellers. This seeks to provide clear and practical advice for Gypsies and Travellers who are considering submitting a planning application for accommodation. Once adopted it will provide a tool for Development Management to use when handling planning applications and appeals and hopefully reduce the number of enforcement cases.
- 1.3 The Note provides guidance on when a planning application is needed, choosing a site and the planning application process itself. It offers clarification around what the Council will consider when determining planning applications and critically includes a form which must be completed and submitted as part of a planning application. This form requires information to be provided by the applicant to support the application and will ensure a rigorous and consistent approach.
- 1.4 In July 2016 Cabinet agreed that the Draft Guidance Note should be subject to a six week period of consultation. Consultees included neighbouring local authorities, the Showmen's Guild, the Gypsy Council, York Traveller's Trust, Horton Housing (support provider), agents and members of the local Gypsy, Traveller and Showpeople community who were all sent individual letters notifying them of the consultation and encouraging them to respond in order to shape the document. Consultation on the Draft Guidance Note was publicised on the Council's website, through a press release and the Council's Agents Forum.
- 1.5 Summer is a time when travellers could be away visiting fairs or family and therefore the consultation was extended to eight weeks, ending on 23 September 2016, to increase the opportunity for feedback.
- 1.6 There have been two responses to the consultation and a table summarising the comments is attached as Annex 1. The comments relate to issues around flooding and drainage and also site licences and the Draft Guidance Note has been amended accordingly. There is now a section on flooding and drainage with hyperlinks to the Environment Agency's advice and the need to obtain a site licence is also referred to on page 5.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 This Guidance Note once adopted will provide clear and accessible planning advice for Travellers. It links to two Council priorities: Enhancing Health and Wellbeing and Providing a Special Place to Live. The guidance will help to ensure that the Council provides for the needs of this group thereby reducing homelessness. It will also ensure that any new Traveller sites are located close to existing services and facilities such as schools and

doctors as well as promoting social cohesion between Travellers and the settled community.

3.0 RISK ASSESSMENT:

3.1 There are no risks in approving the recommendations.

3.2 The key risk in not approving the recommendation is shown below:-

Risk	Implication	Prob*	Imp*	Total	Preventative action
Not adopting a Gypsy, Traveller and Showpeople Guidance Note	Applicants and officers will be unclear as to site suitability and what is required to be submitted as part of the planning application. This will lead to confusion and/or inconsistency of advice and delays in the validation process and decision making.	4	3	12	Adopt a Gypsy, Traveller and Travelling Showpeople Guidance Note.

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

4.0 FINANCIAL IMPLICATIONS:

4.1 There are no cost implications to the Council in agreeing the recommendations.

5.0 LEGAL IMPLICATIONS:

5.1 There are no legal implications in agreeing the recommendations.

6.0 EQUALITY/DIVERSITY ISSUES

6.1 The Traveller community has been consulted on the Draft Guidance Note and the timing of the consultation was extended into late September to allow for the fact that members of the community may have been travelling to fairs or to visit relatives during the summer holidays. Once adopted the guidance will assist this group who might otherwise find the planning application process difficult to navigate and will hopefully mitigate some of the issues that Travellers currently experience and reduce the need for the Council to take enforcement action.

7.0 RECOMMENDATION:

7.1 It is recommended that Cabinet approves the Hambleton Gypsy Traveller and Travelling Showpeople Guidance Note (attached at Annex 2) and recommends to Council that it is adopted for Development Management purposes.

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Background papers: Hambleton Gypsy and Traveller Accommodation Assessment 2016.
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