

## **Hambleton District Council**

**Report To:** Cabinet

**Date:** 5 April 2022

**Subject:** **Local Plan Review**

**Portfolio Holder:** Planning  
Councillor D A Webster

**Wards Affected:** All Wards

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### **1.0 Purpose and Background**

- 1.1 This report seeks consideration of the scope and approach for an urgent review of the Hambleton Local Plan to meet the requirements of policy HG6 Gypsies and Travellers, and Travelling Showpeople.
- 1.2 The Hambleton Local Plan adopted on 22 February 2022 commits the Council, at Policy HG6, to undertake an urgent review:
- “The Council will carry out an urgent review of this Local Plan within 6 months of adoption. This will identify a supply of specific, deliverable sites to meet the identified needs for Gypsies and Travellers and Travelling Showpeople. The updated Local Plan will be submitted within 14 months of the adoption of this Plan.”
- 1.3 The requirement following the adoption of the Local Plan is to commence the review within the period February 2022 to August 2022. The Council is committed to submit for examination an update of the Local Plan by April 2023.
- 1.4 In order to commence a review Cabinet should agree the scope of the review, the methodology to be followed and the required outputs.
- 1.5 The need for accommodation for 47 pitches for Gypsies and Travellers and 3 plots for Travelling Showpeople has been set out in the work Opinion Research Services (ORS) (see annex 1, figure 2 on Page 7). ORS were commissioned by the Council and are a leading practitioner of needs assessment of the Gypsy and Traveller communities in England and Wales.
- 1.6 The ORS “needs assessment” was followed by a “capacity study” that shows how the needs could be accommodated by altering and extending the existing approved G&T sites in the district.
- 1.7 The Inspectors at the Examination of the Local Plan were not satisfied that there was sufficient rigour in the capacity study and doubted whether the full needs identified in the needs assessment could be accommodated using the approach of alteration and extension. The question of whether additional allocation of sites for Gypsies and Travellers would be required was unanswerable at the time of the Examination.

- 1.8 Detailed site assessment work is required to build upon the work of ORS to establish:
1. whether the landowners will be prepared to bring forward land for development; and
  2. how many additional pitches and plots could be achieved without new sites being created.
- 1.9 Additionally for each site within the capacity study where landowners are prepared to bring forward land:
1. a survey is required to record the existing site layout;
  2. a simple layout plan prepared to show the potential access, layout, drainage for the altered and/or extended site; and
  3. further assessment of resilience of the site from flood risk, absence of land contamination, landscaping measures required, and other constraint checks will be required as appropriate.
- 1.10 If insufficient pitches and plots are found to be available to meet the identified need consideration will be required as to how to meet the residual need.
- 1.11 To meet the procedural requirements for an urgent review of the Local Plan a Sustainability Appraisal (SA) will be required. The SA may take the SA for the Local Plan as a starting point and build upon the methodology for the purposes of the urgent review. A requirement to fulfil the Duty to Co-operate requirements with other North Yorkshire and neighbouring authorities (Stockton, Middlesbrough and Redcar and Cleveland) remains as with the Local Plan. Some review of the needs and capacity of G&T sites in these neighbouring areas should form part of the work of the urgent review.

## **2.0 Resourcing the Urgent Review**

- 2.1 The work involved includes:
1. Desk top assessment;
  2. mapping of sites;
  3. on-site surveying and assessment work, landowner liaison and negotiations; and
  4. design work.
- 2.2 The Council has two vacant posts within the Planning Policy team and does not have staffing capacity to undertake the work without recruitment of suitably qualified and skilled individuals to the posts. There are three identified options:
1. In house (bring in new staff to fill vacant posts)
  2. In house (bring in new staff to fill vacant posts) and contract external support
  3. Outsource all aspects of the work using a multi-disciplinary consultant.
- 2.3 Option1 – there are significant challenges in recruiting planning staff and finding staff with the required skills cannot be guaranteed. The recruitment exercise would delay a start on the project and puts at risk the completion of the tasks by the target date of April 2023.

- 2.4 Option 2 - A blended approach of using some existing in-house expertise and external consultants has been considered but due to the work required by Local Government Reorganisation preparations this is considered to be unviable as it would not enable 'business as usual' to be maintained in the Planning Service. Additional staff would be required, and the issues noted for Option 1 would also apply to Option 2.
- 2.5 Option 3 – Outsourcing the work would require finding a suitable consultant. Multi-disciplinary practices exist within Tyneside, Leeds and Manchester areas, it is reasonable to expect to find interest from consultants to undertake the work.
- 2.6 The cost of the work is expected to require a competitive tendering exercise. Guidance will be required from the procurement team on the tender process.

### 3.0 Link to Council Priorities

- 3.1 The identification of sites to provide accommodation for Gypsies and Travellers and Travelling Showpeople links to "Providing a Special Place to Live" and the aim to "ensure housing is available for all" and is a component of the provision of a minimum five year supply of deliverable housing sites.

### 4.0 Risk Assessment

- 4.1 The key risk is in not approving the recommendation(s) as shown below:-

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
The Urgent Review is not completed and Policy HG6 remains deficient	The Council's ability to successfully defend planning appeals for gypsy and traveller plots/sites is compromised	4	4	16	Complete the urgent review and revise Policy HG6	1	4	4

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

- 4.2 Should applications for gypsy and traveller accommodation be refused the risk of an appeal being successful would be very high. Undertaking the urgent review would update Policy HG6 would lead to the risk of successful appeals being significantly reduced.

### 5.0 Financial Implications

- 5.1 The recommended option 3 will require additional funds of £30,000. If Council is minded to agree this route and agree this additional spend, the funding will come from anticipated underspending against the budget in the year.

### 6.0 Legal Implications

- 6.1 There are considered to be no legal implications from this report.

## **7.0 Equality/Diversity Issues**

7.1 Ensuring that the Council has an up-to-date policy with regards to gypsy and traveller accommodation is important for addressing equality and diversity issues. Case law has established that Roma Gypsies and Irish and Scottish Travellers are covered by the protected characteristic of race for the Equality Act 2010. Local authorities have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

## **8.0 Recommendations**

8.1 That Cabinet approves and recommends to Council that:-

- (1) a process of seeking tenders to undertake the work is commenced as set out in the conclusion above; and
- (2) allocate £30,000 additional budget to cover expected cost of the recommended option 3 for completion of the urgent review.

Mick Jewitt  
Deputy Chief Executive

**Background papers:** None  
**Author ref:** TW  
**Contact:** Tim Wood  
Development Manager - South  
Author's Direct Line No