

PERTH AND KINROSS COUNCIL

Environment Infrastructure & Economic Development Committee

29 March 2023

GYPSY/TRAVELLER SITES STANDARDS GUIDANCE NOTE,

Report by Head of Planning & Development

(Report No 23/104)

1. PURPOSE

- 1.1 This report summarises the background and development of non-statutory planning guidance and summarises comments received during the formal consultation carried out in 2022. The Gypsy/Travellers Site Standards Guidance Note (Appendix 1) addresses a statement in Local Development Plan 2 against policy 21: Gypsy / Traveller Sites. This said that guidance on such sites would be produced. The report seeks approval to finalise and adopt the guidance to support the Local Development plan (adopted November 2019) as non-statutory guidance.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- approves the Gypsy/Traveller Site Standards Guidance Note to support the implementation of Policy 21 of the Local Development Plan.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background
 - Section 5: Proposals
 - Section 6: Conclusion
 - Appendices

4. BACKGROUND

- 4.1 The Gypsy / Traveller site standards guidance note has been developed to help planning permission applicants address the requirements of Policy 21 in the Local Development Plan 2019 (LDP2). Policy 21 supports small to medium scale private sites, for both permanent and temporary use. The guidance also provides advice in one place on building standards and licensing.

- 4.2 Policy 21 in LDP2 protects existing sites, supports new sites and identifies 7 criteria for applicants to address. The criteria are interpretations of policies elsewhere in LDP2 as to how they apply to Gypsy/Traveller sites. Additional guidance was considered necessary to assist applicants in meeting the requirements of the policy by providing clear advice. Clear guidance is anticipated to make it more straightforward to bring forward proposals. This guidance fulfils the expectation in LDP2 that “Additional Guidance will be prepared on Gypsy/Travellers’ sites.”

5. PROPOSALS

- 5.1 The introduction sets out the site definitions used in the guidance. Section 2 provides advice and phone numbers to help with deciding when planning permission or other regulatory requirements may be needed. Section 3 sets what information should be required including how each policy criteria can be met.
- 5.2 The standards for each criteria aim to ensure that applications for planning permission show that sites are safe for residents and provide the facilities that are needed. This includes criteria that were asked to be included by the community themselves such as traffic safety measures and communal play or meeting areas.
- 5.3 Guidance is only provided for sites for permanent use and transient sites. Stopping places were not included due to the varying nature of stopping places and the potential that they do not require planning permission unless they are in use for more than 28 days in any year.
- 5.4 The Guidance was developed in conjunction with PAS (formerly Planning Aid Scotland, a charity that helps people navigate the planning system), officers from development management, building standards, and regulatory services. It was also informed by existing Scottish Government standards for public sites. As the community most directly affected by the guidance, discussions with the Gypsy/Traveller community to inform the final draft prior to formal consultation, with the help of Equalities, Housing and Community Learning officers.
- 5.5 Formal public consultation took place between 8 August and 2 October 2022. The consultation was highlighted via officers to Gypsy/Traveller community and directly through a representative liaison group. Community Councils and relevant agents were also directly invited to comment.
- 5.6 Supportive comments were received from two community councils with minor changes or explanations sought by one of these. The issues raised had largely been considered during development of the guidance and the explanations can be seen in the Consultation Response document (appendix 2).

- 5.7 Additional comments were provided by the Council's Regulatory Services. These arose during the consultation on the proposed transient site at the Food and Drink Park in North Muirton. The outline design had been informed by the draft of this site standards guidance note. Feedback sought from the Gypsy / Traveller community on the design has now helped clarify some of the proposed standards in the guidance.

National Planning Framework 4

- 5.8 National Planning Framework 4 (NPF4) was adopted in February 2023. Where national planning policies in NPF4 conflict with existing LDP policies, the NPF4 policy will take precedence. Paragraph 16 (d) of NPF4 policy 16: Quality Homes reads:

“Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards, and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.”

- 5.9 Where there is a conflict between LDP2 Policy 21 and NPF4, NPF4 takes precedence, but where LDP2 policy 21 is compatible, those sections remain valid. The following paragraphs set out the effect of NPF4 on LDP2 policy 21 and the consequences for the guidance.
- 5.10 NPF4 supports the creation of new sites where there is a need. In LDP2 Policy 21, there is no specified requirement for a need to be demonstrated. This introduces a new requirement. However, it is unlikely to lead to a change in burden on the applicant or change in assessment, as proposals for private sites are unlikely to come forward unless there is a need.
- 5.11 NPF4 does not specify a size limit on sites. LDP2 Policy 21 supports sites “...in small groupings; generally considered to be 1-10 pitches.” As LDP2 policy 21 does not exclude consideration of larger sites, this section remains valid.

5.12 NPF4 requires that proposals are supported where they are consistent with the spatial strategy and other relevant policies. LDP2 Policy 21 does not introduce any criteria beyond this, as it illustrates how other LDP2 policies apply to Gypsy/Traveller site applications as set out in the table below. The criteria set out in LDP2 policy 21 and the guidance are, therefore, compatible with NPF4.

LDP2 Policy 21 / Guidance	Other LDP2 Policies
(a) number and nature of pitches:	1A Placemaking 52 New Development and Flooding
(b) physical character:	1 Placemaking 39 Landscape
(c) neighbouring land uses:	1 Placemaking 56 Noise Pollution
(d) essential services:	1 Placemaking 53 Water and Drainage (includes water supply) 46 Loch Leven Catchment Area. 48 Lunan Lochs Catchment Area.
(e) access and traffic:	60 Transport Standards and Accessibility Requirements
(f) safe environment:	1 Placemaking 60 Transport Standards and Accessibility Requirements
(g) generators:	1 Placemaking 56 Noise Pollution

5.13 In summary, officers are content that the guidance is compatible with NPF4 policy 16(d).

6. CONCLUSION

6.1 The Gypsy/Traveller Site Standards Guidance Note has been developed with advice from officers, PAS and the Gypsy/Traveller community themselves. The Guidance Note supports LDP2 by providing relevant advice on the interpretation of Policy 21. The guidance is compatible with National Planning Framework 4.

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APPENDICES

- Appendix 1 – Gypsy / Traveller Site Standards Guidance Note
- Appendix 2 – Summary of Consultation Responses

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	N/A
Workforce	N/A
Asset Management (land, property, IST)	N/A
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	N/A
Risk	N/A
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 This guidance note supports delivery of the Perth & Kinross Community Plan/ Local Outcome Improvement Plan by supporting the priority for Physical and Mental Wellbeing. By supporting safe, sustainable sites to come forward Gypsy / Travellers will be able to continue their traditional lifestyles supporting their identify and culture.

Corporate Plan

- 1.2 This guidance note supports delivery of the Perth & Kinross Corporate Plan and in particular the vision of “a Perth and Kinross where everyone can live life well, free from poverty and inequality” by providing assistance for Gypsy/Travellers to bring forward proposals for sites that will help maintain their culture. By providing such assistance the guidance touches all aspects of the strategic objectives but particularly: -

- (i) *Reducing Poverty*
- (ii) *Physical and Mental Wellbeing*
- (iii) *Digital Participation*
- (iv) *Learning and Development*
- (v) *Employability*

2. Resource Implications

Financial

2.1 None.

Workforce

2.2 None.

Asset Management (land, property, IT)

2.3 None.

3. Assessments

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 This guidance note was considered under the Council's Integrated Appraisal Toolkit. While the guidance was as resulting in minor positive impacts no significant impacts on equality were identified and the document as assessed as not relevant for the purposes of EqIA. A full EqIA was not needed.

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. The guidance note was considered under the Act in consultation with Consultation authorities and screening has determined that the Gypsy Traveller Site Standards Guidance Note is unlikely to have significant environmental effects and is therefore exempt and the Consultation Authorities have been notified. The reason(s) for concluding that the PPS is unlikely to have significant environmental effects is that the guidance provides detail on policy 21 and does not in itself provide for any changes or development. The screening determination was submitted to the SEA gateway on 8 March 2022.

Sustainability

3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to delivery of the Act's emissions reduction targets;

- in the way best calculated to deliver any statutory adaptation programmes; and
- in a way that it considers most sustainable.

3.5 The guidance was assessed for Sustainability through the Integrated Assessment Toolkit. The document promotes sustainable development addresses climate change by promoting access to services, community safety and promoting access to local facilities through active travel.

Legal and Governance

3.6 None.

Risk

3.7 None.

4. Consultation

Internal

4.1 This guidance was developed in close collaboration with colleagues who work with the Gypsy/Traveller community. Internally, the work is a result of collaboration with officers working in planning enforcement, environmental health, building standards and transport planning. Comment was also sought from colleagues in Housing and Culture & Community Services, Equalities, and Housing Strategy.

External

4.2 The initial draft development through internal consultation was shared with PAS and the late Alan Seath, a planning agent who worked closely with Gypsy/Travellers in the Perth & Kinross area. In his capacity as a PAS volunteer, Alan was very supportive and contributed valuable advice to the development of the guidance. Separate to the draft guidance, officers working with Gypsy/Travellers were asked to discuss with the community the themes of the guidance and what standard they would expect on new sites. Gypsy Travellers at both Bobbin Mill and Greenacres participated in these conversations. The outcome of these discussions has been fundamental in shaping the guidance and the input of those participants is greatly appreciated. The final draft of the guidance was also presented to a group of representatives who hold regular meetings with the Equalities team. Community Councils and agents who had previously submitted planning applications for sites or pitches were specifically invited. Representations were received from two Community Councils who were supportive. Regulatory Services were also provided further advice, following their consultation with regards to the proposed Food and Drink Park transient site.

5. Communication

- 5.1 Once approved, the guidance will be uploaded to the Council website and those consulted on the draft will be notified. The adoption of the guidance will be communicated through officers and organisations that work with Gypsy/Travellers. During LDP3 engagement in 2023, the guidance will be made available to Gypsy/Travellers during engagement sessions.

2. BACKGROUND PAPERS

- 2.1 The following documents were referred to or relied on in developing this guidance:
- Scottish Government (2015) Improving Gypsy/Traveller sites: guidance on minimum sites standards and site tenants' core rights and responsibilities
 - Scottish Government (2021) Interim Gypsy/Traveller site design guide
 - PAS (2015) Gypsy/Travellers and the Scottish Planning System A Guide for Local Authorities