



**Local Plan Partial Review – Publication Policies
Policy Formulation Report – February 2017
Gypsy and Traveller Accommodation**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. INTRODUCTION

1.1 LOCAL PLAN PARTIAL REVIEW

- 1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.
- 1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this, the topic of **Gypsies and Travellers** needs reviewing.
- 1.1.3 This Policy Formulation Report has been written to explain the reasoning behind the **Gypsies and Travellers** section of the Publication Policies consultation document to a level of detail which cannot be included in that document itself.

1.2 GYPSIES AND TRAVELLERS

- 1.2.1 This topic of the Local Plan Partial Review relates primarily to Policy CH2(s) Housing Diversity: Gypsies and Travellers in Chapter 35 Housing Diversity
- 1.2.2 The issues which the Council considers the Local Plan Partial Review needs to address are set out in the following sections:
- **Issue 1:** Need
 - **Issue 2:** Supply

2. GYPSIES AND TRAVELLERS

2.1 INTRODUCTION

- 2.1.1 The Council is responsible for the traveller site at Stable Way which is jointly managed by the Council and the London Borough of Hammersmith and Fulham (LBHF) and has existed since 1974. The site's freehold is owned by Transport for London with a lease to the Council. The Stable Way site is a permanent site and currently comprises a total of 20 pitches, of which 1 is taken up by 'the hut' centre, resulting in 19 available authorised pitches. The site was in LBHF until a boundary change in 1995 and it is now within the jurisdiction of this Council. The site was previously managed by Hammersmith and Fulham Homes, as an Arm's Length Management Organisation (ALMO). Before that it was managed by LBHF. It is now managed by the Kensington and Chelsea Tenant Management Organisation (KC TMO).
- 2.1.2 Due to the Stable Way site's location in the Borough, which is directly adjacent to the boundary with LBHF, and the fact that it is jointly managed, a Joint Gypsy and Traveller Accommodation Needs Assessment (GTANA) has been undertaken jointly with LBHF (see section 2.3 for evidence base). This has identified that there is a need between the two Boroughs of 9 additional pitches between 2015 and 2030. The Joint GTANA takes account of the updated Planning Policy for Traveller Sites.
- 2.1.3 A map of the existing site at Stable Way and the LBHF/RBKC Borough boundary is provided as Figure 2.1 below:

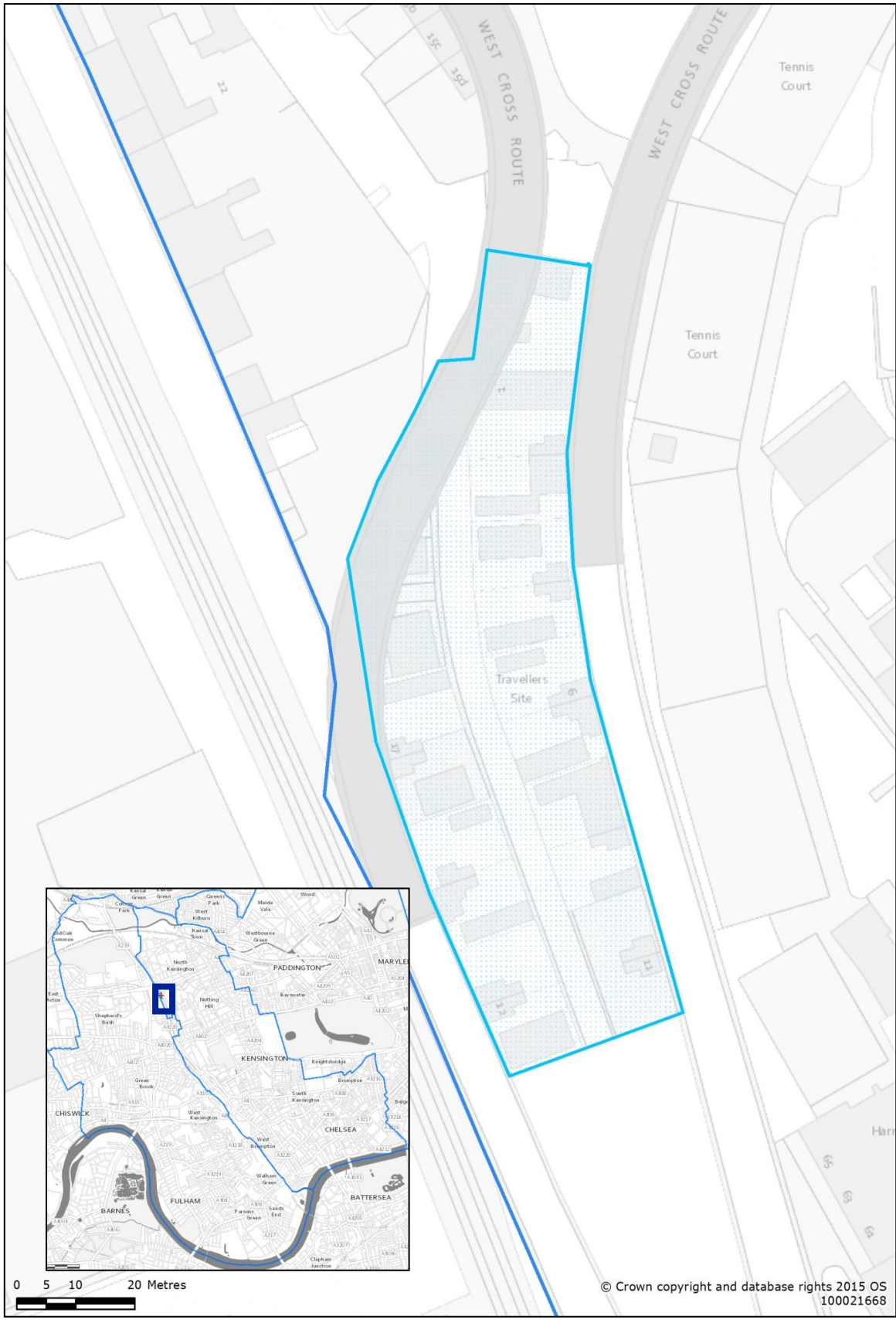


Figure 2.1: The existing site at Stable Way and the LBHF/RBKC Borough boundary

2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

NATIONAL

HOUSING ACT 2004, HOUSING ACT 1985 AND THE HOUSING AND PLANNING ACT 2016

- 2.2.1 Section 124 of the Housing and Planning Act 2016 revokes Sections 225 and 226 of the Housing Act 2004. This effectively removes the requirement for each local housing authority to carry out a specific assessment of the accommodation needs of Gypsies and Travellers. Section 124 of the Act, however, introduces a requirement under Section 8 of the Housing Act 1985 for local housing authorities to undertake a periodical review of housing needs of the people residing or resorting to their area with respect to the provision of sites on which caravans (and houseboats) can be stationed.
- 2.2.2 The removal of Sections 225 and 226 also effectively removes associated secondary legislation and guidance, particularly the GTANAG 2007 (see below). However, the Government has recently published Draft Guidance on the Periodical Review of Housing Needs of Caravans and Houseboats which sets out guidance on how to consider the need for caravans and moorings for houseboats. Following amendments made in the Housing and Planning Act 2016, Section 8 of The Housing Act 1985 now reads:

Periodical review of housing needs.

- (1) Every local housing authority shall consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation.
- (2) For that purpose the authority shall review any information which has been brought to their notice, including in particular information brought to their notice as a result of the consideration of the housing conditions in their district under section 3 of the Housing Act 2004.
- (3) In the case of a local housing authority in England, the duty under subsection (1) includes a duty to consider the needs of people residing in or resorting to their district with respect to the provision of—
 - (a) sites on which caravans can be stationed, or
 - (b) places on inland waterways where houseboats can be moored.
 - “caravan” has the meaning given by section 29 of the Caravan Sites and Control of Development Act 1960;
 - “houseboat” means a boat or similar structure designed or adapted for use as a place to live.”

- 2.2.3 The Council, as a local housing authority, therefore has a responsibility for

assessing and providing for the accommodation needs of those living in caravans, separate to its planning functions.

- 2.2.4 The Housing and Planning Act 2016 does not change requirements on Councils, as a local planning authority, as set out in the Planning Policy for Traveller Sites (PPTS) (see below).

THE HOUSING (ASSESSMENT OF ACCOMMODATION NEEDS) (MEANING OF GYPSIES AND TRAVELLERS) (ENGLAND) REGULATIONS 2006

- 2.2.5 Regulation 1(2) of the 2006 regulations makes clear that the regulations apply “where a local housing authority... undertakes a review of housing needs in their district under section 8 of the Housing Act 1985” (see above).
- 2.2.6 Regulation 2 of the 2006 regulations include a definition of Gypsies and Travellers but that regulation only applies with regard to section 225 of the Housing Act 2004, which has since been removed by the Housing and Planning Act 2016. The amended section 8 of the Housing Act 1985 (see above) also makes no reference to Gypsies and Travellers. For these reasons, the definition in the regulations is largely redundant. For planning purposes, the definition in the PPTS will apply.

EQUALITY ACT 2010

- 2.2.7 The Equality Act does not define race. However, case law has established that Roma Gypsies and Irish Travellers are covered by the protected characteristic of race for the purposes of the Act. Local authorities therefore also have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.2.8 The National Planning Policy Framework (NPPF) states that Councils should set out their strategic priorities for the area in the Local Plan, including the strategic policies to deliver the homes and jobs needed in the area and allocate sites to promote development.
- 2.2.9 The NPPF also requires each Council to ensure that the production of its Local Plan and decision making is based on “adequate, up-to-date and relevant evidence” (paragraph 158).
- 2.2.10 A Technical Adjustment to the NPPF was made in July 2015 following the *Wenmen v Secretary of State* High Court judgement. The two amended paragraphs are:

From today, those persons who fall within the definition of ‘Traveller’ under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable Traveller sites considered in accordance with Planning Policy for Traveller Sites. (Paragraph 49)

Planning Policy for Traveller Sites sets out how ‘Travellers’ (as defined in Annex A

of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. This does not form part of the changes to planning policy for Travellers, on which the Government consulted in 2014, and to which this Government intends to respond shortly. (Paragraph 159)¹

- 2.2.11 The above clarifies that the needs of only those Travellers who fall within the PPTS definition should be assessed and provided for as detailed in the PPTS. The needs of those travellers who do not fall within the definition should be assessed under the provisions of the NPPF, inferring as part of Strategic Housing Market Assessments.

PLANNING POLICY FOR TRAVELLER SITES (PPTS)

- 2.2.12 At the same time as the NPPF publication (March 2012) the Government published the Planning Policy for Traveller Sites (PPTS)². This was updated in August 2015 to include an updated definition within Annex 1 as:

1. For the purposes of this planning policy “Gypsies and Travellers” means:

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.

2. In determining whether persons are “Gypsies and Travellers” for the purposes of this planning policy, 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
- 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.

- 2.2.13 The PPTS must be taken into account in the preparation of development plans, and is a material consideration in planning application decisions (paragraph 2). The policy advises that Councils preparing plans for and taking planning application decisions on Traveller sites, should also have regard to the policies in the NPPF so far as relevant. The PPTS contains a number of policies which are listed below:

Policy A: Using evidence to plan positively and manage development
Policy B: Planning for Traveller sites
Policy C: Sites in rural areas and the countryside
Policy D: Rural exception sites

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2015-07-22/HLWS167/>

² This policy replaces ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople

Policy E: Traveller sites in Green Belt
Policy F: Mixed planning use Traveller sites
Policy G: Major development projects
Policy H: Determining planning applications for Traveller sites
Policy I: Implementation

2.2.14 One of the Government's aims in the PPTS in respect of Traveller sites is that Councils should "make their own assessment of need for the purposes of planning" (paragraph 4). Therefore the Council as a Local Planning Authority must continue to undertake an assessment of the accommodation needs of travellers. The Council has followed the PPTS in preparing the evidence base (see section 4).

2.2.15 Regarding identifying site allocations, paragraph 13 of the PPTS states:

Local planning authorities should ensure that Traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) Promote peaceful and integrated co-existence between the site and the local community
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services
- c) Ensure that children can attend school on a regular basis
- d) Provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any Travellers that may locate there or on others as a result of new development
- f) Avoid placing undue pressure on local infrastructure and services
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) Reflect the extent to which traditional lifestyles (whereby some Travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

2.2.16 Paragraph 12 of the PPTS states that:

In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.

2.2.17 Whilst the Borough does not contain a large scale unauthorised site it is subject to strict and special planning constraints with regard to the extensive coverage of Conservation Areas and Listed Buildings and is severely constrained by the limited opportunities available for new development and high land values.

GYPSY AND TRAVELLER ACCOMMODATION NEEDS ASSESSMENT GUIDANCE (GTANAG)

- 2.2.18 This document provided guidance to Councils on how to undertake a Gypsy and Traveller Accommodation Needs Assessment (GTANA) for planning purposes. As noted above, the Housing and Planning Act 2016 omits the legislation which underpins this Guidance. The Council has used the GTANAG in preparing the evidence base (see section 4).

DRAFT GUIDANCE TO LOCAL HOUSING AUTHORITIES ON THE PERIODICAL REVIEW OF HOUSING NEEDS: CARAVANS AND HOUSEBOATS

- 2.2.19 In March 2016 the Government published draft guidance on the periodical review of housing needs of caravans and houseboats. This provides advice to Local Housing Authorities on how to consider the needs of such accommodation where the needs differ from those of the settled community in 'bricks and mortar' accommodation. The Joint GTANA has also considered the draft guidance.

REGIONAL

THE LONDON PLAN

- 2.2.20 Policy 3.8 Housing Choice of the London Plan states that Councils "should work with the Mayor and local communities to... ensure that... the accommodation requirements of Gypsies and Travellers... are identified and addressed, with sites identified in line with national policy, in coordination with neighbouring boroughs... as appropriate" (subsection i).

HOUSING SUPPLEMENTARY PLANNING GUIDANCE (SPG)

- 2.2.21 Paragraph 3.8.6 of the Housing SPG states:

[The Mayor] recognises that meeting the needs of gypsies and travellers including travelling show people is a strategic issue, but one that is more effectively addressed at the local level. This is because these needs are on a smaller scale relative to those of other groups with particular housing needs, and their impacts are essentially local, so they are most effectively addressed at the local level in light of local circumstances by the agencies best placed to do this – the boroughs.

- 2.2.22 Paragraph 3.8.7 of the Housing SPG (March 2016) states that "Where there are issues over cross border coordination of provision, the Mayor will provide support to address these if requested by relevant authorities in circumstances where strategic action will 'add value' to the process".

LOCAL

EXISTING LOCAL PLAN POLICY

- 2.2.23 The existing Local Plan policy relating to Gypsy and Traveller accommodation is set out below.

2.2.24 The Council’s commitment in the Policy to prepare a Gypsy and Traveller ‘Development Plan Document’ (DPD) is now being followed up as part of the Local Plan Partial Review, rather than have a separate ‘DPD’.

Policy CH2(s) Housing Diversity: Gypsies and Travellers

Protect the existing Westway Travellers’ site which the Council jointly manages with the London Borough of Hammersmith and Fulham. Additional sites for temporary or permanent use will be identified in the forthcoming Gypsy and Traveller DPD and should meet the following criteria:

- the site can provide for a satisfactory arrangement of pitches, permanent buildings and open space;
- use of the site would have no significant detrimental effect on the amenity of occupiers of adjoining land;
- use of the site would be acceptable in terms of the visual amenity;
- the use could be supported by adequate physical and social infrastructure in the locality

LAND UNDERNEATH AND CLOSE TO THE WESTWAY SPD

2.2.25 The Council has an adopted Westway Supplementary Planning Document (SPD) (December 2012) which provides site specific planning guidance for the future development of the land under and adjacent to the Westway Flyover. This partly includes the Gypsy and Traveller site at Stable Way. Paragraph 4.1.4 of the SPD states that one of the issues identified for the area includes: “Access into and through the area via Stable Way could be significantly enhanced, together with pedestrian and vehicular access to the Traveller’s site”.

SUMMARY

Date	Document	Organisation
Nov 2004	Housing Act 2004 Section 225 and 226 have now been omitted by the Housing and Planning Act 2016.	HM Government
Oct 1985	Housing Act 1985 Section 8 has been amended by the Housing and Planning Act 2016	HM Government
Dec 2006	Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006	HM Government
Oct 2007	Gypsy and Traveller Accommodation Needs Assessment Guidance (GTANAG) This has been removed and replaced with recent draft guidance	DCLG
Apr 2010	Equality Act 2010	HM Government
Mar 2012	National Planning Policy Framework (NPPF) Paragraph 4, 49 and 159 See also Technical Adjustment	DCLG

Date	Document	Organisation
Mar 2016	Housing Supplementary Planning Guidance (SPG) Paragraph 3.1.65	Mayor of London
Aug 2015	Planning Policy for Travellers Sites (PPTS)	DCLG
Mar 2015	The London Plan Policy 3.8 Housing Choice	Mayor of London
Mar 2016	Draft Guidance to Local Housing Authorities on the Periodical Review of Housing Needs: Caravans and Houseboats	DCLG
May 2016	Housing and Planning Act 2016 Section 124	HM Government

2.3 EVIDENCE BASE

LONDON BOROUGH'S' GYPSY AND TRAVELLER ACCOMMODATION NEEDS ASSESSMENT (GTANA): FINAL REPORT (MARCH 2008)

- 2.3.1 A London-wide Gypsy and Traveller Accommodation Needs Assessment was undertaken for the Mayor of London in 2008. Whilst considered out of date, the Council has had regard to the conclusions of the report for this Borough.

JOINT EVIDENCE BASE WITH THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM (LBHF)

- 2.3.2 The main evidence base is the Joint Gypsy and Traveller Accommodation Needs Assessment (GTANA), which has been prepared with LBHF.
- 2.3.3 The purpose of the GTANA is to provide robust up-to date evidence on accommodation need that complies fully with current legislative, policy and guidance context so as to usefully inform the emerging planning policy. The GTANA has been carried out in line with the PPTS and the 2007 GTANAG as set out above using both primary and secondary data sources. The GTANA is available to download from www.rbkc.gov.uk/planningpolicy. The GTANA also considers the Draft guidance to Local Housing Authorities on the Periodical Review of Housing Needs: Caravans and Houseboats.
- 2.3.4 The GTANA identifies a need for an additional 9 additional pitches between 2015 and 2030. The table below shows the GTANA projections between 2015 to 2030. It presents required pitches for all identified need as well as those falling within the planning definition.

	Non PPTS compliant (All Self-identified need)	PPTS Compliant
Years 1 to 5	4	3
Years 6 to 10	7	3
Years 11 to 15	4	3
2015 to 2030	15	9

Figure 3.20 Accommodation need 2015 to 2030

- 2.3.5 A supplementary survey was undertaken to take into account the PPTS planning

definition of Travellers. The survey sought information relating to the three considerations set out in PPTS Annex 1 (see paragraph 2.2.12 above). The application of the definition does not redefine the race/ ethnicity of Gypsy and Travellers, it is applied for planning purposes only in respect of undertaking a needs assessment and addressing need as required by the PPTS. The application of the definition also does not indicate a preference to live in a caravan / mobile home.

GYPSEY AND TRAVELLER ACCOMMODATION SITE APPRAISAL STUDY

- 2.3.6 The December 2015 Local Plan Partial Review Issues and Options consultation incorporated a Call for Sites consultation. The purpose of this was to identify land that may be available for new development. No sites were suggested for Gypsy and Traveller use in the borough.
- 2.3.7 Comments were received at a Gypsy and Traveller Discussion Group which was held at Stable Way on 29 January 2016 which related to:
- Concern over the equitability reconfiguring the site
 - Concern over practicality of expanding the existing site
 - Residents’ preference to remain close to existing families on the site
 - Concerns over air pollution
 - Concerns expressed over negativity of existing policy wording CH2(s)(ii)
- 2.3.8 The supplementary survey (see 2.3.5) sought to identify any possible land for consideration known to the Traveller community. The Councils were made aware of two possible locations for consideration. The Councils are jointly preparing a Site Appraisal Study to provide an evidence base on possible new sites and the reconfiguration or extension of the existing Stable Way site. Locations suggested to the Councils through the supplementary survey are being considered through the study.
- 2.3.9 The SAS will apply criteria in the PPTS, Designing Gypsy and Traveller Sites Good Practice Guidance (DCLG – now cancelled) and Local Plan policies to assess the potential for additional pitches on land suggested to the Councils. LBHF is undertaking an assessment of locations suggested in its area. An initial assessment of the locations within RBKC has commenced and the emerging findings are set out in Appendix 1.

SUMMARY

Date	Document	Organisation
Mar 2008	London Boroughs’ Gypsy and Traveller Accommodation Needs Assessment: Final Report	Fordham Research for the Mayor of London
Dec 2016	Joint Gypsy and Traveller Accommodation Needs Assessment (GTANA)	RBKC, LBHF

2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (February 2017) consultation document. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below

2.4.2 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. (paragraph 182)

ISSUE 1: NEED

2.4.3 The options and alternatives considered are:

Option	Status	Reason
1 Assess the accommodation needs of Gypsies and Travellers separately to general housing need (including those who do not fall under the new Planning Policy for Traveller Sites definition which excludes those that no longer travel)	Reasonable alternative	The Joint GTANA’s analysis shows proportion of travellers living in bricks and mortar accommodation, whose needs have already been assessed as part of general housing needs. The existing traveller population within the borough is very small and has been settled at the Stable Way site for many years. Some occupants no longer travel but still have specific

Option	Status	Reason
		<p>accommodation requirements. There has been some movement from the site to bricks and mortar accommodation in recent years.</p> <p>Positively Prepared This option seeks to identify specific traveller accommodation needs but does not apply the Government's planning definition of "Travellers".</p> <p>Justified Based on Joint GTANA</p> <p>Effective Evidence has been prepared jointly with LBHF</p> <p>Consistent with national policy This approach does not apply the Government's planning definition of Travellers in the PPTS.</p>
<p>2 Assess the accommodation needs of Gypsies and Travellers as part of general housing need (for those that do not fall under the new Planning Policy for Traveller Sites definition which excludes those that no longer travel)</p>	<p>Preferred option for Publication Policies</p>	<p>Positively prepared This option seeks to identify specific traveller accommodation needs applying the Government's planning definition of "travellers" in the PPTS.</p> <p>Justified Based on Joint GTANA. This approach is justified when considered against the reasonable alternatives as it applies the Government's planning definition of Traveller and follows guidance in the PPTS.</p> <p>Effective Evidence has been prepared jointly with LBHF</p>

Option	Status	Reason
		<p>Consistent with national policy A proportion of this community in the borough do not fall within the Government's planning definition in the PPTS and as such their future accommodation needs should be assessed and provided for as part of general housing needs. This is consistent with the national policy approach.</p>

ISSUE 2: SUPPLY

2.4.4 The options and alternatives considered are:

Option	Status	Reason
<p>1 Maintain the existing Stable Way site allocation as it is</p>	<p>Preferred option for Publication Policies</p>	<p>Positively prepared Protects the existing Stable Way site for Gypsy and Traveller accommodation. Work is being undertaken jointly with LBHF to identify opportunities to meet needs over the plan period of both Local Plans. This option would ensure that there is no loss of existing traveller accommodation.</p> <p>Justified Based on Joint GTANA and a Site Appraisal Study. There is a long established community at the Stable Way site which will be displaced if the site were not to be maintained for this use.</p> <p>Effective A Site Appraisal Study is being undertaken jointly with LBHF. This will identify if there are potential additional sites available in either of the</p>

Option	Status	Reason
		<p>boroughs.</p> <p>Consistent with national policy This approach is consistent with national policy as it ensures that there is no loss of Traveller accommodation in the borough.</p>
<p>2 Amend policy to support the reconfiguration of the existing Stable Way site to accommodate more pitches</p>	<p>Reasonable alternative</p>	<p>The Site Appraisal Study will establish if this is possible taking into account limitations within and around the existing site. Work is being undertaken jointly with LBHF to identify opportunities to meet needs over the plan period of both Local Plans. If possible, the reconfiguration of the site will help deliver some additional pitches to assist meeting identified needs.</p> <p>Positively prepared This option seeks to maintain the existing site, improve site environment and provide additional accommodation to meet identified need.</p> <p>Justified Based on Joint GTANA and Site Appraisal Study</p> <p>Effective A Site Appraisal Study is being undertaken jointly with LBHF. This will identify if there are potential additional sites available in either of the boroughs.</p> <p>Consistent with national policy The site appraisal study will apply site appraisal criteria in the PPTS</p>

Option	Status	Reason
<p>3 Amend policy to support the extension of the existing Stable Way site to accommodate more pitches</p>	<p>Reasonable alternative</p>	<p>The Site Appraisal Study will establish if this is possible taking into account limitations within and around the existing site. Work is being undertaken jointly with LBHF to identify opportunities to meet needs over the plan period of both Local Plans. If possible, the extension of the site will help deliver some additional pitches to assist meeting identified needs.</p> <p>Positively prepared This approach seeks to maintain the existing site, and provide additional accommodation.</p> <p>Justified Based on Joint GTANA and a Site Appraisal Study</p> <p>Effective A Site Appraisal Study is being undertaken jointly with LBHF. This will identify if there are potential additional sites available in either of the boroughs.</p> <p>Consistent with national policy The site appraisal study will apply site appraisal criteria in the PPTS</p>
<p>4 Amend policy to support identifying new sites in addition to the existing Stable Way site to accommodate more pitches</p>	<p>Reasonable alternative</p>	<p>This option seeks to identify and allocate new sites for Gypsy and Traveller accommodation.</p> <p>Positively prepared Work is being undertaken jointly with LBHF to identify opportunities to meet needs over the plan period of both Local Plans. If possible, the allocation of additional sites</p>

Option	Status	Reason
		<p>will help deliver some additional pitches to assist meeting identified needs.</p> <p>Justified Based on GTANA and a Site Appraisal Study</p> <p>Effective A Site Appraisal Study is being undertaken jointly with LBHF. This will identify if there are potential additional sites available in either of the boroughs.</p> <p>Consistent with national policy This is consistent with national policy.</p>

2.5 PUBLICATION POLICY

- 2.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (red = Draft Policies and blue = Publication Policies).

<p>Policy CH62 <u>Housing Diversity Gypsies</u> and Travellers <u>Accommodation</u></p> <p>S. <u>The council will work closely with London Borough of Hammersmith and Fulham, the Mayor of London and TfL to protect, improve and, if possible, increase the capacity of the existing Westway travellers' site at Stable Way which the Councils jointly manages with the London Borough of Hammersmith and Fulham. Additional sites for temporary or permanent use and any applications at Stable Way will be identified in the forthcoming Gypsy and Traveller DPD and</u> should meet the following criteria:</p> <ol style="list-style-type: none"> i. the site can provide or a satisfactory arrangement of pitches, permanent buildings and open space; ii. Use of the site would have no significant detrimental <u>a positive an acceptable</u> effect on the <u>safety and</u> amenity of occupiers of adjoining land; iii. Use of the site would be acceptable in terms of the visual amenity, <u>safety and local environment for future and / or current Gypsy and Traveller occupiers</u>; iv. The use could be supported by adequate physical and social infrastructure <u>(such as access to education, health, welfare and employment)</u> in the locality
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KEY DIAGRAM AND PROPOSALS MAP

2.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

2.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”³. A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”⁴. Strategic matters are further defined in paragraph 156 of the NPPF⁵ and paragraph 013 of the NPPG on the duty to cooperate⁶.

2.6.2 The below table shows the actions the Council has taken with regard to the duty and the relevant prescribed bodies.

Prescribed body/ies / LPAs ⁷	Action(s)	Date(s)
All	The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)	Ongoing
All	Local Plan Partial Review Issues and Options consultation – see Consultation Schedule	Dec 2015 – Feb 2016
All	Local Plan Partial Review Draft Policies Regulation 18 consultation – see Consultation Schedule	Oct – Dec 2016
LBHF	RBKC/LBHF Planning Policy Liaison meetings -Ongoing discussion and agreement on approach to Joint Gypsy and Traveller Accommodation Needs Assessment	Quarterly

³ Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

⁴ Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

⁵ <http://planningguidance.communities.gov.uk/blog/policy/>

⁶ <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

⁷ Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Prescribed body/ies / LPAs ⁷	Action(s)	Date(s)
LBHF	RBKC response to LBHF Regulation 18 Draft Local Plan to: Strategic Policy WCRA White City Regeneration Area to acknowledge the importance of Stable Way in meeting LBHF's Gypsy and Traveller accommodation needs. Policy HO10: Gypsy and traveller accommodation. Commitment to working with LBHF to complete the Joint GTANA and explore meeting accommodation needs.	Jan 2015
LBHF	RBKC response to LBHF Regulation 18 Proposed Submission Local Plan Policy HO10: Gypsy and Traveller Accommodation, suggesting that the policy contain criteria to assess potential applications and that the pitch target be updated in line with the current Joint GTANA at that time.	Oct 2016
LB Brent	RBKC response to DM Policies Proposed Submission	Oct 2015
OPDC / LBHF / LB Ealing / LB Brent	Regular OPDC Project Team Meetings – attendance when necessary	Fortnightly
OPDC	RBKC/OPDC Planning Policy Liaison Meetings	May + Sep 2015; Jan + Apr 2016
OPDC	RBKC response to Regulation 18 Draft Local Plan, OPDC Policy H9: Gypsy and Traveller Accommodation and the OPDC GTANA	Mar 2016
LBHF	Joint Gypsy and Traveller Accommodation Needs Assessment (GTANA)	June to December 2016
LBHF	Discussions on Site Appraisal Study approach / methodology	June to December 2016
London Borough of Hillingdon	Interview with ORS to inform the Hillingdon GTANA; accommodation needs in RBKC; cross issues	December 2016

Figure 2.2: Duty to cooperate strategic issues, prescribed bodies and Council actions

APPENDIX 1: GYPSY AND TRAVELLER SITE APPRAISAL STUDY (SAS) INITIAL APPRAISAL

	Address	National / London policy e.g. Green Belt / MOL	Local policy	Planning history	Flooding / surface water	Access to health services, schools, employment & other local infrastructure / services	Public transport access	Car parking / transport / highways	Utilities e.g. water, electricity, drainage	Impact on local character	Physical constraints e.g. access, contamination, topography	Privacy	Proximity to existing GT communities	Land ownership	Viability / funding	Environment (noise / air) quality	Arrangement of pitches, buildings, open space	Safety and amenity	Conservation Area / Listed Building	Draft conclusion
LPPR						CH6iv										CH6iii	CH6i	CH6ii/iii		
PPTS					13g	13b, c, f										13e				
Designing GT Sites GPG					3.20	3.1, 3.4		3.4			3.4, 3.16					3.18		3.3		
1	Stable Way W10 6QX existing	N/A	Site protected by CH2s / CH6	See GTANA for full history	North Kensington Critical Drainage Area Flood Risk Zone 1	Services available nearby	PTAL 2/3	TBC	Existing site	Self-contained site	Existing site	Existing site	Immediate proximity	TfL lease to RBKC	TBC	TBC Local Air Quality Management Zone (whole Borough)	Existing site	Existing site	Close to 187-189 Freston Road (inc Harrow Club) Grade II Listed Building	Existing site
2	Stable Way, land to north: The Triangle	N/A	Freston Road Employment Zone	N/A	North Kensington Critical Drainage Area Flood Risk Zone 1	Services available nearby	PTAL 2/3	TBC	Adjacent to existing site	Site contained within Stable Way area	Possible contaminated land	Adjacent to existing site – Self-contained site which, could be developed to provide suitable privacy.	Immediate proximity	TfL lease to RBKC, lease to Westway Development Trust Possible unlawful use at some point	Potential GLA funding	TBC Local Air Quality Management Zone (whole Borough)	TBC	Adjacent to existing site	Close to 187-189 Freston Road (inc Harrow Club) Grade II Listed Building	Potentially developable subject to further research

	Address	National / London policy e.g. Green Belt / MOL	Local policy	Planning history	Flooding / surface water	Access to health services, schools, employment & other local infrastructure / services	Public transport access	Car parking / transport / highways	Utilities e.g. water, electricity, drainage	Impact on local character	Physical constraints e.g. access, contamination, topography	Privacy	Proximity to existing GT communities	Land ownership	Viability / funding	Environment (noise / air) quality	Arrangement of pitches, buildings, open space	Safety and amenity	Conservation Area / Listed Building	Draft conclusion
3	Stable Way, land to south	N/A	No land designations	N/A	North Kensington Critical Drainage Area Flood Risk Zone 1	Services available nearby	PTAL 2	TBC	Adjacent to existing site	Site contained within Stable Way area	Possible contamination of land	Adjacent to existing site Open site which would require substantial works to provide suitable privacy.	Immediate proximity	TfL TBC	TBC	TBC Local Air Quality Management Zone (whole Borough)	TBC	Adjacent to existing site	Close to 187-189 Freston Road (inc Harrow Club) Grade II Listed Building	Potentially developable subject to further research
4	Kensal Canalside	London Plan Opportunity Area #18 Kensal Canalside: 3,500 homes; 2000 jobs	Site Allocation CA1 Kensal Canalside 3,500 homes, 10,000sq m offices Adjacent to railway corridor SNCI Grade I/II Adjacent to Kensal Green Cemetery MOL	PP/06/016 19 790 homes and 14,895sq m non-residential	Flood Risk Zone 1	Services available nearby	PTAL 0-5	Currently limited road access, need for new bridge See Kensal Canalside DIFS	TBC See Kensal Canalside DIFS	TBC	See Site Allocation CA1 Kensal Canalside Contaminated land HSE Hazardous Installations	TBC	Approx. 1.5km away from Stable Way	National Grid, Ballymore, Sainsbury's, DfT, RBKC, Catalyst Housing, British Waterways, private	See Kensal Canalside DIFS	TBC Local Air Quality Management Zone (whole Borough)	TBC	TBC	Adjacent to Kensal Green Cemetery Conservation Area Adjacent to Kensal Cemetery Grade I Registered Park and Garden of Historic Interest and Grade I and II* Listed Buildings Kensal House Grade II* Listed Building	Unlikely to be suitable

	Address	National / London policy e.g. Green Belt / MOL	Local policy	Planning history	Flooding / surface water	Access to health services, schools, employment & other local infrastructure / services	Public transport access	Car parking / transport / highways	Utilities e.g. water, electricity, drainage	Impact on local character	Physical constraints e.g. access, contamination, topography	Privacy	Proximity to existing GT communities	Land ownership	Viability / funding	Environment (noise / air) quality	Arrangement of pitches, buildings, open space	Safety and amenity	Conservation Area / Listed Building	Draft conclusion
5	20 Stable Way: Riding Stables	N/A	Freston Road Employment Zone Westway SPD – proposes to redevelop this for new stables and riding arena	TBC	North Kensington Critical Drainage Area Flood Risk Zone 1	Services available nearby	PTAL 3/4	TBC	Existing on site	Self-contained	None	Self-contained site which, could be developed to provide suitable privacy.	Immediate proximity	TfL lease to RBKC, lease to Westway Development Trust	TBC	TBC Local Air Quality Management Zone (whole Borough)	TBC	Adjacent to existing site	Close to 187-189 Freston Road (inc Harrow Club) Grade II Listed Building	Unlikely to be suitable subject to further research
6	Stable Way: Riding Arena	N/A	Westway SPD – proposes to move the riding arena to consolidate with the riding stables. It is suggested that the arena be used for other sports facilities	TBC			PTAL 3/4	TBC	No utilities present on site	Self-contained, semi open sandy area directly underneath the Westway	TBC	Semi open site, could be developed to provide suitable privacy.	Immediate proximity	TfL lease to RBKC, lease to Westway Development Trust	TBC	TBC Local Air Quality Management Zone (whole Borough)	TBC	Adjacent to existing site	Close to 187-189 Freston Road (inc Harrow Club) Grade II Listed Building	Unlikely to be suitable subject to further research



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