

## Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	09 May 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2400
TITLE:	<b>Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD): Preferred Options consultation paper</b>	
WARD:	All	

### AN OPEN PUBLIC ITEM

#### List of attachments to this report:

Appendix 1: Draft Consultation Document

Appendix 2: Preferred Options Site Assessment Report

Appendix 3: Issues and Options Consultation Statement (appendices to this statement available upon request)

## 1 THE ISSUE

1.1 The Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) is a formal planning document being prepared by the Council which will allocate land for the development of authorised Gypsy and Traveller pitches across the District. The Preferred Options document is the second stage of consultation, following on from the Issues and Options consultation that took place between November 2011 and January 2012.

1.2 The Preferred Options document puts forward seven 'preferred' sites which have the potential to be allocated for development which could meet the identified unmet need in Bath and North East Somerset. The Preferred Options paper seeks public feedback on those sites.

## 2 RECOMMENDATION

The Cabinet are asked to:

2.1 Note the Issues and Options Consultation Statement (**Appendix 3**);

2.2 Agree that the list of Preferred Sites in para. 5.8 be taken forward for consultation;

2.3 Agree that the Preferred Options document (**Appendix 1**) is approved for public consultation;

2.4 Agree that the public consultation is undertaken over an extended period of 8 weeks to run from mid-May 2012.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 Consultation on the Preferred Options consultation paper and future consultations on the DPD will utilise resources and budgets allocated for the LDF preparation.
- 3.2 The progression and eventual adoption of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD will demonstrate the Council's commitment to the provision of sites to meet local need. The allocation and development of sufficient sites will also enable the Council to redirect households travelling through the District to legal transit site(s). This will reduce the need for enforcement action by the Council and its associated costs. This includes the costs of planning appeals which are estimated to be approximately £10,000 per appeal.
- 3.3 It is recognised that there will always be Gypsies and Travellers who cannot provide their own sites and as such it is considered that socially rented pitches should be provided as part of the overall pitch requirement for the District. As a number of the preferred sites are publicly owned the Council has the option to ultimately offer that land for sale to private individuals or Registered Providers who may wish to develop and manage those sites. The Council also has the potential to develop and run sites itself which would have ongoing resource and financial implications.
- 3.4 In the event that Local Authority land is taken forward for allocation, there will be financial implications. The cost of developing and maintaining sites will be more appropriate at the next stage of consultation (Pre-Submission version, due December 2012) at which point final allocations will be known. The Council will then be able to make formal decisions as to whether it will take responsibility for individual site development or to sell sites on for development and/or maintenance by other parties, including through the set up of Community Land Trust(s). The Council agreed at its 14 February 2012 meeting to make a £1.8m capital budget provision to provide a 15 pitch transit site for Gypsies and Travellers, subject to detailed project plans being submitted once appropriate sites are located through the planning process. This provisionally approved capital funding is, subject to detailed site design and costings, considered sufficient to meet all costs associated with the provision of a 15 pitch transit site. It should be noted that grants, including the DCLG Traveller Pitch Funding, are available to fund the provision of pitches and that additional pitch provision is eligible for New Homes Bonus.

### **4 CORPORATE PRIORITIES**

- 4.1 Allocating land for the travelling communities to develop authorised sites will meet the Council's requirements to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. The development of authorised sites should improve the life chances of the travelling community as well as improving community cohesion.

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

4.2 This item contributes mainly to priority one “*Promoting independence and positive lives for everyone*”. This item will also contribute to building a stronger economy and equalities issues in promoting positive lives for everyone.

## 5 THE REPORT

5.1 Draft Core Strategy Policy CP11 commits the Council to provide **22 permanent pitches** and **20 transit pitches** for Gypsies and Travellers, and **1 yard** for Travelling Showpeople. The purpose of the Site Allocations Development Plan Document is to allocate sufficient land to develop authorised sites to meet that need. Bath and North East Somerset District does not currently contain any permanent authorised sites, although a site in Whitchurch has temporary planning permission for a single pitch.

5.2 The Council consulted on an Issues and Options paper between November 2011-January 2012 which sought feedback on how the Council should provide sites, how sites should be assessed and asking the public to identify potential land for allocation. The response to that consultation was relatively small, though three privately owned sites were brought forward for consideration. The results of that consultation are included at **Appendix 3**.

5.3 The Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) is now at Preferred Options stage. Following on from the previous public consultation and an internal review of all Council-owned land, officers have assessed a total of 23 individual sites for their potential as allocations for development.

5.4 Policy CP11 of the Local Development Framework Draft Core Strategy sets out the policy on the provision of sites for Gypsies, Travellers and Travelling Showpeople and the overarching criteria against which planning applications and future site allocations will be considered. Those criteria formed the basis for the detailed site assessment matrix, set out at **Appendix 2**, used to assess individual sites as part of the first stage of the assessment process. In addition to being suitable for development, sites also need to be available and achievable. Consideration has therefore also given to those elements and a number of sites are not recommended on those grounds.

5.5 **Appendix 2** highlights that some of the sites perform better against the criteria in Policy CP11 of the draft Core Strategy than others. A number of urban sites perform very well against sustainability criteria and are deliverable, but are considered to have significant adverse residential amenity impact which would require further investigation. Others have a significant detrimental effect on landscape or nature conservation interests and are not recommended on those grounds.

5.6 All preferred sites have been subject to sustainability appraisal which has assessed each site against sustainability objectives. The results of that appraisal have in turn informed the detailed assessment of each site and led to the recommendations for suitability for allocation and pitch numbers.

5.7 National planning policy states that sites in the Green Belt will not be permitted unless very special circumstances are identified. The high level of identified unmet need, the absence of existing permanent provision and a shortfall of available, suitable sites outside the Green Belt constitutes very special circumstances in

Bath and North East Somerset. Four of the seven preferred sites are outside the Green Belt.

5.8 A total of **seven** sites have emerged from this assessment as having the potential to be allocated for development as Gypsy and Traveller pitches or a Travelling Showmen's yard. The list of preferred sites and the proposed pitch allocation is:

- Parcel 7100, Woollard Lane, Whitchurch 2 permanent
- Old Colliery Buildings, Stanton Wick 15 permanent and 5 transit
- Former Radstock Infant School canteen, Radstock 2 permanent
- Station Road, Newbridge 1 Travelling Showmen's Yard
- Lower Bristol Road, Twerton 15 transit
- The Daglands open space, Camerton 9 permanent
- Land near Ellsbridge House, Keynsham 6 permanent

5.9 The total number of pitches that the preferred sites could deliver is significantly above the level of need identified in the Draft Core Strategy. A number of the preferred sites could also deliver alternative numbers of pitches or alternative types of sites to those stated above.

5.10 The Council should note that the allocation of sufficient pitches to meet the identified level of need will likely improve the life chances of the District's travelling communities. It will also strengthen the Council's ability to use effective enforcement powers against unauthorised development.

5.11 National Planning Policy (*Planning for Traveller Sites*) was published in March 2012 and takes immediate effect. It adds the additional requirement that local authorities should identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against the local target, and up to 15 years supply where possible. The draft B&NES Core Strategy establishes the quantum of 22 permanent sites to be provided only up to 2016 because this is the time period of the evidence prepared by the West of England Authorities. However it should be noted that the list of preferred sites in para 5.8 above can actually accommodate 34 permanent, 20 transit pitches and 1 Travelling Showmen's yard. If the Core Strategy Inspector recommends that B&NES accords with the new national policy, then it is highly likely that there are sufficient sites to meet the new requirements. The precise need for sites to meet the new national policy will require a review of the GTAA study, preferable at the West of England level.

5.12 Future stages of the Gypsies & Travellers Site Allocations DPD might be significantly delayed if the Council does not consider the potential implications of the new national policy guidance at this stage.

## **6 RISK MANAGEMENT**

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6.2 There is a risk that if the Council does not accept the preferred site recommendations and fail to identify sufficient sites through the Development Plan process that there will be pressure for sites to be granted planning permission on an ad hoc basis or by appeal. Unauthorised encampment which has associated enforcement action costs is also likely to continue. Each of these outcomes are likely to have a detrimental effect on relationships between the settled community and travelling communities. A lack of authorised accommodation can also have negative effects on the welfare and social integration of Gypsy and Traveller families with the mainstream community which puts the Council at risk of failing to meet its Single Equality Duty.

## **7 EQUALITIES**

7.1 The statutory duties of the Council include the Single Equality Duty to eliminate discrimination, advance equality of opportunity and foster good relations between different groups in the course of developing policies and delivering services. Gypsies and Travellers are recognised as distinct ethnic groups and are protected from discrimination by the Equality Act 2010.

7.2 An EqIA has been completed. The key issue raised in the Equalities Impact Assessment is the need to engage with Gypsies, Travellers and Travelling Showpeople in the consultation on the Preferred Options consultation document.

## **8 RATIONALE**

8.1 The recommended actions are a key part of the Council's Local Development Scheme and the commitments agreed through the Draft Core Strategy. The preferred sites will meet the need identified for the District.

## **9 OTHER OPTIONS CONSIDERED**

9.1 The Council is not obliged to prepare a Site Allocations DPD on this subject and instead can choose to respond to planning applications on an ad hoc, piecemeal basis. This option has been rejected because this would remove the Council's ability to direct development to the most appropriate, sustainable locations and also would leave the accommodation needs of the travelling communities unmet and would continue the uncertainty for local communities.

9.2 The Council could choose to take forward only those sites located outside the Green Belt. This option has been rejected as, in the event that relatively more suitable sites outside the Green Belt cannot be delivered, those sites within the Green Belt may be deliverable and should be considered further through public consultation.

## **10 CONSULTATION**

10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 It is recommended that the consultation period run for an 8 week period from mid May 2012. Events during the consultation will be geared towards enabling active discussion of the preferred sites with Council officers. Particular emphasis is placed on engaging on a face to face basis with the local travelling community and

representatives of the Gypsy and Traveller community through direct on-site contact by Council officers.

10.3 It is expected that consulting on potential site allocations for Gypsy and Traveller pitches is going to raise community concerns. The Council is aware of the challenges inherent in the consultation process and is taking steps to train and liaise with Members, professional partners and staff to maintain good community relations. As legally recognised ethnic groups, Gypsies and Travellers are protected by Race Relations legislation and as noted in paragraph 7.1 are included in the scope of the duty to promote race equality and good race relations. This means that it is unlawful for any individual or organisation to treat Gypsies and Travellers less favourably than other groups, or to discriminate against them indirectly. Appropriate steps are being put in place to avoid racist representations and maintain good community relations.

## 11 ISSUES TO CONSIDER IN REACHING THE DECISION

*11.1 Social Inclusion; Customer Focus; Sustainability; Property; Young People; Human Rights; Corporate; Health & Safety; Other Legal Considerations*

## 12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	David Trigwell: Divisional Director - Planning and Transport 01225 394125
<b>Sponsoring Cabinet Member</b>	Councillor Tim Ball, Cabinet Member for Homes and Planning
<b>Background papers</b>	<a href="#">West of England Gypsy Traveller Accommodation (and Other Needs) Assessment</a> (GTAA) (2007)  Gypsies, Travellers and Travelling Showpeople Site Allocations DPD: Issues and Options Paper (November 2011)
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