

| <b>Bath &amp; North East Somerset Council</b>   |   |                                   |
|---|---|-----------------------------------|
| MEETING:  | <b>Cabinet</b>  |                                   |
| MEETING DATE:   | <b>12<sup>th</sup> September 2012</b>   | EXECUTIVE FORWARD PLAN REFERENCE: |
|   |   | <b>E 2433</b>                     |
| TITLE:  | <b>Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD)</b> |                                   |
| WARD:   | All   |                                   |
| <b>AN OPEN PUBLIC ITEM</b>  |   |                                   |
| <b>List of attachments to this report:</b>  |   |                                   |
| Appendix 1: Summary of issues arising from public consultation  |   |                                   |
| Appendix 2: Additional sites suggested to the Council but not yet investigated (NB Inclusion on this list is no indication of the suitability of these sites) |   |                                   |
| Appendix 3: Revised draft site selection criteria   |   |                                   |
| Appendix 4: Update following Scrutiny Panel meeting   |   |                                   |

## **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 and a Travelling Showmen's yard within the District. Bath and North East Somerset Council does not have any permanent sites for Gypsies, Traveller or Travelling Showpeople. The Council is still in the preparatory stages of producing the Plan which entails collection of evidence and engagement with local communities in considering site options.
- 1.2 This report provides an update on progress so far and sets out the next steps of Plan preparation. In light of the results of the consultation on the existing options and the suspension of the Core Strategy a 'stocktake' is underway. This report therefore highlights the issues arising from the Options consultation, notes the reassessment work being carried out on the sites suggested in the Preferred Options document, including assessment of options outside the Green Belt as part of the further work on the Core Strategy, lists the additional sites that have been suggested to the Council through the Call for Sites, updates on the review of the needs assessment and notes the ongoing dialogue with neighbouring local authorities.

## 2 RECOMMENDATION

The Cabinet is asked to:

- 2.1 Note that a post consultation 'stock take' of the Gypsies and Travellers Site Allocations Plan preparation process is underway which entails;
  - responding to the issues arising from the Preferred Options consultation;
  - ongoing assessment of the 6 sites previously consulted on;
  - assessment of new sites suggested through the Call for Sites, including a review of the existing unauthorised Gypsy and Traveller sites;
  - a review of the site selection process which will be used to review existing sites and assess new sites (see draft in **Appendix 3**);
  - review of major development sites, as part of the Core Strategy review, to assess opportunities for Gypsy and Traveller sites;
  - a review of capacity outside the Green Belt, including opportunities for provision in neighbouring local authorities;
  - an update to the assessment of need for pitches to establish the level of need for 5 and 10 year supply of sites in accordance with Planning for Traveller Sites; and
  - ongoing engagement with neighbouring local authorities in accordance with the duty to cooperate.
- 2.2 Note the progress of the ongoing site assessment work conducted following the public consultation (see **paragraphs 5.12 to 5.26**); and
- 2.3 Consult on the results of the stock take referred to at 2.1 above before preparing a Draft Plan.

## 3 FINANCIAL IMPLICATIONS

- 3.1 Preparation of this Plan is being funded from the Local Development Framework budget. The costs will be higher than originally envisaged primarily due to the update to the Needs Assessment and the additional technical expertise for assessments of new potential sites. This is being addressed through a review of the LDF Work Programme (see separate item on this agenda).
- 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 pitches will also enable the Council to redirect households travelling through the District to legal site(s). This will limit the need for enforcement action by the Council and its associated costs.
- 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 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 The Council does not at this stage need to determine which, if any, sites it would wish to make a commitment to developing itself. In the event that Local Authority land is taken forward for allocation, there will be financial implications. Quantifying the cost of developing and maintaining sites will be more appropriate at the Draft Plan stage, at which point final site allocations will be determined.

3.5 The Council agreed at its 14<sup>th</sup> February 2012 meeting to make a £1.8m capital budget provision towards provision of pitches for Gypsies and Travellers. It should be noted that grants, including the DCLG Traveller Pitch Funding, are available to fund the provision of pitches. The additional pitch provision will be eligible for New Homes Bonus and the future use of any New Homes Bonus receipts arising will be considered by the Council as part of the medium term service and resource planning process in the appropriate financial year.

## **4 CORPORATE OBJECTIVES**

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 equalities issues in promoting positive lives for everyone.

## **5 THE REPORT**

5.1 In response to the obligation on the Council in the National Planning Policy Framework (NPPF) and its accompanying document Planning for Traveller Sites (March 2012) to identify land for the development of residential accommodation for Gypsies, Travellers and Travelling Showpeople, and also transit pitches, to meet the need identified in Bath and North East Somerset the Council undertook consultation on an Issues and Options document between 21 November 2011 – 16 January 2012. A Preferred Options document was consulted on between 23 May – 20 July 2012.

### *Stock take*

5.2 The Plan is still in its preparatory stages (Regulation 18 under the Town and Country Planning (Local Planning) Regulations 2012/767). As a result of the issues raised during the public consultation and also because of the

further work now required on the Core Strategy (see elsewhere on this Cabinet agenda) which provides an opportunity for provision to be considered on strategic growth sites, the Council is undertaking a review or stock take of the work so far. This entails;

- responding to the issues arising from the Preferred Options consultation;
- ongoing assessment of the 6 sites previously consulted on including, where appropriate, assessment of highways; habitats; heritage asset; and contaminated land matters;
- assessment of new sites suggested through the Call for Sites, including a review of the existing unauthorised Gypsy and Traveller sites;
- a review of the site selection process to review existing sites and assess new sites;
- review of major development sites to assess as part of the Core Strategy review to assess opportunities for gypsies and traveller sites;
- a review of capacity outside the Green Belt, including opportunities for provision in neighbouring local authorities;
- an update to the assessment of need for pitches to establish the level of need for 5 and 10 year supply of sites in accordance with Planning for Traveller Sites; and
- ongoing liaison with neighbouring local authorities in accordance with the duty to cooperate.

5.3 Part of the stock take will be a review of the site selection process as it is acknowledged that the previous methodology resulted in some confusion. The decision to review the site selection process has arisen from verbal and written responses to the public consultation. Instead of the site selection matrix, the proposed approach will be more analytical and discursive in nature and will assess sites against identified criteria, drawing from national and local planning policy. The 6 existing sites recently consulted on are being reassessed in line with the new approach. The results will be consulted on alongside new sites in advance of preparing a Draft Plan. An initial draft of the revised site selection criteria is included in Appendix 3.

5.4 This stock take will require a revision to the timetable as set out in the Local Development Scheme review report on this agenda. Key stages are set out in paragraph 5.33.

*General Issues arising from the consultation*

5.5 Over 1,000 responses were received to the Preferred Options consultation, including a number of petitions. **Appendix 1** sets out the key issues arising from the public consultation. Of the non site-specific issues identified by the consultation responses, there was general consensus that whilst sites should be identified for the Gypsy and Traveller community, those sites should be found in the most sustainable locations, preferably on brownfield land, near services, facilities and other amenities, including public transport.

- 5.6 Many respondents drew attention to the apparent inconsistency in the application of the site selection methodology leading, in their view, to the erroneous selection of 6 sites, and their view that the matrix scoring system was flawed with incorrect weightings used. The Council accepts the public feedback on the confusing nature of the site selection methodology and as a result will not be using the site scoring matrix as part of the reassessment of sites.
- 5.7 A significant proportion of respondents considered that insufficient regard had been given to national guidance in the National Planning Policy Framework (NPPF), 'Planning for Traveller Sites', nor the criteria in Local Plan Policy HG.16 and emerging Core Strategy Policy CP11 in the selection of sites. The policy framework has been an ongoing consideration in site assessment and will continue to be considered as part of the stock take, with the national planning policy criteria made more explicit in the assessment criteria.
- 5.8 There was also an overarching concern that sites had been identified in Green Belt locations given that Gypsy and Traveller sites would constitute inappropriate development in the Green Belt (as set out in Planning for Traveller Sites) but exceptional circumstances had not been properly demonstrated. The Council is undertaking a review of opportunities for site provision in non-Green Belt locations, including as part of the further work on the Core Strategy and through ongoing dialogue with neighbouring local authorities.
- 5.9 Some respondents felt it important that the Accommodation Needs Assessment is reviewed to provide an up to date evidence of need, in accordance with Planning for Traveller Sites policy. The Council commissioned consultants to conduct an update to the Needs Assessment in August 2012 following the decision by Cabinet on 5<sup>th</sup> May 2012 (see also paragraph 5.29).
- 5.10 Many respondents also raised concerns with the consultation process, noting that they felt that communities affected by the proposals should have been consulted on the proposed sites much earlier and that the consultation had not been sufficiently advertised. The Preferred Options consultation was an optional stage of consultation used to gather further evidence and early engagement at a formative stage of the Council's search for suitable sites for allocation. Advertisement, including formal press release, resulted in wide public engagement with the consultation.

*Site-Specific Issues arising from the consultation*

- 5.11 The main issues arising from each site have been summarised and are also set out at **Appendix 1**. In brief, those main issues include site-specific highway concerns, impact on ecology, site size overwhelming the local community, site not on a recognised traveller route, access to local services and facilities, impact on tourism, and heritage issues.

*Review of the existing site options and specialist work*

- 5.12 A number of issues were identified in the Detailed Site Assessment Report which indicated that whilst the 6 sites recently consulted on have scope for allocation, further investigation, including through early public feedback at a formative stage of the Site Allocations DPD preparation, would be required to fully understand each site's opportunities and constraints. Consultation responses (as set out at **Appendix 1**) added weight to this and informed the additional work being commissioned from specialists. Those issues identified in the Detailed Site Assessment Report on the 6 sites were not 'showstoppers' but instead raised issues requiring further investigation, including assessments on highways, ecology, contaminated land and heritage in the context of the revised site selection criteria.
- 5.13 The results of the specialist reports will be fed back in to the further site reassessments underway on each of the existing sites to assess whether any of these sites are deliverable or developable and should be taken forward to the Draft Plan stage. Initial results of these assessments are set out below on 5 of the 6 sites. No specialist work has yet been undertaken on the site at Whitchurch although the site will be reviewed using the new site assessment criteria.
- 5.14 Regarding site GT.2, **Old Colliery, Stanton Wick**, the results of the ongoing assessments so far are as follows:
- 5.15 Advice from the Highways Department is that development of this site would require considerable improvements such as provision of a visibility splay, amendments to the existing Traffic Regulation Order, visibility improvements at the Stanton Wick Lane junction with the A368 and provision of additional passing places in Stanton Wick Lane. The scope and costs of implementing these measures will need to be taken into account in determining the deliverability of this site.
- 5.16 On ecological matters, the best and richest habitats are found in the southern section of the tip where vegetation is better developed and topography most varied. However, the ecologist is of the view that no significant habitat-related constraints have been identified that would prevent a carefully sited development proceeding, subject to additional surveys for bats, little ringed plover and great crested newts being conducted and mitigation works being required as part of an allocation policy.
- 5.17 Contaminated land consultants concluded that the site does have potential for the proposed use but this is subject to further on-site confirmatory testing which would in part determine mitigation and restoration works.
- 5.18 The Council's senior historic environment officer has stated that the proposed use of the site would be acceptable with appropriate planning condition(s) to record and protect any surviving historic assets.
- 5.19 It is acknowledged that the emphasis given so far to the national policy requirement in CLG's Policy for Traveller Sites (March 2012) that the scale

of sites in rural areas does not dominate the nearest settled community should be reviewed.

- 5.20 An initial viability assessment indicates that the costs of addressing the measures needed to develop the site will have significant implications for the deliverability of the site.
- 5.21 Site GT4, the former **Radstock Infant School canteen**, was subject to a Conservation Area Impact Assessment which concluded that whilst the existing buildings present on the site have a negative impact on the Conservation Area, it would be very difficult to achieve good design with Gypsy and Traveller accommodation on this site, and that the harm arising to the Conservation Area would be considerable, failing to accord with national planning policy requirements.
- 5.22 The Highways Department confirmed that appropriate visibility splays would be required to access the site, but that the size of the site would prevent on-site turning and passage of large vehicles on the access road would be difficult. The proposed use of the site would require full demolition of the front boundary wall which, as noted by the Conservation Area Impact Assessment, makes a valuable contribution to the character of the Conservation Area.
- 5.23 Land ownership investigations have confirmed that the freehold of the canteen site is held by B&NES Council unlike the adjoining school site which was acquired under a separate conveyance and is subject to a 'reverter' clause.
- 5.24 Site GT.6, **Station Road, Newbridge** was assessed by the Highways Department who concluded that the site would need appropriate visibility splays, which would be required as part of an allocation. The Council's Historic Environment officer has stated that the proposed use of the site would be acceptable with appropriate planning condition(s) to record and protect any surviving historic assets. Contamination was assessed by consultants who concluded that potential contaminants present a low to medium risk of significant risk upon site users. Further confirmatory testing has been recommended.
- 5.25 Site GT.8, **Lower Bristol Road, Twerton** was assessed by the Highways Department who concluded that in addition to the previous advice the site would need appropriate visibility splays, which would be required as part of an allocation.
- 5.26 Site GT.14, land near **Ellsbridge House, Keynsham** was investigated by the Council's senior arboricultural officer who has indicated that there would be no opportunities to develop the site without 'destroying the woodland appearance'. The site is considered by the officer to be suitable for a woodland designation Tree Preservation Order. No additional advice has been provided on this site from the Highways Department, whose original advice that an additional access would not be acceptable remains a significant constraint with only the potential for a replacement shared access being potentially acceptable. The neighbouring landowner has

indicated very strongly that this solution would not be acceptable and so this access solution is not available to the Council.

#### *Errata*

- 5.27 The Council identified and corrected through the Planning Policy website two material errors in the consultation document, namely the incorrect boundary line around sites GT.14 land near Ellsbridge House, Keynsham and the reference to Parcel 7100 Woollard lane, Whitchurch as brownfield.

#### *Additional sites arising from Call for Sites*

- 5.28 A total of 27 new sites were suggested to the Council for investigation in response to the Call for Sites held during the Preferred Options consultation. Those sites are listed at **Appendix 2** along with site location maps. The majority of those sites required investigation of site ownership. Once sites were clearly identified individual landowners were contacted to clarify site availability, the results of which are included in Appendix 2. It is important to note that this is a list of sites which has been suggested to the Council for consideration. A site's inclusion on this list is in no way an indication of its status or suitability. All sites still need to be investigated in line with the new approach.

#### *GTAA Review*

- 5.29 CLG's Planning for Traveller Sites states that local authorities should maintain an up-to-date understanding of the likely permanent and transit accommodation needs over the lifespan of the development plan. In order for the Council's Site Allocations DPD to be in compliance with this policy, the Council is commissioning consultants to undertake an update of the Gypsy and Traveller Accommodation (And Other Needs) Assessment (GTAA). This will provide an up to date understanding of the current level of need for pitches and assist in planning for a supply of sites by calculating future need over the lifetime of the plan.
- 5.30 The timetable for the completion of the update of the GTAA anticipates that a draft report will have been received by the Council by mid-October 2012 and a final report in November 2012.

#### *Duty to Cooperate*

- 5.31 A further concern raised in representations to the Preferred Options consultation is the extent to which the legal duty to cooperate has been satisfied. The duty requires local planning authorities and other public bodies to engage constructively, actively and on an ongoing basis when planning for strategic cross-boundary matters in the preparation of Local Plans (of which the Site Allocations DPD forms part). The Council has ongoing engagement with neighbouring local authorities on the issue of meeting the accommodation need of the travelling communities.
- 5.32 The Council has discussed with the other West of England Authorities the possibility of joint working to update the evidence base in accordance with the Duty to Cooperate. However those authorities were not in a position to



update their evidence base at the same time as this Council other than North Somerset which has already completed such an update. As stated at paragraph 5.30, a review of the GTAA has been commissioned for Bath and North East Somerset; the Council will continue to share information about sites and needs with neighbouring authorities. The Council has ongoing dialogue with those authorities which includes discussion of any capacity for pitch allocation within those areas, including the potential to jointly take forward a Site Allocations DPD.

#### *Timetable*

- 5.33 The stock take has clear implications for the timetable to take forward the Site Allocations DPD. The Local Development Scheme review which also forms part of this Cabinet agenda sets out the proposed timetable for further work which is closely tied to the overarching strategic approach of the Core Strategy and the Placemaking Plan which are each under review. The proposed revised timetable is set out below:

| <b>STAGE</b>  | <b>DATE</b>            |
|---|------------------------|
| Stock take, completion and review of GTAA update results  | Now to December 2012   |
| Consultation on results of stock take including new sites | February / March 2013  |
| Preparation of Draft Plan                                 | March – June 2013      |
| Consultation on Draft Plan                                | June / July 2013       |
| Revise and submit Plan for Examination                    | September–October 2013 |
| Examination in Public hearings                            | January 2014           |
| Receipt of Inspector's Report                             | March 2014             |
| Adopt   | May 2014               |

## **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 fails to undertake the stock take and thereafter 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 which requires the Council to pay due regard to the need to eliminate unlawful 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 Equality Impact Assessment (EqIA) has been completed. The key issues raised in that assessment are the need to engage with Gypsies, Travellers and Travelling Showpeople in the continuing development of the Site Allocations DPD and to seek to improve community relations between the travelling and settled communities.

## **8 RATIONALE**

- 8.1 The work undertaken and recommended actions are a key part of the Council's Local Development Scheme and the commitments agreed through the Draft Core Strategy.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 The Council could choose to halt work on the Site Allocations DPD and instead seek to include allocations for Gypsy, Traveller and Travelling Showpeople sites within the Placemaking Plan. As noted, the Council is in dialogue with neighbouring authorities on the potential capacity for identification of sites within their areas. The Council is also considering pitch allocations within wider housing growth allocations, as informed by the review of the key development sites as part of the extra work on the Core Strategy, which will inform the development of the Site Allocations DPD.
- 9.2 The Council could choose not to update the GTAA. This has significant associated risks due to the requirement in national policy to maintain an up-to-date understanding of need. The Council is commissioning an update to the GTAA.
- 9.3 The Council could choose not to assess additional sites. This option has been discounted as it would prejudice the wider assessment of opportunities of land outside the Green Belt.
- 9.4 The Council could choose to press on to the Draft Plan with the existing list of identified sites. This option has been discounted due to the need to reassess the 6 existing sites more clearly against national planning policy criteria and to consider new sites alongside the review of the SHLAA and Core Strategy.
- 9.5 The scope of the DPD could be expanded to include boats/barges. However, given the different nature of their needs and the fact that both the legislation and the planning requirements relating to Gypsies & Travellers are distinct, the focus of the DPD on Gypsies & Travellers will

be retained. The Council will need to consider how to address the needs of boats/barges through another mechanism.

## **10 CONSULTATION**

10.1 *Cabinet members; Overview & Scrutiny Panel; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

## **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<br>01225 394125   |
| <b>Sponsoring Cabinet Member</b>   | Councillor Tim Ball, Cabinet Member for Homes and Planning   |
| <b>Background papers</b>   | <i>Cabinet papers of 9 November 2011 and 9 May 2012</i><br><br><i>Issues &amp; Options paper</i><br><br><i>Preferred Options paper</i> |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |  |