

Bath & North East Somerset Council

MEETING:	Housing and Major Projects Policy Development and Scrutiny Panel
MEETING DATE:	14 May 2013
TITLE:	Gypsies, Travellers and Travelling Showpeople Site Allocations Plan Update
WARD:	ALL
AN OPEN PUBLIC ITEM	

1 THE ISSUE

- 1.1 Cabinet agreed at its meeting of 12 September 2012 to conduct a 'stock take' of progress on the preparation of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD. This report provides an update on the work and sets out the next steps.

2 RECOMMENDATION

That the Housing and Major Projects Panel:

- 2.1 Note the progress and further work on the preparation of the Gypsies, Travellers & Travelling Showpeople Site Allocations Plan.

3 FINANCIAL IMPLICATIONS

- 3.1 Preparation of this Plan is funded from the Local Development Framework budget.
- 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 identified need. The allocation and development of sufficient pitches to meet local need 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 two of the sites still under assessment 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. These financial implications will be modelled when firm options around potential sites are available.
- 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. At its 14 February 2012 meeting the Council agreed to make a £1.8m capital budget provision towards provision of

pitches for Gypsies and Travellers, a budget that was recently augmented by a successful bid for HCA Traveller Pitch Funding of £750,000. This grant funding is conditional on site completion by March 2015, a PID will be taken forward detailing timing and application of this funding. 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. The cost of developing individual sites forms part of the ongoing DPD assessment work.

4 THE REPORT

Update on progress

4.1 The purpose of the Site Allocations DPD is to identify land for the development of residential accommodation for Gypsies, Travellers and Travelling Showpeople, and also transit pitches, to meet local need in Bath and North East Somerset. The District does not currently have a permanent site for Travellers.

4.2 The Plan is still in its preparatory stages (Regulation 18 under the Town and Country Planning (Local Planning) Regulations 2012/767). At its meeting in September 2012, the Cabinet confirmed the need for a review of the process which included the following tasks:

- to update 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;
- to review the site selection criteria;
- to review the scope for major development sites to include provision for Gypsy and Traveller sites;
- to review capacity to accommodate the travelling communities outside the Green Belt, including opportunities for provision in neighbouring local authorities in accordance with the duty to cooperate;
- to consider the results of the 2012 options consultation and assess the suitability of the 3 remaining sites; and
- to assess the additional sites suggested through the Call for Sites, including a review of the District's existing unauthorised Gypsy and Traveller sites.

Further work required

4.3 An update on these tasks is provided below.

Updating the assessment of need: GTAA

4.4 The assessment of need (the GTAA or Gypsy & Travellers Accommodation Assessment) was updated in 2012 and the report was published in March 2013. The previous West of England GTAA (2007) identified need for 21 permanent pitches, 1 Travelling Showpeople's yard and 20 transit pitches in B&NES. The updated GTAA (2012) identifies the following need:

Need	Time Period	2012-2017	2018-2022	2023-2027	TOTAL (2012-2027)
Gypsy and Traveller		24	1	3	28

Travelling Showpeople	40	0	0	40
Transit	5	0	0	5

- 4.5 The most significant change has been identified for Travelling Showpeople in the District, as the survey identified a large number of households either already living on unauthorised sites or seeking sites in B&NES. Though a large number of Travelling Showpeople were identified in the West of England area at the time of the previous assessment, just 2 of those households were identified as residing in B&NES. The higher demand for Travelling Showpeople sites is a result of a much more rigorous assessment process.

Review the site selection criteria

- 4.6 As indicated at Cabinet in September 2012, the method of site assessment has been amended to take account of concerns regarding how well this relates to the key issues set out in national policy in both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPfTS). The draft revised criteria were reported to the September Cabinet report and have been taken forward as an appropriate mechanism to assess site suitability for allocation.

Scope to include provision for the travelling communities on major development sites

- 4.7 Initial investigations with the housing development industry has highlighted the complexities of seeking to require provision for Traveller needs on major development sites. However, this issue will need to be pursued in the Placemaking Plan.

Engagement with Neighbouring Local Authorities

- 4.8 As part of the preparation of Local Plans the Council has a legal duty to cooperate with other local planning authorities and public bodies, engaging “*constructively, actively and on an ongoing basis*” when planning for strategic cross-boundary matters. The Council has ongoing engagement with neighbouring local authorities and other public bodies on the issue of assessing and responding to the accommodation needs of travelling communities. This includes the West of England Authorities as well as other adjoining authorities.

- 4.9 Prior to commissioning the GTAA update, the Council discussed with the other West of England Authorities the possibility of joint working to update the evidence base. North Somerset Council had already completed such an update in 2011, and Bristol City and South Gloucestershire Councils were not then in a position to update their evidence base at the same time as B&NES. Since that time however Bristol City and South Gloucestershire have commissioned a joint update, with the methodology used by consultants for the B&NES assessment being shared to ensure a coordinated approach. Those consultants have now been commissioned to undertake the joint update; this will further ensure that the study is robust by removing the potential for double-counting of the local population.

- 4.10 The Council also continues to engage with neighbouring authorities to discuss the strategic approach to responding to need across each local authority area. The option of undertaking a joint plan of provision was considered and rejected

because the Local Authorities were at different stages. The need for strategic co-operation is particularly relevant given the accommodation characteristics of the travelling communities across local authorities. Neighbouring authorities have indicated in recent discussions that there is no capacity for need arising in B&NES to be met in their areas. However until Bristol and South Gloucestershire have finalised their needs assessment, proper consideration cannot be given to a co-ordinated approach to provision. That assessment is due to be completed over the next few months.

Results of the 2012 Options Consultation

- 4.11 Key issues arising from the options consultation were reported to Cabinet on 12 September 2012. A Consultation Statement has since been published, responding to the issues raised during the options consultation. Three sites (at Keynsham, Radstock and Stanton Wick) were removed from the process by Cabinet leaving 3 sites for further assessment. The sites at Woollard Lane, Whitchurch; Station Road, Newbridge and Lower Bristol Road, Twerton remain under consideration. The public consultation comments received relating to these sites have been taken into account in informing the ongoing site assessment.

Assessment of additional sites

- 4.12 The second Call for Sites undertaken during 2012 yielded 27 additional site suggestions for assessment; a further 2 sites (one an unauthorised encampment at Green Patch Lane, Farmborough, and another at Ashmead Road, Keynsham, suggested through the LDF Steering Group) have since been added to the list of new site suggestions.
- 4.13 Specialist work, including archaeological assessment and land contamination investigations, are still being undertaken. This specialist work will be incorporated into the overarching site assessment, providing the Council with a comprehensive understanding of constraints, and also the potential cost to develop individual sites. This is necessary to understand development viability and deliverability.
- 4.14 **It must be emphasized that the assessment of sites mentioned in 4.12 is still underway and it is not appropriate to give an indication of site suitability in advance of completing that work, therefore no final determination or recommendation can be made.**

Conclusions

- 4.15 The progress made and further work required is summarised as;
- The revised needs assessment has been completed and it reveals a significantly greater accommodation need for Travelling Showpeople than revealed by the previous assessment;
 - The approach to site selection has been revised;
 - Further work is required with adjoining authorities to ensure a joint strategic approach to provision has properly been undertaken;
 - Further work is required to ascertain the scope of major development sites to make a contribution to accommodating the travelling communities;

- Sites are still under investigation for the potential to contribute towards meeting the accommodation needs of the travelling communities.

Programme

- 4.16 The current programme for the Plan entails public consultation on a draft Plan in June / July 2013. However given that progress on the Plan is dependent on other work being completed, primarily co-operation with adjoining authorities, the assessment of the scope to accommodate the travelling communities on large development sites, and individual specialist site assessments, that programme is currently under review.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 5.2 There is a risk that if the Council completes the stock take and fails to identify sufficient sites through the Development Plan process to meet need that there will be pressure for sites to be granted planning permission on an ad hoc basis or by appeal. Unauthorised encampment is also likely to continue; this has associated enforcement action costs. Each of these outcomes are likely to have a detrimental effect on relationships between the settled and travelling communities. A lack of authorised accommodation also has negative effects on the welfare and social integration of Gypsy, Traveller and Travelling Showpeople families with the settled community which puts the Council at risk of failing to meet its Public Sector Equality Duty.

6 EQUALITIES

- 6.1 The statutory duties of the Council include the Public Sector 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.
- 6.2 An Equality Impact Assessment (EqIA) has been completed. Adverse impacts arising from delay to the identification and allocation of sites for development have been identified but are considered to be justified by the need for rigorous assessment of sites. A comprehensive assessment should ensure that the DPD is taken through Examination and adoption in a more timely fashion.

7 CONSULTATION

- 7.1 *Cabinet members; Policy Development and Scrutiny Panel; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

8 ISSUES TO CONSIDER IN REACHING THE DECISION

- 8.1 *Social Inclusion; Customer Focus; Sustainability; Property; Young People; Human Rights; Corporate; Health & Safety; Other Legal Consideration*

9 ADVICE SOUGHT

9.1 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.

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Background papers	<i>Gypsy and Traveller Accommodation Assessment (ORS, 2012)</i> <i>Consultation Statement: Preferred Options</i> <i>Cabinet Report September 2012</i>
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