

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	12 th June 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2412
TITLE:	Gypsies, Travellers and Travelling Showpeople Site Allocations Plan Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments	Annex 1 : site assessment criteria	

1 THE ISSUE

- 1.1 This report provides an update on the preparation of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD and sets out the next steps.

2 RECOMMENDATION

That the Cabinet:

- 2.1 notes the progress on the preparation of the Gypsies, Travellers & Travelling Showpeople Site Allocations Plan;
- 2.2 agrees the revised programme for the preparation of the Plan, and the consequential amendment to the Local Development Scheme, as set out in para. 5.19 below.

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 Plan 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 one of the sites still under assessment is publicly owned, if the suitability of this site is confirmed, then Council has the option to ultimately offer that land for sale to private individuals or Registered Providers who may wish to develop and manage that site. The Council also has the option 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 Cabinet 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 HCA grant funding is conditional on a number of factors including site completion by March 2015. A scheme is currently being progressed that will deliver a scheme providing 14/15 pitches subject to obtaining planning permission and capital sign-off approval. It is anticipated that a planning application will be submitted in Autumn 2013.
- 3.5 Pitch provision is 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 CORPORATE OBJECTIVES

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

- 4.1 This item contributes mainly to priority one "*Promoting independence and positive lives for everyone*". Allocating land to develop authorised sites for the travelling communities 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.

5 THE REPORT

Update on progress

- 5.1 The purpose of the Site Allocations Plan is to identify land for the development of permanent and transit residential accommodation for Gypsies and Travellers and sites for Travelling Showpeople to meet identified need in Bath and North East Somerset. The District does not currently have a permanent site for travellers although it does have temporary sites.
- 5.2 The Plan is still in its preparatory stages (Regulation 18 stage of 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 2012 Call for Sites, including a review of the District's existing unauthorised Gypsy and Traveller sites.
- 5.3 An update on these tasks is provided below.

Updating the assessment of need: GTAA

- 5.4 The assessment of need (the GTAA or Gypsy & Travellers Accommodation Assessment) was updated in 2012 and the report was published as part of the background papers to the Proposed Changes to the Submitted Core Strategy in March 2013. The Assessment was undertaken by consultants with significant experience in this area of work and closely followed national guidance.
- 5.5 The previous West of England GTAA of 2007 identified need for 19 permanent pitches (plus 3 pitches to account for projected population growth), 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

- 5.6 The most significant change in need 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 two of those households were identified as residing in B&NES. The identification of higher demand for Travelling Showpeople sites is a result of a much more rigorous assessment process.

Review the site selection criteria

- 5.7 As reported to Cabinet in September 2012, in response to concerns expressed over the site assessment process and the scoring matrix, the method of site assessment has been amended. The revised approach uses criteria which are closely based on national policy in both the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPfTS). The revised criteria considered by Cabinet in September and are being used to assess site suitability for allocation.

Scope to include provision on major development sites

- 5.8 Initial responses from the housing development industry has highlighted their concern that seeking to require provision for Traveller needs on major development sites increases the complexity of bringing development sites forward. However, this issue will need to be further pursued through the preparation of the Placemaking Plan.

Engagement with Neighbouring Local Authorities

- 5.9 In preparing Local Plans the Council has a legal duty under the Localism Act 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.
- 5.10 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. The same consultants have since been commissioned to undertake the update; this will further ensure that each study is robust by removing the potential for double-counting of the local population.
- 5.11 As well as identification of need, the Council also continues to engage with neighbouring authorities to discuss the strategic approach to provision, taking account of cross-boundary issues. The option of undertaking a joint plan of provision was previously considered and rejected because the Local Authorities were at different stages of responding to need. 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 districts. However once Bristol and South Gloucestershire have finalised their needs assessment over the next few months, further consideration will be given to a co-ordinated approach to provision. The Council cannot proceed to the preparation of a sound Plan without fully co-operating with adjoining authorities.

Results of the 2012 Options Consultation

- 5.12 Key issues arising from the previous options consultation were reported to Cabinet on 12 September 2012. A Consultation Statement has also 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 of consideration by Cabinet leaving 3 sites for further assessment.
- 5.13 The sites at Woollard Lane, Whitchurch; Station Road, Newbridge and Lower Bristol Road, Twerton remained to be assessed. As noted at paragraph 3.4 a planning application is currently being progressed on the Lower Bristol Road site and it is anticipated that it will be submitted in September 2013. The site at Station Road, Newbridge, Bath is no longer available due to alternative uses being considered for this site, while the site at Whitchurch remains 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

- 5.14 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 site at Ashmead Road, Keynsham) have also been added to the list of new site suggestions. The location of the 27 sites was published in September 2012 in response to a request from town and parish councils to be publically notified of their location.
- 5.15 The assessment of the suitability of these sites has not yet been completed and specialist work, including archaeological assessment and land contamination investigations, is still being undertaken. This specialist work will be incorporated into the overarching site assessment results, providing the Council with a comprehensive understanding of which sites are suitable, any constraints, and also the potential cost to develop individual sites. This is necessary to understand development viability and deliverability. Once this work is completed a Draft Plan will be produced for public consultation.
- 5.16 Investigations are also underway as to whether any of the current Travelling Showpeople accommodation arrangements can be regularised; this could reduce the requirement to identify additional sites for traveling showpeople.
- 5.17 As the assessment of sites described in paras 5.15 and 5.16 is still underway it is not appropriate to give an indication of site suitability in advance of completing that work, therefore no final determination or recommendation is made at this stage. This is especially important in light of the public concerns expressed during the 2012 options consultation that only finalised proposals should be published. Conclusions also cannot be reached about the selection of sites until work has been undertaken with adjoining authorities, the scope to include Traveller provision on major development sites has been concluded and

opportunities outside the Green Belt have been fully explored. A programme for the next stages of this work is set out in para 5.19 below.

Conclusions

5.18 In summary, the further work required is:

- (1) Co-operation with adjoining authorities to ensure a joint strategic approach to provision has been undertaken;
- (2) Assessing the contribution that major development sites can make towards accommodating travelling communities;
- (3) Investigating the scope to regularise existing Travelling Showpeople accommodation; and
- (4) Finalising the assessment of suitability of suggested sites to contribute to meeting the accommodation needs of the travelling communities.

Programme

5.19 The current programme for the Plan set out in the Local Development Scheme 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 as outlined in para 5.18 above, , it is recommended that the timetable is revised as follows:

STAGE	DATE
Undertaking tasks referred to in para. 5.18 above	to December 2013
Prepare Draft Plan	Dec. to March 2014
Public consultation on Draft Plan	Spring 2014
Revise and submit Plan for Examination	Summer 2014
Examination in Public hearings	Autumn 2014
Consider Inspector's recommendations and Adopt	Winter 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 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.

7 EQUALITIES

7.1 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.

7.2 An Equality Impact Assessment (EqIA) has been completed. Adverse impacts arising from the 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.

8 RATIONALE

8.1 The Council needs to respond to the accommodation needs of its travelling communities to meet national requirements and its own corporate objectives. A delay to this work is unfortunate but necessitated by the unexpected rise in need identified in the evidence base; and the need for ongoing cooperation with neighbouring local authorities which is delayed by evidence gathering currently taking place in those areas.

9 OTHER OPTIONS CONSIDERED

9.1 None at this stage. This Council is obliged by the National Planning Policy Framework 2012 to identify land to meet the needs of the Travelling Community.

10 CONSULTATION

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

10.2 At its meeting on Tuesday 14th May 2013, the Housing & Major Projects Policy Development & Scrutiny Panel resolved the following;

- Note the progress and further work on the preparation of the Gypsies, Travellers & Travelling Showpeople Site Allocations Plan
- The Panel calls on Cabinet to produce a list of feasible sites, according to the existing 2012 criteria and to produce a timeline as part of their June recommendations.
- The Panel requests that Cabinet ensures that adequate resources are provided to complete the work on this matter properly and expeditiously.

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.

Contact person	<i>David Trigwell 01225 394125; Simon de Beer 01225 477616</i>
Sponsoring Cabinet Member	<i>Councillor Tim Ball</i>
Background papers	Gypsy and Traveller Accommodation Assessment (ORS, 2012) Consultation Statement: Preferred Options Cabinet report September 2012
Please contact the report author if you need to access this report in an alternative format	