

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
EXECUTIVE**

17 September 2010

Dear Councillor

EXECUTIVE - Tuesday 28 September 2010

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following report which was marked 'to follow' on the Agenda:-

Agenda Item 7 Gypsy and Traveller Development Plan Document

To consider recommendations on how the Council should progress with the Gypsy and Traveller Development Plan.

Should you have any queries regarding the above please contact Devina Lester, Senior Democratic Services Officer on Tel: 0300 300 6258.

Yours sincerely

Devina Lester
Senior Democratic Services Officer
email: devina.lester@centralbedfordshire.gov.uk

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Meeting: Executive
Date: 28 September 2010
Subject: Gypsy and Traveller Development Plan Document
Report of: Cllr Tom Nicols, Portfolio Holder for Sustainable Development
Summary: The report outlines the recommendations of the Sustainable Communities Overview and Scrutiny Committee arising from their consideration of the Gypsy and Traveller Development Plan Document on how the Council should progress with this document. This meeting took place on 7th September 2010.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Richard Fox, Head of Development Planning and Housing Strategy
Public/Exempt: Public
Wards Affected: All in the North of Central Bedfordshire
Function of: Executive
Key Decision Yes
**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

CORPORATE IMPLICATIONS

Council Priorities:

The Local Development Framework is a fundamental part of the Council's key aim to manage growth effectively.

Financial:

The Gypsy and Traveller Development Plan Document (DPD) is intended to plan for local Gypsy and Traveller pitch need. Having a robust strategy in place helps reduce the incidences of unauthorised encampments which create a financial burden on the authority. In turn, a robust strategy will assist in the determination of planning applications and potentially reduce the costs of defending planning applications on appeal. The cost of the DPD can be met from within existing resources.

Legal:

The Gypsy and Traveller DPD, when adopted, will be part of the statutory development plan for the area.

Risk Management:

The absence of an adopted plan would make the Council vulnerable to losing planning appeals for Gypsy and Traveller sites.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Council must ensure that decisions minimise unfairness and do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The Race Relations Act places a general duty on public authorities to promote race equality. This means that authorities must have due regard to the need to:

- a) eliminate discrimination
- b) promote equality of opportunity
- c) promote good relations between people of different racial groups

In drawing up the development plan document an Equality Impact Assessment has been undertaken. This has highlighted the specific needs and interests of Gypsy and Traveller communities who are at a significantly greater risk of lower quality of life outcomes.

Gypsies and Travellers can sometimes find themselves in a cycle of 'enforced' nomadism, being continually moved on by the authorities because of the shortage of authorised sites. As a result, Gypsies and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education. The lack of authorised public sites and the difficulties associated with getting planning permission for private sites, has meant that Gypsies and Travellers have set up home on land belonging to others or on their own land without permission.

Approval of the DPD could help to close achievement and health inequalities, reduce racial tensions associated with unauthorised sites, increase the participation of Gypsy and Traveller communities in decision making and service delivery processes and increase a sense of belonging.

Community Safety:

The Gypsy and Traveller DPD is intended to reduce the incidences of unauthorised encampments which can cause community tensions.

Sustainability:

The Local Development Framework embraces sustainable development as its overarching aim and has and will continue to be subject to a sustainability appraisal.

Summary of Overview and Scrutiny Comments:

- The Overview and Scrutiny Committee resolved to recommend the local Gypsy and Traveller Accommodation Assessment as the most robust guide for determining Gypsy and Traveller accommodation needs to the end of 2010 and use a 3% compound growth rate to determine the level of need to the end of 2015. They resolved to recommend a distribution of these pitches between four shortlisted sites. The Overview and Scrutiny Committee also resolved to recommend Kennel Farm, Biggleswade for 4 Travelling Showpeople pitches and the delivery of transit pitches on existing permanent sites.
- Full recommendations contained in Appendix A

RECOMMENDATION(S):

That the Executive

- (1) **Consider the recommendations of the Sustainable Communities Overview and Scrutiny Committee:**
 - a) **that a total of twenty six additional permanent pitches be allocated in Central Bedfordshire (north) up to the end of 2015 (as identified in the local Gypsy and Traveller Accommodation Assessment (2007) and using a 3% compound growth rate) and that there be no requirement for any further local needs assessment to be undertaken of Gypsy and Traveller accommodation up to the end of 2015;**
 - b) **that no additional pitches be allocated on the Council owned land east of Hitchin Road, Henlow and the four pitches proposed for this site be allocated equally between Land rear of 197 Hitchin Road, Arlesey and Oak Tree Nursery & Magpie Farm, Upper Caldecote;**
 - c) **that the allocation of additional pitches be as follows:-**
 - (i) **1 Old Acres, Barton Road, Pulloxhill, the authorisation of the existing 8 temporary pitches**
 - (ii) **Hermitage Lane, off Westoning Road, Greenfield, the authorisation of the existing 2 tolerated pitches**
 - (iii) **Land rear of 197 Hitchin Road, Arlesey, 10 pitches total, comprising of the authorisation of the existing 4 temporary pitches and the addition of 6 new pitches.**
 - (iv) **Oak Tree Nursery & Magpie Farm, Upper Caldecote, on the more detailed plan circulated at the meeting, 6 new pitches, in addition to the 3 permanent pitches on site, totalling 9 pitches.**
 - d) **that no additional pitches be allocated on the private site on land between Common Road and Myers Road, Potton;**

- e) that transit pitches for the use of Gypsies and Travellers be provided on existing Gypsy and Traveller sites rather than through the provision of a new specific site elsewhere;
 - f) that four pitches be allocated at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople
- (2) Consider the advice of the Portfolio Holder for Sustainable Development in relation to the recommendations of the Sustainable Communities Overview and Scrutiny Committee as set out in Recommendation (1) above. This advice will be circulated with the Executive Chairman's briefing note following her briefing meeting.
- (3) Consider whether an additional pitch should be allocated to increase the robustness of the strategy, as set out in Paragraph 9.
- (4) Authorise the Director of Sustainable Communities in consultation with the Portfolio Holder for Sustainable Development to agree the Draft Submission document of the Gypsy and Traveller Development Plan Document for consultation purposes.

Reason for Recommendation(s): To enable the Council to progress the Gypsy and Traveller Development Plan Document.

Executive Summary

The Secretary of State for Communities and Local Government announced the revocation of Regional Spatial Strategies and the return of decision-making on housing and planning to local councils. With the abolition of regional targets, local authorities are now advised to be responsible for determining the right level of Gypsy and Traveller pitch provision reflecting local need. Without a Gypsy and Traveller DPD, local authorities would find themselves in the unenviable position of having no robust planning framework with which to contest speculative planning applications or deal with illegal Gypsy and Traveller encampments, a similar position experienced during the 1990s. To avoid this situation Central Bedfordshire Council need to consider how best to move forward in light of the revocation of regional targets in planning for Gypsy and Traveller accommodation need. Options for moving forward have been presented to the Sustainable Communities Overview and Scrutiny Committee who recommend to Executive a suggested way forward.

Background

1. In accordance with its statutory duty, the legacy authority Mid Bedfordshire District Council commenced the process of the provision of Gypsy and Traveller sites to meet local need in 2006. Since then, there have been four rounds of public consultation, the most recent taking place in April 2010.

2. In December 2009 Members of the Development Strategy Task Force recommended to the Sustainable Communities Overview and Scrutiny Committee (OSC) a set of preferred sites to accommodate the level of pitches set in the Regional Spatial Strategy (the East of England Plan) to the end of 2015. Policy H4 of the East of England Plan recommended 30 pitches in Central Bedfordshire North (the former Mid Bedfordshire area) to the end of 2010 and a compound 3% growth rate to the end of 2015. This totalled 40 pitches to the end of 2015. Following the meeting of the Sustainable Communities Overview and Scrutiny Committee the shortlisted sites to meet this target were published in the Preferred Sites document in April 2010, for a six week period. The sites and a summary of the main comments received to them are provided in Appendix B.
3. Following that most recent consultation, the Secretary of State for Communities and Local Government announced the revocation of Regional Spatial Strategies and the return of decision-making on housing targets to local councils. This change in policy direction was brought about by the newly elected Coalition Government. With the abolition of regional targets local authorities are now advised to be responsible for determining the right level of Gypsy and Traveller pitch provision reflecting local need.
4. Without a Gypsy and Traveller DPD local authorities would find themselves in the unenviable position of having no robust planning framework with which to contest speculative planning applications or deal with illegal Gypsy and Traveller encampments, a similar position experienced during the 1990s. To avoid this situation Central Bedfordshire Council need to consider how best to move forward in light of the revocation of regional targets in planning for Gypsy and Traveller accommodation need.

Recommendations of Overview and Scrutiny

5. In light of the revocation of the Regional Spatial Strategy, the Overview and Scrutiny Committee have considered how to progress with the Gypsy and Traveller DPD and recommended their suggested way forward (see Appendix A for the full set of recommendations).

Level of Accommodation Need

6. Local authorities are required by Government through the Housing Act 2004 to assess the accommodation needs of Gypsies and Travellers alongside the assessment of the needs of the settled population. The Act further enquires that local authorities develop a strategy in respect of meeting such accommodation needs as are identified. The East of England Plan target of 30 pitches to the end of 2010 is now obsolete. In the absence of this regional target, the local Gypsy and Traveller Accommodation Assessment 2007 (GTAA) can be used to guide the authority on pitch provision. The Secretary of State has approved that Gypsy and Traveller Accommodation Assessments can form a good starting point for determining local levels of need.

7. The Council in partnership with Bedford and Luton undertook a Bedfordshire and Luton wide study to assess the accommodation needs of Gypsies and Travellers in 2005. The Bedfordshire and Luton GTAA, published 2006, made a number of recommendations. The key recommendation is that 74 new permanent pitches are necessary across Bedfordshire and Luton between 2006 and the end of 2010. This is to accommodate the backlog of need and demand from new family formation within the area between 2006 and the end of 2010. At a local level the Needs Assessment suggests that 20 additional new permanent Gypsy and Traveller pitches should be provided in the North of Central Bedfordshire between 2006 and the end of 2010.
8. The OSC were satisfied that an additional 20 permanent pitches in Central Bedfordshire (North) was robust and was an appropriate number of pitches to allocate up to the end of 2010. The OSC also agreed that the compound 3% growth rate identified by the East of England Regional Assembly (EERA) was more representative than the 6.9% per annum proposed in the local GTAA. It was recommended that the compound 3% growth rate should be used to appropriately determine the number of pitches needed up to the end of 2015.
9. With regard to the local pitch requirement figure from the end of 2010 to the end of 2015 the OSC were informed that the total increase using the 3% compound figure was 9.40 pitches. Officers advised the OSC it would be better to round up the 3% growth rate to 10 additional pitches. The OSC did not support this approach and felt that it would be more appropriate to round this figure down to 9 pitches rather than rounding up. There is a case that rounding up takes a more sound approach to calculating the level of need to the end of 2015. The approach of rounding up may reduce the potential for later challenge at Examination or in development management appeals. In the event that Executive agree to rounding up, consideration will need to be given to the location of this additional pitch.

Pitch Distribution

10. OSC proposed the allocation of the twenty six pitches across existing Gypsy and Traveller sites. Taking this approach avoids the need to fund and develop Council owned land, when funding is stretched (the Homes and Communities Agency recently announced the termination of the Gypsy and Traveller site grant). This approach also allows the level of need to be met within the proposed timeframes of the DPD.
11. The Overview and Scrutiny Committee agreed the distribution of pitches across the sites in Table 1 below.

Table 1: Pitch Distribution

Site address	Distribution of 26 Pitches
1 Old Acres, Barton Road, Pulloxhill	8
Hermitage Lane, off Westoning Road, Greenfield	2
Land rear of 197 Hitchin Road, Arlesey	10
Oak Tree Nursery & Magpie Farm, Upper Caldecote	6
TOTAL	26

Transit Provision

12. The Regional Spatial Strategy had recommended 10 transit pitches across the whole of Bedfordshire and Luton to the end of 2010, but did not specify the location of these pitches. Since the revocation of this target, the OSC considered addressing transit provision through the allocation of space on the main allocated sites, rather than separate provision. This is based on the position the legacy authority took prior to the introduction of the transit requirement in the Regional Spatial Strategy. There are also practical reasons for not allocating a separate transit site, for example: management of two pitches could be difficult and the removal of the available funding through the Government grant for site development would mean the Council would have to fund development. The allocations policy for sites and subsequent consideration of the sites through the planning application process could ensure the provision of visitor spaces. This would strengthen the deliverability of the sites in this DPD.

13. The Overview and Scrutiny Committee resolved that transit pitches for the use of Gypsies and Travellers be provided on existing Gypsy and Traveller sites rather than through the provision of a new specific site elsewhere. As such, the Council will work with the established Gypsy and Traveller community to negotiate the incorporation of one transit pitch on each of two sites, drawn from existing or proposed sites.

Travelling Showpeople Provision

14. In 2007 the Bedfordshire authorities undertook a Travelling Showpeople Accommodation Assessment. This local assessment recommended that 4 pitches be allocated for the north part of Central Bedfordshire up to the end of 2010. The previous Preferred Options consultation between November 2008 and January 2009 had included a site called Land at Kennel Farm Holdings to accommodate 4 Travelling Showpeople pitches (see Appendix C for site location plan). The Overview and Scrutiny Committee resolved that four pitches be allocated at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople.

Conclusion and Next Steps

15. The Executive are asked to consider the recommendations of the Sustainable Communities Overview and Scrutiny Committee and to agree a preferred approach to progress the Gypsy and Traveller Development Plan Document. The Executive are also asked to consider whether an additional pitch should be allocated (see Paragraph 9).
16. Following consideration of the recommendations of the Sustainable Communities Overview and Scrutiny Committee, it is requested that delegated authority be given to the Director of Sustainable Communities in consultation with the Portfolio Holder for Sustainable Development to agree the Draft Submission DPD which will then be subject to a six week consultation in accordance with the regulations governing the preparation of development plan documents. All the comments received as a consequence of the consultation exercise will be forwarded to the Secretary of State for an Independent Planning Inspector to consider at the Public Examination.

Appendices:

Appendix A - Recommendations of Sustainable Communities Overview and Scrutiny Committee, 7 September 2010

Appendix B - Consultation Responses to the Gypsy and Traveller Preferred Sites

Appendix C – Location Map of Kennel Farm, Biggleswade

Background Papers: None

Appendix A

Recommendations of Sustainable Communities Overview and Scrutiny Committee, 7 September 2010

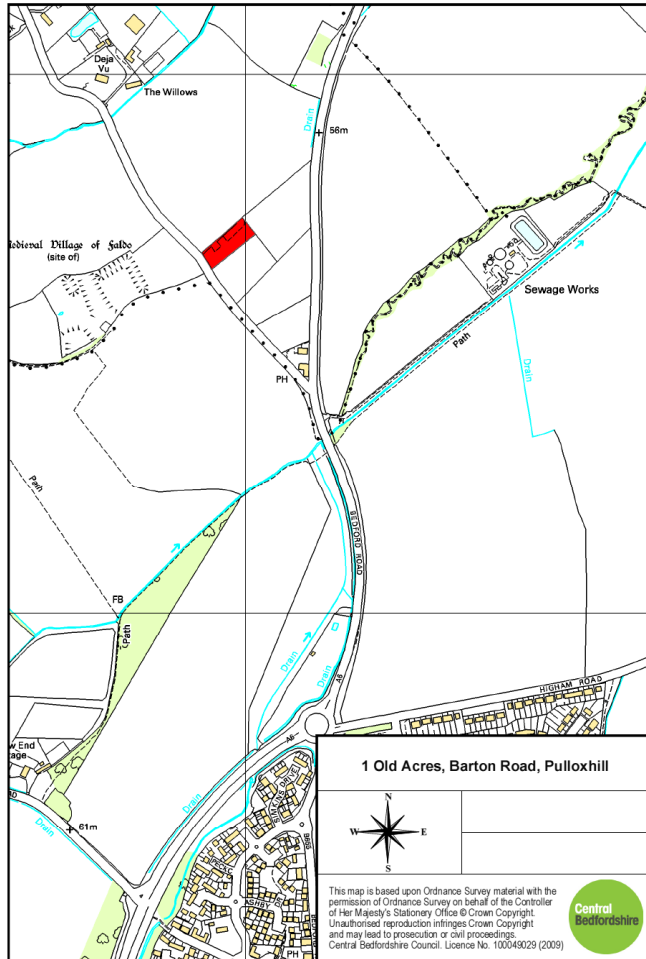
At their meeting on 7 September 2010 the Overview and Scrutiny Committee resolved the following:

- a) that a total of twenty six additional permanent pitches be allocated in Central Bedfordshire (north) up to the end of 2015, as identified in the local Gypsy and Traveller Accommodation Assessment (2007) and using a 3% compound growth rate, and that there be no requirement for any further local needs assessment to be undertaken of Gypsy and Traveller accommodation up to the end of 2015;
- b) that no additional pitches be allocated on the Council owned land east of Hitchin Road, Henlow and the four pitches proposed for this site be allocated equally between Land rear of 197 Hitchin Road, Arlesey and Oak Tree Nursery & Magpie Farm, Upper Caldecote;
- c) that the allocation of additional pitches be as follows:-
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 - (iii) Land rear of 197 Hitchin Road, Arlesey, 10 pitches total, comprising of the authorisation of the existing 4 temporary pitches and the addition of 6 new pitches.
 - (iv) Oak Tree Nursery & Magpie Farm, Upper Caldecote, on the more detailed plan circulated at the meeting, 6 new pitches, in addition to the 3 permanent pitches on site, totalling 9 pitches.
- d) that no additional pitches be allocated on the private site on land between Common Road and Myers Road, Potton;
- e) that transit pitches for the use of Gypsies and Travellers be provided on existing Gypsy and Traveller sites rather than through the provision of a new specific site elsewhere;
- f) that four pitches be allocated at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople

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Appendix B - Consultation Responses to the Gypsy and Traveller Preferred Sites

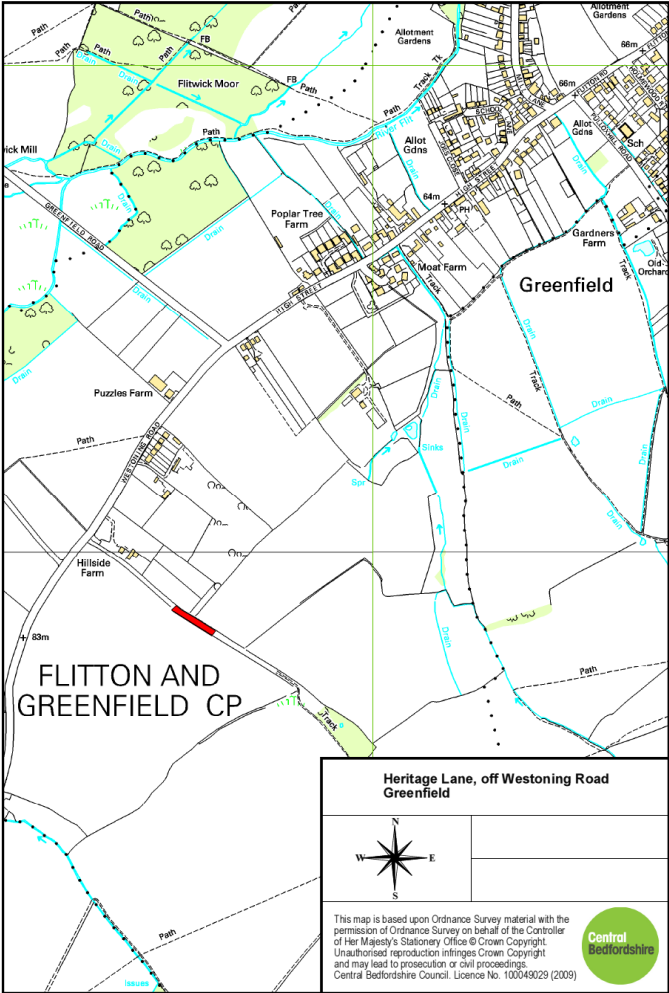
Site 1 – Old Acres, Barton Road, Pulloxhill



Main Issues:

- Access – no full access by footpath or cycle route Barton le Clay, only some part of a link available.
- Number of Pitches – 8 pitches enough, any more will have detrimental visual impact.
- Remote Rural location – residents dependent on their car
- Ecology (Natural England) – possible impact on wildlife habitat of site.
- Highways (Highways DM) – visibility from access onto Barton Road may need to be improved
- Sustainability Appraisal – Inconsistent in the way issues are judged on this site in comparison to others.

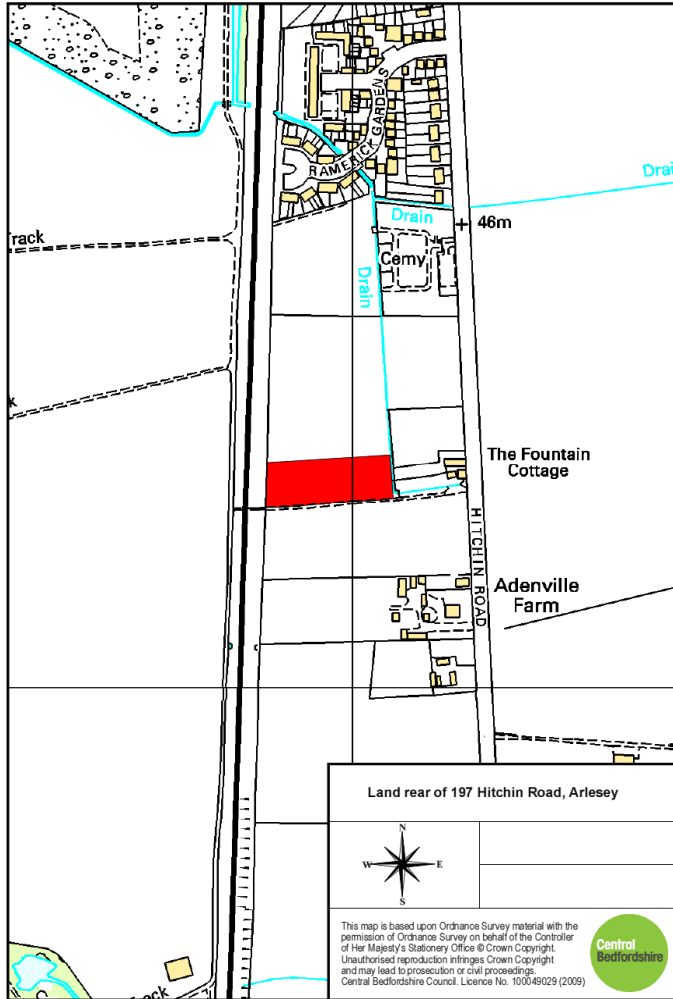
Site 2 – Hermitage Lane, Off Westoning Road, Greenfield



Main Issues:

- Public Right of Way – site adjacent to public right of way.
- Highways – poor visibility at junction with Westoning Road

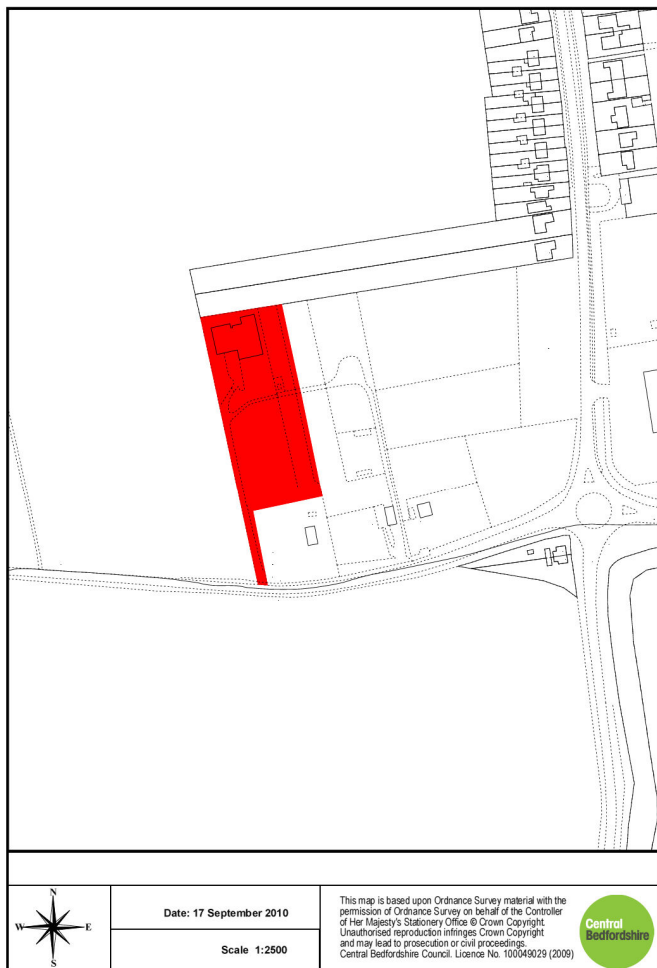
Site 3 – Land to the Rear of Hitchin Road, Arlesey



Main Issues:

- Access and Safety –national speed limit on Hitchin Road – too dangerous.
- Traffic – high levels of traffic in Arlesey will be exacerbated
- Drainage – no mains drainage
- Location – not within walking distance of shops and services
- Countryside – development should not be permitted outside of settlement envelope
- Flood Risk – Land prone to flooding
- Pressure of resources – facilities already overstretched, including school
- Number of Pitches – too many, were assured the site would be no more than 4 pitches.
- Noise – noise from railway line

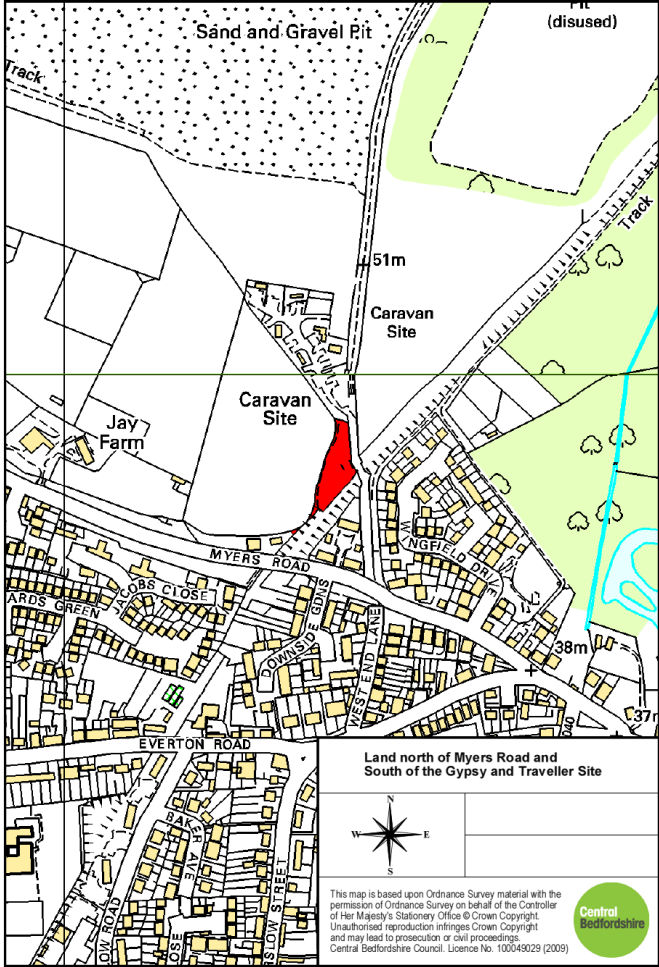
Site 4 – Oak Tree Nursery & Magpie Farm, Upper Caldecote



Main Issues:

- Number of Pitches – Too many in relation to size of village
- Justification of Need – unsupported by specific research
- Distribution of Pitches Uneven – need better distribution across area
- Marginalisation – community feel marginalised in this process
- Amenity – disturbance on neighbouring residents
- History – concerns raised by Highways on previous applications
- Highway Safety – additional pitches will have a detrimental impact.
- Ecology (Natural England) – May require ecological assessment.
- Visual Impact
- Lack of Services
- Flooding – adjacent land liable to flood

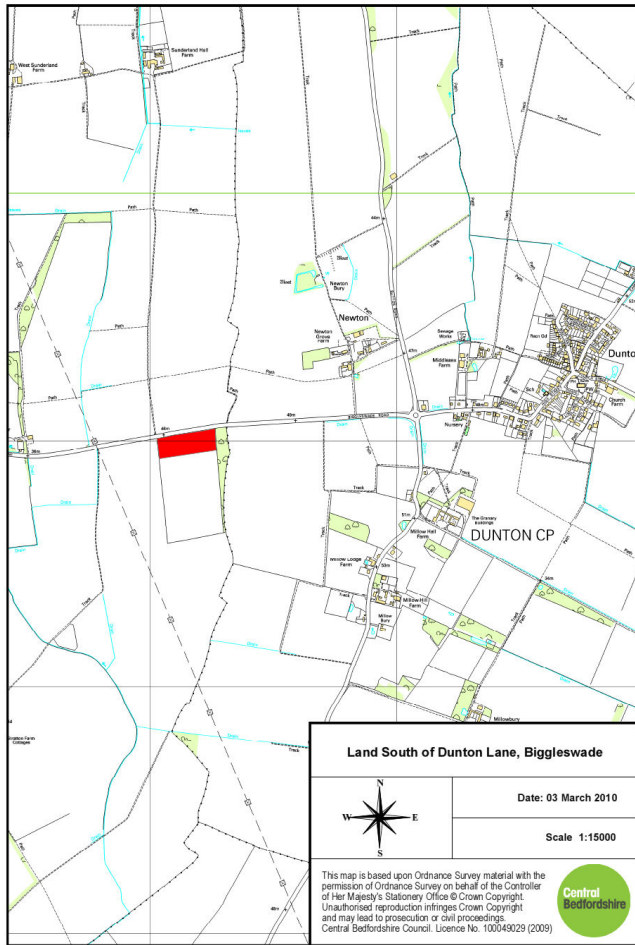
Site 5 – Land between Common Road and Myers Road, Potton



Main Issues:

- Size – This site is disproportionate to others in the area
- Bridleway – Obstruction to Bridleway 11
- Pitches – Positive move to make pitches bigger, therefore supported.
- Infrastructure – increased pressure on medical and educational facilities.

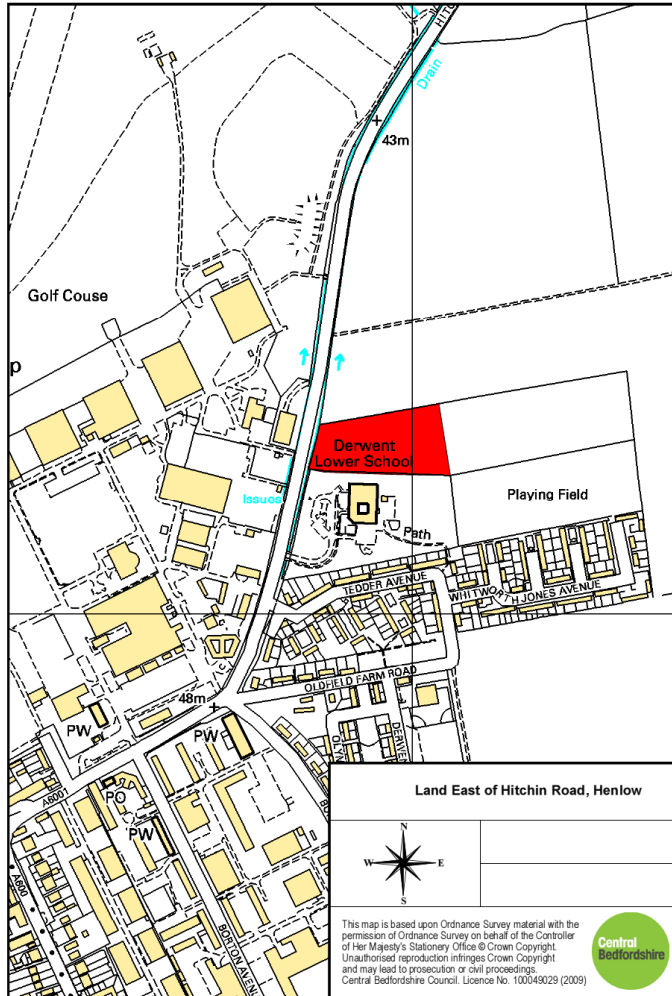
Site 6 – Land South of Dunton Lane, Biggleswade



Main Issues:

- Unsustainable – located in open countryside
- No Justification – was not a high scoring site & SA does not justify including it
- Road Safety – access to Dunton Road dangerous, road narrow, near blind bend, incidents of road traffic deaths along Dunton Road.
- Vehicle Access (Highways DM) – survey needed to assess whether access can be improved.
- Pedestrian Access – no footpath
- Visibility – trees and hedgerows on both sides of road make it difficult to see
- Lack of Facilities in Dunton – school spaces limited,
- Poor public transport provision
- Scheduled Monument (English Heritage) – Further assessment on nearby scheduled ancient monument needed.
- Wildlife (Natural England) – may require ecological appraisal
- Wildlife – there is a protected badger set on the site
- Encroachment of Biggleswade on Dunton
- Flooding – the site floods in winter
- Size – disproportionate to the size of Dunton
- Food Security – Land needs to be saved for agricultural use
- Sustainability Appraisal flawed.

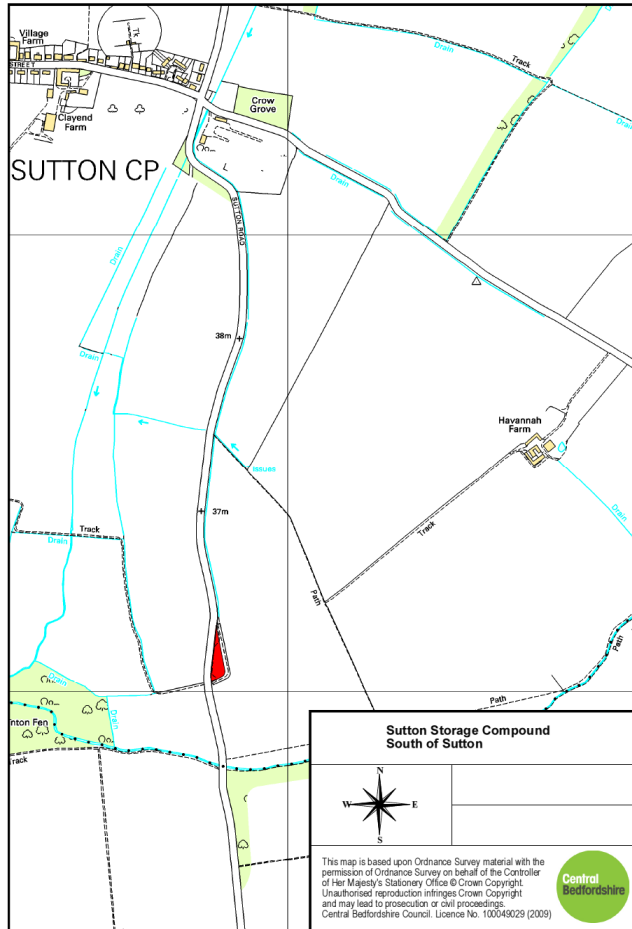
Site 7 – East of Hitchin Road, Henlow



Main Issues:

- Flooding/drainage – site regularly floods, this will need to be managed
- Visual amenity
- Greenfield site in countryside
- Road safety – Hitchin Road is dangerous and busy
- Access point would increase road safety issues
- Little employment opportunities in the area
- Loss of an agricultural site for food production
- Noise from Henlow airfield & Police Helicopter
- Limited shops and services
- Lack of sewerage disposal
- Limited public transport
- Doctor's surgery at capacity
- School at capacity
- Biodiversity – impact on wildlife and loss of green corridor
- Sustainability Appraisal flawed.
- Land Ownership/Covenants - Transfer of land to ensure land used for educational purposes
- Costs of developing the site.
- Previous Planning Applications - previous approvals on adjacent sites have been for Agricultural Occupancy only
- Tenure Blindness - the proposed site is counter to Central Government recommendations with regard mixed tenure communities

Site 8 – Sutton Storage Compound, Sutton Road, South of Sutton

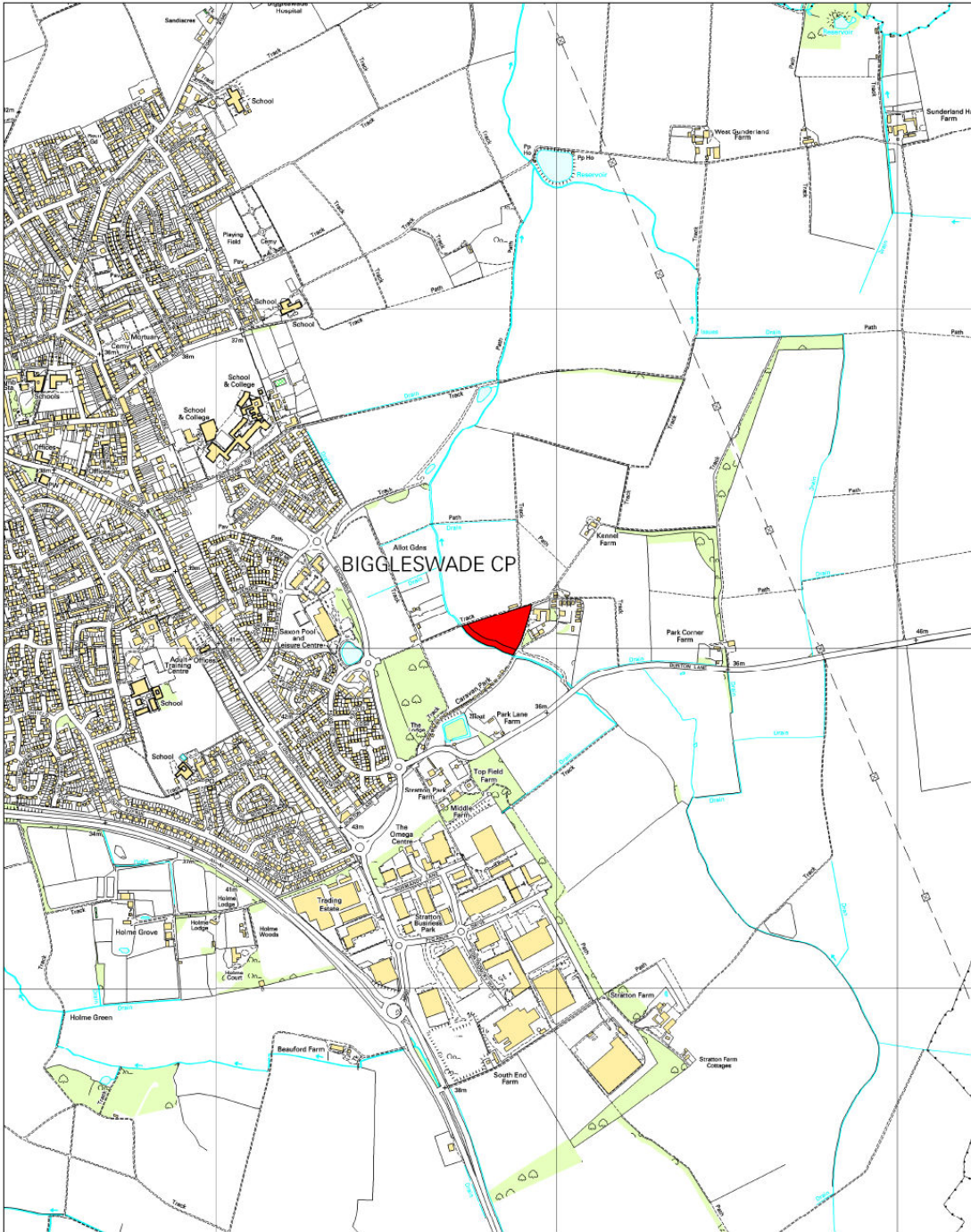


Main Issues:

- Visual Amenity – impact on openness and rural character of area
- Services – very few services near the site
- Highways (Highways DM) – the site is situated on a dangerous road with poor visibility
- Highways – regular accidents at this site.
- Enforcement – the site must have a warden
- Light Pollution
- Noise Disturbance
- No pedestrian and cycle access

Appendix C

Location Plan of Kennel Farm Holdings, Biggleswade



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