

Agenda Item: 9

Meeting: Sustainable Communities Overview & Scrutiny Committee

Date: 1 September 2009

Subject: Gypsy and Traveller Development Plan Document for the Former Mid Bedfordshire area – Site Selection Criteria

Report of: Planning and Development Strategy

Summary: The report seeks the views of the committee on the proposed criteria for the assessment of Gypsy and Traveller sites, to meet the pitch requirement for the former Mid Bedfordshire area.

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Wards Affected: The Wards in the former Mid Bedfordshire Council area

RECOMMENDATIONS:

- 1. That Members are asked to consider and agree the criteria recommended for use in order to shortlist sites to meet accommodation need for Gypsy and Traveller pitches.**
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Introduction

Local authorities are required by Government, through the Housing Act 2004, to assess the accommodation needs of Gypsies and Travellers alongside the settled population. Local authorities are also required by the Act to develop a strategy that addresses any unmet need that is identified. That strategy is the Gypsy and Traveller Development Plan Document (DPD). The Council's progress on meeting this statutory duty is regularly and rigorously monitored by Central Government.

Aside from this statutory duty, there are practical reasons for making provision, as if insufficient authorised sites are provided, unauthorised camping is likely to continue. The problems associated with unauthorised sites, such as the costs of taking enforcement action against unauthorised sites, the tension that exists between Gypsies and Travellers and the settled community and the social exclusion experienced by Gypsies and Travellers on unauthorised sites, will also continue. The aim of this process is to reduce the occurrence of unauthorised sites by making sufficient new provision for Gypsies and Travellers in the District. This will also make it easier to take robust enforcement action against unauthorised sites.

The former Mid Bedfordshire area has a requirement to provide for 30 pitches, of which 3 have already been provided, leaving a residual figure of 27. The requirement for South Bedfordshire is 50 pitches of which 31 have already been provided. These figures reflect the requirement of the recently Adopted Policy H3 of the East of England Plan Single Issue Review of Gypsy and Traveller provision. Beyond 2011, Policy H3 recommends the application of a 3% compound rate to calculate longer term growth. Looking ahead to 2021, this represents an increase from 2011 of approximately 24 pitches.

The East of England Plan Single Issue Review on Gypsy and Traveller provision also makes a separate recommendation of 10 transit pitches and 13 Travelling Showpeople pitches across the whole of Bedfordshire and Luton to 2011. The East of England Plan policy does not specify the location of these pitches or how they should be split between the three authorities.

The report seeks the views of the committee on the proposed criteria for the assessment of Gypsy and Traveller sites in the former Mid Bedfordshire area.

Background

Following the Mid Bedfordshire LDF Task Force on 12 February 2009 and Executive on 18 March 2009, Officers were instructed by Members to undertake a further site search for the Gypsy and Traveller DPD. This means that existing sites that have been considered through the DPD process would be reviewed together with the results of a further site search.

The purpose of the site search and review is to fulfil our increased requirement to accommodate Gypsy and Traveller pitches in accordance with Policy H3 of the East of England Plan to 2011. As discussed above, in the former Mid Bedfordshire area, this equates to 27 Gypsy and Traveller pitches, and additionally:

- a potential transit site to accommodate a proportion of 10

transit pitches across Bedfordshire and Luton and

- a Travelling Showpeople site to accommodate a proportion of 13 pitches.

It should be noted that if the Council does not allocate sufficient sites for Gypsy and Traveller need, the Planning Inspector, at the Public Examination of the Gypsy and Traveller DPD is likely to find the document “unsound”. This could result in either the Inspector requiring the Council to begin the site search process again, or the Inspector allocating sites from those previously considered by the Council. The Inspector’s Report is binding, so there will be no further opportunities for Members to influence the outcome of the DPD following receipt of this report.

As part of the further site search and review, the methodology to be applied in the short-listing of sites needs to be agreed.

Shortlisting Criteria

In looking at the site options for Gypsy and Traveller and Travelling Showpeople accommodation, the following steps are proposed. These will be applied to all previously considered sites and any new sites:

1. Apply the Sequential Test, agreed by Task Force in December 2007;
2. Apply government guidance on the location of (a) Gypsy and Traveller sites and (b) Travelling Showpeople Sites
3. Take account of any technical planning constraints.

The site options report will also include additional information for those sites that have already been considered through the DPD process:

4. The conclusions of the Sustainability Appraisal; and
5. The results of previous consultations.

The results of each of these tests (1 to 3, as set out above) will be scored and the scores of each tallied in order to give a total score to each site. Information to determine the scores will be collected for some criteria from Accession Software, an accessibility and resource audit held by the authority. Scores are weighted so certain criteria will be awarded higher scores than others. The overall scores will guide Members on the suitability of the sites.

The criteria and scores will be applied to *all* sites considered

previously through the Gypsy and Traveller DPD. In addition, the criteria and scores will be applied to new sites which are identified through the site search.

The other criteria (4 & 5, as set out above) will not be given scores, as this information will only be available for sites previously considered through the DPD process and not for any new sites.

More detail on each test listed above is set out in the following paragraphs. The attached table in Appendix A shows the criteria and suggested scoring of each to be applied to site options. The attached table in Appendix B shows the overall scores for sites and whether the site is recommended for allocation.

1. The Sequential Test

In December 2007 Members of the Task Force agreed the policy on allocating Gypsy and Traveller sites using a sequential approach, as set out below:

The Council should consider the allocation of new permanent Gypsy and Traveller sites based on the following sequence of locational preference:

- 1. Firstly, in or on the edge of settlements**
- 2. Secondly, in areas where Gypsies and Travellers already have authorised sites, where extension of those sites is subservient in scale and would not lead to problems of assimilation with the settled community**
- 3. Thirdly, in more rural locations where those sites are free from environmental and planning constraints and are within reasonable distance of local facilities.**

It was the Task Forces' view that this approach would help to ensure adequate Gypsy and Traveller provision is made. Clearly, first preference should be given to sites that are better located to existing settlements and facilities. All sites will be judged against the sequential approach.

2. Government Guidance

(a) Gypsy and Traveller Sites

Guidance set out in Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites* will be considered when determining the criteria.

The Circular **supports the sequential test** by stating that in

deciding where to provide Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools (i.e. sequentially, as above).

The businesses which Gypsies and Travellers have traditionally engaged in have declined and new trades and businesses necessitate new locations. However, it is acknowledged that Gypsy and Travellers have historically located themselves in countryside locations. The Circular (paragraph 54) says **sites may be found in rural or semi rural areas**. Rural areas which are not subject to special planning constraint can be acceptable in principle.

As with any other form of housing, well located sites, with **easy access to major roads or public transport services**, will have a positive effect on the ability of residents to: attend school, further education or training; have access to health services and shopping facilities; and seek or retain employment.

This guidance warns against criteria that are too restrictive. The Circular (Paragraph 64) emphasises the **importance of sustainability**, not only in terms of transport mode or distance to services, but also:

- a) the **promotion of peaceful and integrated co-existence** between the site and the local community;
- b) the wider benefits of **easier access to the GP** and other health services;
- c) the wider benefits of **easier access to education facilities**;
- d) a settled base to **reduce the need for long distance travelling** and any possible environmental damage caused by unauthorised encampments; and
- e) **avoid areas of high risk flooding** or the floodplain.

The Circular also includes within it guidance on the location of sites within the Green Belt. It states that there is a **general presumption against inappropriate development within Green Belts**. Pressure for development of sites on Green Belt land can usually be avoided if the local planning authority allocates sufficient sites elsewhere in its area, in its DPD, to meet identified need. Alterations to the Green Belt boundary can be used in exceptional circumstances, in cases where a local authority's area contains a high proportion of Green Belt land and no other suitable sites outside the Green Belt exist.

Gypsy and Traveller sites within nationally recognised designations should only be granted where it can be demonstrated that the objectives of the designation will not be compromised. The guidance states that **local landscape and nature designations should not be used in themselves to refuse planning permission.**

Another guidance document by the DCLG (May 2008) *Designing Gypsy and Traveller Sites: A Good Practice Guide* states that selecting the right location for a site is a key element in supporting good community relations and maximising its success. Easy access to local services, and to social contact with other residents in the community, should help deal with the myths and stereotypes which can cause community tension and instead encourage a greater sense of community with shared interests.

2. Government Guidance

(b) Travelling Showpeople Sites

Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Although their work is of a mobile nature, showpeople require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as “winter quarters”, with individual pitches generally referred to by showpeople as plots. However, increasingly Showpeople’s quarters are occupied by some members of the family permanently. Older family members may stay on site for most of the year and there are plainly advantages in children living there all year to benefit from uninterrupted education.

The nature of Showpeople’s sites is unusual in planning terms. The sites often combine residential, storage and maintenance uses. Typically a site comprises areas set aside for the Showpeople’s accommodation – usually caravans and mobile homes – and areas where vehicles and fairground equipment can be stored, repaired and occasionally tested.

Guidance set out in Circular 04/2007 *Planning for Travelling Showpeople* will be considered when determining the criteria. Issues of sustainability are important and in addition to all the considerations set out above for Gypsy and Traveller Sites, consideration for Travelling Showpeople sites should include the extent to which the nature of the traditional lifestyle of travelling showpeople whereby they live and work from the same location thereby omitting many travel to work journeys, contributes to sustainability.

3. Technical Planning Constraints

Flood Risk

The proposed site must be relatively flat and suitable for purpose. Sites should not be developed on exposed sloping sites where there is risk of caravans being overturned or in accordance with Planning Policy Statement 25: Development and Flood Risk in areas of high flood risk as caravans are considered as highly vulnerable development.

The allocation of Gypsy and Traveller sites will only be permitted in areas which are not liable to flooding, or where development does not give rise to flooding elsewhere.

In areas of flood risk, where a site is considered suitable for development, a flood risk assessment will be required to identify the extent of flood risk and recommend mitigation measures necessary to address the problem. The Environment Agency or Internal Drainage Board will be consulted on sites proposed within the flood risk areas.

Highway Access

Safe and convenient vehicular access to a Gypsy and Traveller site is essential. Access and road safety must adhere to the Highway Authority's guidance. Gypsy and Traveller pitches will not be permitted where site access is deemed unsafe or inadequate. Safe pedestrian access to nearby local services should ideally be available, to reduce the reliance on private vehicles.

In setting their policies, local planning authorities are advised by the Circular to have regard to the potential for noise and other disturbance from the movement of vehicles to and from the site, the stationing of vehicles on the site, and on-site business activities. Proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant.

As well as an appropriate access, the Council need to ensure adequate space is provided on sites for the turning and servicing of vehicles.

Visual and Acoustic Privacy

Noise considerations will include both consideration of noise and possible disturbance to Gypsy and Travellers living on the site and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.

The greater noise transference through the walls of trailers and caravans (than through the walls of conventional housing) can mean that design measures may be needed, for instance noise barriers, to abate the impact on quality of life and health.

Sites enclosed with the use of too much hard landscaping, high walls or fences can give the impression of isolating the site and its occupants from the rest of the community, which should be avoided. Landscaping and planting with appropriate trees and shrubs will help sites blend into their surroundings, give visual and acoustic privacy and maintain visual amenity.

In accordance with Planning Policy Guidance 24: Planning and Noise, noise-sensitive developments should be located away from existing sources of significant noise. This guidance introduces the concept of Noise Exposure Categories (NECs), ranging from A-D, to help local planning authorities in their consideration of residential development near transport-related noise sources. Should Members wish to pursue sites that may be affected by noise, a noise assessment will need to be carried out by Consultants in order for the level of noise to be investigated in more detail.

Safe Environment

Characteristics that make a location unpopular for the settled community are likely to hold similar fears for Gypsies and Travellers. Sites adjacent to light industrial areas therefore tend not to be popular because of their isolation, distance from local facilities and because of safety fears (when walking home at night for instance). Sites must not be located on contaminated land.

Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for bricks and mortar dwellings, unless exceptional circumstances apply. These circumstances would be where the location is unsuitable for housing, for practical or technical reasons which would not adversely affect the health and safety of Gypsy and Traveller residents or the sustainability of the site, and where the location has prospective residents' support.

It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places such as in the vicinity of dangerous roads, railway lines, water bodies or power lines, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children.

When selecting locations for permanent sites, consideration needs to be given to the relatively high density of children likely to be on the site. An area for children to play should be available on all sites.

Sites within walking distance of community facilities such as recreational facilities will be encouraged.

Other Considerations

Sites should not have a damaging impact on areas of archaeological significance. The results of consultation with statutory undertakers will determine the ability of the site to be serviced by gas, electricity and additionally whether there is sufficient sewerage capacity. Officers will seek the views of colleagues in waste management to determine whether sites can be provided with waste and recycling collection services.

4. Sustainability Appraisal

The Sustainability Appraisal (SA) Framework provides the basis by which the sustainability effects of emerging Local Development Documents will be described, analysed and compared. It includes a number of sustainability objectives, elaborated by 'decision-aiding questions'. Circular 01/2006 advises that all sites considered must be assessed in accordance with the requirements of the Sustainability Appraisal.

The UK guidance on preparing SA/SEA suggests that a "*do nothing*" or "*business as usual*" alternative ought to be subject to appraisal, however in this instance the Council has been directed to produce this DPD and "*do nothing*" is not an option. It is recognised that the provision of sites will lead to health and education benefits for the Travelling Community and will reduce the number of unauthorised sites that have adverse environmental impacts, health and anti-social behaviour issues and a lack of permanence that increases the amount of travelling thus increasing vehicle emissions.

All sites previously considered through the Gypsy and Traveller DPD have been subject to Sustainability Appraisal. Any new sites that may be shortlisted would also be subject to a Sustainability Appraisal.

5. Consultation Results

On sites previously considered, the results of the consultations on those sites will be presented to Members. This will show a combination of the consultation results with the settled population, as well as the results of focussed consultation with the Gypsy and Traveller community.

It might be worth noting that the Council were commended by the East of England Regional Assembly (EERA) for its most recent consultation from November 2008 to January 2009 on the preferred sites. EERA considered the consultation to be an inclusive approach

and commended the consideration of sustainability within it. EERA believed that the issues in the Preferred Sites consultation responded very well to the relevant policies of the East of England Plan, and the document provided comprehensive guidance for proposed development for provision of Gypsy and Traveller accommodation.

Conclusion and Next Steps

In summary, the criteria for assessing sites is:

1. First consider locations in or near existing settlements with access to local services
2. Sites may be found in rural or semi rural areas. Rural areas which are not subject to special planning constraint can be acceptable in principle.
3. Easy access to major roads or public transport services
4. Safe access from the public highway
5. Access to health services
6. Access to school, further education or training
7. Access to community facilities
8. Avoid areas of high risk flooding or the floodplain
9. Provide visual and acoustic privacy and maintain visual amenity
10. Avoid contaminated land
11. Locate sites in safe environments, avoiding refuse sites, industrial processes or other hazardous places
12. Sites Outside the Green Belt
13. Consideration of potential impact on landscape and nature designations
14. Consideration of potential impact on areas of archaeological significance
15. Serviceable for Gas/ Electricity/ Sewerage
16. Provision of Waste and Recycling Facilities

The criteria set out above and shown in table format in Appendix A are the suggested criteria for selecting Gypsy and Traveller sites for allocation through the DPD. These will be applied to all sites previously considered through the DPD process and any new sites identified through a site search.

As demonstrated these criteria follow the guidance in Circular 01/2006, as well as other planning guidance documents. The criteria set a strategic approach at assessing sites for their suitability for allocation. If Members were to recommend alternative criteria, this would have to be fully justified to warrant a departure.

Members are asked to approve these criteria and the proposal to apply a scoring system to establish the appropriateness of each site. The table in Appendix B will then show the final recommendation for each site, in order for a comparison to be made between sites.

Following approval the criteria will be applied to search for any new site options and the existing Gypsy and Traveller site options. The results of this work will be presented to the Task Force and the subsequent OSC for their consideration. Consultation will then be undertaken on the site options. The table below sets out the estimated timescales for the DPD.

STAGE IN DPD PROCESS	ESTIMATED DATE
Period of consultation, following short listing of sites by Task Force and Overview and Scrutiny Committee	December 2009
Officers prepare the Draft Submission Development Plan Document.	January - April 2010
Officers seek Executive approval of the Draft Submission Development Plan Document.	May – June 2010
A statutory period of six weeks of public consultation will take place offering members of the public an opportunity to comment on the Draft Submission Development Plan Document.	July – September 2010
Mid Beds submit the Draft Submission DPD to the Secretary of State.	Autumn 2010
The Gypsy and Traveller DPD will be subject to an Examination in Public in front of an independent Inspector appointed by the Secretary of State.	Early 2011*
The planning inspector publishes the binding report making final recommendations.	March 2011*
Gypsy and Traveller Development Plan Document Formally Adopted	June 2011*

* Subject to the Planning Inspectorate's timescales.

CORPORATE IMPLICATIONS

Council Priorities:

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

Financial:

None.

Legal:

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

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Development/Safety:

The Gypsy and Traveller DPD is intended to reduce the incidences of unauthorised encampments which can create community development issues.

Sustainability:

The Gypsy and Traveller Development Plan Document when adopted, will form part of the Local Development Framework. The report identifies the location of Gypsy and Traveller and Travelling Showpeople sites in accordance with the accommodation needs expressed in the East of England Plan. The Local Development Framework embraces sustainable development as its overarching aim and has and will continue to be subject to a sustainability appraisal.

Appendices:

Appendix A – Assessment of Sites using Agreed Site Criteria

Appendix B – Summary of Site Scores and Recommendations

Appendix A – Assessment of Sites using Agreed Site Criteria

Site Name:

CRITERIA (SCORE)	COMMENT	SCORE
<p>Sequential Approach 1st - In or on the edge of settlements. (20) 2nd - In areas where Gypsies and Travellers already have authorised sites, and where extension of those sites is subservient in scale and would not lead to problems of assimilation (15) 3rd - In more rural locations where those sites are free from environmental and planning constraints and are within reasonable distance of local facilities.(10)</p>		
<p>Safe access from site directly to the Highway? Yes, no remedial work necessary (10) Maybe, some remedial work necessary (0) No, remedial work too extensive (-10)</p>		
<p>Access to Major Roads Good, Within 0.5 - 1 mile (5) Fair, Within 1 - 2 miles (3) Poor, Within 2 -3 miles (1) No Score, Over 3 miles (0)</p>		
<p>Access to Public Transport Good, Within 5 minutes walk / 0.25 mile (5) Fair, Within 10 minutes walk / 0.5 mile (3) Poor, Within 20 minutes walk / 1 mile (1)</p>		
<p>Access to GP Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)</p>		
<p>Access to Schools - Lower School Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)</p>		
<p>Access to Schools - Middle School Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)</p>		

CRITERIA (SCORE)	COMMENT	SCORE
<p>Access to Schools – Upper School Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)</p>		
<p>Access to Community Facilities Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)</p>		
<p>Is the site vulnerable to flooding? None (10) Zones 1 (0) Zones 2 (-10) Zones 3 (-20)</p>		
<p>Is the site located in an area of landscape designation? Yes and unable to mitigate (-10) Yes, mitigation necessary (0) Adjacent to (0) No (10)</p>		
<p>Is the site located in an area of nature designation? Yes and unable to mitigate (-10) Yes, mitigation necessary (0) Adjacent to (0) No (10)</p>		
<p>Is the site located within the Green Belt? Yes (-20) Adjacent to (0) No (10)</p>		
<p>Potential for Noise Disturbance Caused by transport related sources (In accordance with PPG24) Low (5) Moderate & Could be Mitigated (3) High & Worth Investigating (1)</p>		
<p>Potential for Disturbance Caused by Vehicle Movement? Low (5) Moderate (3) High (1)</p>		

CRITERIA (SCORE)	COMMENT	SCORE
Opportunities for Soft Landscaping? Yes (5) No (0)		
Site Located on Contaminated Land? No (0) Yes (-10)		
Site located near un-neighbourly use? No (5) Yes, within 0.25 mile (3) Yes, adjacent to 0.5 miles (1) No score, site next door to un-neighbourly use (0)		
Is the site in an area of archaeological significance? Yes, detrimental impact (-10) Yes, little impact (-5) No (0)		
Is the site serviceable by necessary infrastructure (gas, electricity/sewerage)? Yes, all (20) Yes, some (10) None (-10)		
Can waste and recycling collection be provided? Yes (5) No (0)		
Overall Score? (Max Score = 150)		

APPENDIX B - Summary of Site Scores and Recommendations

<p>Site Name</p>	<p>Score</p>	<p>Other Relevant Factors (List) e.g. the site is currently occupied by Gypsies and Travellers. The site has temporary permission etc.</p>	<p>Recommend for Allocation? Green / Amber / Red</p>