

Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 7 September 2010
Subject: Local Development Framework (North): Gypsy and Traveller Development Plan Document
Report of: Development Strategy Task Force
Summary: The report outlines the recommendations from the Development Strategy Task Force arising from their consideration of the Gypsy and Traveller Development Plan Document and how it should progress in light of the Government's abolition of the Regional Spatial Strategy.

Advising Officer: Gary Alderson, Director of Sustainable Communities
Contact Officer: Richard Fox, Head of Development Planning and Housing Strategy (0300 300 8000)
Public/Exempt: Public
Wards Affected: All
Function of: Executive

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.

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 will make the Council vulnerable to losing planning appeals for Gypsy and Traveller sites.

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Gypsy and Traveller DPD has been screened for Equality and Diversity issues through an Equalities Impact Assessment.

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.

RECOMMENDATION(S):

1. **That the Sustainable Communities Overview and Scrutiny Committee recommend to the Executive:-**
 - (a) **the preferred approach to setting local Gypsy and Traveller accommodation need to the end of 2015;**
 - (b) **note the results of the Preferred Sites Consultation;**
 - (c) **those preferred sites (and pitch numbers) that can deliver the agreed pitches to the end of 2015;**
 - (d) **the preferred approach on the provision of Travelling showpeople pitches;**
 - (e) **the preferred approach on the provision of transit pitches.**

Reason for Recommendation(s): To allow the Sustainable Communities Overview and Scrutiny Committee to consider the detailed considerations of the Task Force relating to the Gypsy and Traveller Development Plan Document and to recommend to the Executive how to progress with this document.

Background

1. 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 OSC the shortlisted sites to meet this target were published in the Preferred Sites document in April 2009, for a six week period.
2. Following that 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 and planning 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.
3. 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.
4. At their meeting on 19 August the Development Strategy Task Force received a report that set out various options on how to progress the Gypsy and Traveller (North) Development Plan Document in light of the Government's abolition of the Regional Spatial Strategies. The Task Force also received the results and key issues that had been highlighted as a result of the Preferred sites consultation, which concluded on 6 June 2010 following a six week publication.
5. At their meeting on 19 August the Task Force agreed the following recommendations:-

That the Sustainable Communities Overview and Scrutiny Committee recommend to the Executive:-

- (a) **that twenty permanent pitches be allocated in Central Bedfordshire (North) up to the end of 2010, as identified in the local Gypsy and Traveller Accommodation Assessment (2007) 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 an additional nine permanent pitches be allocated in Central Bedfordshire (North) between the end of 2010 and end of 2015;**
- (c) that four permanent pitches be allocated on the council owned land East of Hitchin Road, Henlow and that the remaining twenty two permanent pitches be accommodated on existing sites;**
- (d) that the Director of Sustainable Communities be requested to consider possible sources of funding to facilitate the accommodation of gypsy and traveller pitches on the land east of Hitchin Road, Henlow including the potential development of a policy position that seeks Section 106 contributions from developers;**
- (e) that four pitches be allocated at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople;**
- (f) that two transit pitches be allocated at Sutton Storage Compound, Sutton;**

Accommodating Permanent Need to the end of 2015

6. 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 for the reasons set out in paragraphs 7-9.
7. 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. Some proportion of this accommodation provision could; subject to the availability of funds, be in Council or RSL controlled stock. As a result, 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.
8. 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. The Secretary of State has approved that Gypsy and Traveller Accommodation Assessments can form a good starting point for determining local levels of need.

9. The Task Force discussed the previous local GTAA and considered that the figure of 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 Task Force 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. In recommending that the figures in the local GTAA (2007) were appropriate the Task Force stated clearly that they felt it was not necessary to undertake a further needs assessment of the required number of gypsy and traveller site pitches in Central Bedfordshire (North). This accords with the approach agreed by the Executive of the legacy authority on 18 October 2006, who endorsed the GTAA as the basis on which to allocate additional Gypsy and Traveller pitches in the Mid Bedfordshire Local Development Framework
10. For clarity, the Task Force asked Officers to amend the timelines of the allocations in the OSC report to show development of pitches using the local GTAA figures to the end of 2010 and then growth beyond that for an additional 5 years to the end of 2015.
11. With regard to the local pitch requirement figure from the end of 2010 to the end of 2015 the Task Force were informed that the total increase using the 3% compound figure was 9.40 pitches. The Task Force felt that it would be more appropriate to round this figure down to 9 pitches rather than rounding up to 10 permanent pitches. In recommending this figure the Task Force took account of the number of pitches that had been recommended by the local GTAA for Mid-Bedfordshire up to the end of 2010, which had been between 19 and 20 permanent pitches.
12. The Task Force therefore recommended to the Sustainable Communities Overview and Scrutiny Committee that they should recommend to the Executive that the local pitch requirement when compared to the regional spatial strategy should be as follows:-

Table 1: Regional and Local Pitch Requirements for Central Bedfordshire North recommended by the Development Strategy Task Force

	Regional Pitch Requirement (from the now abolished RSS)	Local Pitch Requirement
2006 – end 2010	30	20
End 2010 – end 2015 (using 3% compound growth rate)	13	9
Total (to End 2015)	43	29

Planning Permissions (Granted Since 2006)	3	3
Total (Minus Permissions)	40	26

13. It should be noted that Officers advised the Task Force it would be better to round up the 3% growth rate, as the growth rate was calculated as 9.4 pitches, which Officers believe would equate to 10 additional pitches. The Task Force did not support this approach. Officers believe rounding up takes a more sound approach to calculating the level of need to the end of 2015. The approach of rounding up reduces the potential for later challenge at Examination or in development management Appeals.

Suggested Distribution of Pitches

14. The Task Force discussed the distribution of pitches in the north part of Central Bedfordshire to meet the locally derived pitch target of 26 permanent pitches. It was recommended that the Council should allocate 4 pitches on the Council owned land East of Hitchin Road, Henlow. The remaining 22 permanent pitches should be delivered through the expansion of existing private sites with temporary permission or where sites were tolerated (an option that had given rise to lower levels of objections during the Preferred Sites consultation). The Task Force suggested that a total of eight permanent pitches could be delivered on the land rear of 197 Hitchin Road, Arlesey but requested that officers consider a suitable distribution of the remaining 22 permanent pitches in light of the recommendation to allocate 4 pitches on the land at Henlow. The Task Force also considered that 4 additional pitches could be delivered at the site at Oak Tree Nursery and Magpie Farm, Upper Caldecote. The appropriate distribution of the additional 22 permanent pitches on existing private sites was subject to further consideration at the Sustainable Communities OSC (table 2).
15. The site at land East of Hitchin Road, Henlow was considered to be a suitable site as it was edge of settlement and appropriately located to services and facilities. Whilst more pitches could be allocated on this site, a total number of 4 permanent pitches was felt to be an appropriate figure to deliver the total number of pitches required to be allocated in Central Bedfordshire (North).

16. The Task Force were aware that a funding resource would need to be identified to facilitate this option particularly as the Homes and Communities Agency recently announced the termination of the Gypsy and Traveller site grant. Due to the funding issues with regards to this option it was noted that the deliverability of these pitches in the short term could be affected. Members suggested that a funding resource could be obtained through Section 106 contributions although it was acknowledged that the Council would need to set out a clear policy position statement for these contributions to be enforceable. The Task Force requested that further information on the deliverability of 4 permanent pitches at the land East of Hitchin Road, Henlow be presented to the Sustainable Communities Overview and Scrutiny Committee at their meeting on 7 September. This additional information would enable the OSC to determine if the pitches at Henlow were deliverable.
17. Subject to the further information regarding the deliverability of the pitches at Henlow the Task Force recommended to the Sustainable Communities OSC that the Executive be recommended to agree the following distribution of pitches:-

Table 2: Suggested Distribution of Pitches to end 2010 recommended by the Development Strategy Task Force

	Regional Pitch Target	Locally Derived Pitch Target
Site address	A. Preferred Sites Distribution	B. Suggested New Distribution (26 Pitches)
Council Owned Land		
Land south of Dunton Lane, Biggleswade	13	0
Land East of Hitchin Road, Henlow	10	4
Private Sites with Temporary permission or tolerated		
1 Old Acres, Barton Road, Pulloxhill	8	8
Hermitage Lane, off Westoning Road, Greenfield	2	2
Land rear of 197 Hitchin Road, Arlesey	10	8
Oak Tree Nursery & Magpie Farm, Upper Caldecote	7	4

Land Between Common Road and Myers Road, Pottton	0	0
TOTAL:	50	26

Travelling Showpeople Provision

18. The Task Force also considered the number of pitches that should be allocated for Travelling Showpeople. The Task Force noted that 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. The Task Force recommended to the Sustainable Communities OSC that the Executive should be recommended to allocate 4 pitches on the site at Kennel Farm Holding for Travelling Showpeople.

Transit Provision

19. With regard to transit provision the Task Force noted that 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. The Preferred Sites document had included provision for 2 pitches on Sutton Storage Compound, Sutton. Whilst the Task Force noted that transit provision was a contentious issue Members felt that some dedicated transit provision should be available in Central Bedfordshire. The Task Force recommended to the Sustainable Communities OSC that the Executive be recommended to allocate 2 pitches on the site in Sutton.
20. The recommendation of the Task Force was contrary to the advice of the local GTAA, which suggested visitor spaces were more appropriate than transit sites, which were considered to be problematic. It should also be noted that the cost of providing a transit site needs to be considered. It can be assumed that the cost of developing a transit site would be less than a permanent site. However, due to the temporary nature of the pitches it is unlikely that it would be feasible to use s106 for this purpose. It was also reported to Members of the Task Force that the consultation results highlighted a high number of objections on highways grounds to this site due to the lack of a speed limit and the windy nature of the road, making it difficult for vehicles to turn on and off the site safely.

Comments of the Director of Sustainable Communities

21. Given the abolition of the Regional Spatial Strategy, the Director of Sustainable Communities supports the recommended approach of using the local GTAA level of provision as a robust assessment of need.

Allocation of Pitches at Land East of Hitchin Road, Henlow:-

22. The benefit of the approach recommended by the Task Force to allocate pitches on Council owned land in Henlow is that it could be managed by an RSL. Management of this site by an RSL would enable the Council to offer socially rented pitches to the Gypsy and Traveller community.
23. There was however a significant level of objection on this new site. The Council would also need to address the funding concerns of this option as there is currently no government grant for the provision of Gypsy and Traveller sites (also see difficulties with justifying and collecting s106 in **appendix 2**). In the short term this decision would impact the deliverability of the site and might therefore raise questions about the soundness of the allocation.

Allocation of all Additional Pitches on Private Sites:-

24. The benefit of allocating all of the gypsy and traveller pitches on existing private sites is that all of these sites are deliverable. The deliverability of these sites results from them being existing sites either currently tolerated; or sites with permanent permission proposed for extension; or sites with temporary permission. The sites are in private ownership and therefore their allocation is supported by the owners. These sites have also given rise to lower levels of objections during the Preferred Sites consultation (**see appendix 1**). This option however does not provide any additional socially rented Gypsy and Traveller pitches for the North, although reasons for why socially rented pitches may be difficult to deliver are set out in the paragraph above.
25. If the Committee felt the sites at Henlow were not deliverable the allocation of these pitches could be met on existing private sites as set out below:-

	Regional Pitch Target	Locally Derived Pitch Target
Site address	A. Preferred Sites Distribution	B. Suggested New Distribution (26 Pitches)
Council Owned Land		
Land south of Dunton Lane, Biggleswade	13	

Land East of Hitchin Road, Henlow	10	
Private Sites with Temporary permission or tolerated		
1 Old Acres, Barton Road, Pulloxhill	8	8
Hermitage Lane, off Westoning Road, Greenfield	2	2
Land rear of 197 Hitchin Road, Arlesey	10	10
Oak Tree Nursery & Magpie Farm, Upper Caldecote	7	6
Land Between Common Road and Myers Road, Potton	0	0
TOTAL:	50	26

Transit Provision

26. It is recommended that the Council seek to address 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; there were high levels of highways reasons stated in the objections to this site; 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.

Conclusion and Way Forward

27. The Sustainable Communities OSC are asked to consider the recommendations of the Development Strategy Task Force and recommend to the Executive a preferred approach to progress the Gypsy and Traveller Development Plan Document. A report will be presented to the Executive at its meeting on 28 September 2010 and the Draft Submission consultation will follow this. The Draft Submission document will be subject to a full six weeks consultation and all the comments received to this document will be forwarded to the Secretary of State for an Independent Planning Inspector to consider at the public examination.

Appendices:

Appendix 1 - Consultation Responses – Gypsy and Traveller Preferred Sites – April 2010

Appendix 2 – Potential Funding Methods for Gypsy and Traveller Provision

Background Papers: (open to public inspection)
None

Location of papers: n/a