
Meeting: Council
Date: 25 November 2010
Subject: Gypsy and Traveller Development Plan Document
Report of: Cllr Tom Nicols, Portfolio Holder for Sustainable Development
Summary: This report seeks the approval of the Draft Submission Gypsy and Traveller Development Plan Document for consultation and approval of submission of the document to the Secretary of State.

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: Council

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.

RECOMMENDATIONS:

That the Council:

- (1) approve the Draft Submission of the Gypsy and Traveller Development Plan Document for public consultation and submission to the Secretary of State for Examination**
- (2) approve delegated authority to the Director of Sustainable Communities, in consultation with the Portfolio Holder for Sustainable Development, to make minor amendments to the Gypsy and Traveller Development Plan Document prior to Submission to the Secretary of State, and during Examination.**

<i>Reason for Recommendations:</i>	<i>To enable the Council to progress the Gypsy and Traveller Development Plan Document to adoption.</i>
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Executive Summary

This report seeks the approval of the Council for the publication of the Draft Submission Gypsy and Traveller Development Plan Document (DPD) and the subsequent submission of this document to enable progression to adoption of the DPD.

Background

1. The Local Development Framework (LDF) is a series of documents which collectively deliver the spatial planning strategy for Central Bedfordshire. The LDF (North Area) covers the former Mid Bedfordshire Area. Development Plan Documents (DPD), a component part of the LDF, make up the statutory Development Plan. The statutory process of preparing a DPD is set out in the Planning Regulations and comprises many stages and types of consultation. Under the Local Authorities (Functions and Responsibilities) (England) Regulations, agreeing a document for submission to the Secretary of State is a function of the Council.

The Gypsy and Traveller DPD

2. 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 move forward in planning for Gypsy and Traveller accommodation need.
3. 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. There have been four rounds of public consultation to date, the most recent taking place in April 2010.
4. Since then, 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.

5. The Chief Planner at the Department of Communities and Local Government advised that local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. The advice states that Gypsy and Traveller Accommodation Assessments form a good starting point. The Housing Act of 2004 also makes clear that local authorities are required by Government to assess the accommodation needs of Gypsies and Travellers alongside the settled population. The Act also requires local authorities to develop a strategy that addresses any unmet need that is identified. In this case, this will be through the Gypsy and Traveller Development Plan Document (DPD).
6. There has been significant Member involvement in the process to date. The Sustainable Communities Overview and Scrutiny Committee (OSC) have overseen the work with Development Strategy Task Force guidance. The recommendations of the OSC were then presented to the Executive on 28 September.

Decisions of the Executive on 28 September 2010

7. In summary, the Executive resolved that a total of 27 additional permanent pitches be allocated in Central Bedfordshire (North) up to the end of 2015, as identified in the local Bedfordshire and Luton 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.
8. The Executive also:
 - allocated 4 sites to accommodate 23 Gypsy and Traveller pitches;
 - resolved that the remaining pitches be allocated on Council landholdings, to be determined at a later stage;
 - agreed the provision of transit pitches for the use of Gypsies and Travellers on existing Gypsy and Traveller sites; and
 - allocated four pitches at Kennel Farm Holdings, Biggleswade for the use of Travelling Showpeople.
9. These decisions of the Executive have informed the Draft Submission document which is attached at Appendix A. The Council's approval is being sought for the consultation of this document and its subsequent submission to the Secretary of State.
10. The Draft Submission document includes within it policies for sites shortlisted for the allocation of Gypsy and Traveller pitches (as agreed by Executive) and policies that will help determine the location of new sites. These policies were the subject of consultation during the Issues and Options consultations in 2007.

Conclusion and Next Steps

11. Once agreed the DPD must be subject to Draft Submission consultation. This consultation will be widespread and will include all those who previously made comments on the sites at the last stage of consultation. Following this consultation the DPD will be submitted to the Secretary of State, together with any proposed changes. This is expected to be around Early Summer 2011. A Public Examination will then be held, possibly in Autumn 2011 before the Inspector writes a report (expected around February 2012). These dates are subject to the Planning Inspectorate's timescales.
12. Prior to submission to the Secretary of State and during the examination process, some minor, relatively inconsequential changes to the submitted DPD may be required, many of them in relation to changing circumstances, or arising from the examination process or simply to make the text clearer. It is important to note that any "suggested changes" must be minor in nature and not affect the direction of the Plan. The Council is able to suggest minor changes which the Inspector, in his report, is able to agree. The Inspector is also able to recommend minor changes which will be discussed at the hearings. It is possible, despite the minor nature of the changes, for the Inspector to consider the DPD unsound either in part or as a whole unless certain changes are proposed. This is mostly due to the complex requirements of the LDF system.
13. Changes that would alter the overall thrust of the document or "go to the heart of the Plan" would not fall into this category. These would have to be consulted upon and subject to the process of Sustainability Appraisal and Strategic Environmental Assessment. Members would be fully involved in any such strategic decisions.

Appendices:

Appendix A – Draft submission DPD

[A copy of the Executive report can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/ieListDocuments.aspx?CId=577&MId=3350&Ver=4>]