

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Tuesday, 14 January 2014.

### PRESENT

Cllr D McVicar (Chairman)  
Cllr A R Bastable (Vice-Chairman)

Cllrs	Cllr K M Collins	Cllrs	T Nicols
	Ms A M W Graham		B Saunders
	K C Matthews		P Williams

Apologies for Absence: Cllrs R W Johnstone

Substitutes: Cllrs A Shadbolt (In place of R W Johnstone)

Members in Attendance:	Cllrs	P N Aldis	
		Mrs A Barker	Chairman of Children's Services Overview and Scrutiny Committee
		M C Blair	Chairman of Audit
		Mrs G Clarke	
		P A Duckett	Chairman of Corporate Resources Overview & Scrutiny Committee
		Mrs D B Gurney	
		C Hegley	Executive Member for Social Care, Health & Housing
		J G Jamieson	Leader of the Council and Chairman of the Executive
		D Jones	
		Mrs J G Lawrence	
		D J Lawrence	
		I Shingler	
		B J Spurr	Executive Member for Sustainable Communities - Services
		Mrs P E Turner MBE	Executive Member for Partnerships
		M A G Versallion	Executive Member for Children's Services
		B Wells	Deputy Executive Member for Sustainable Communities - Services
		J N Young	Executive Member for Sustainable

A Zerny

Officers in Attendance:	Mr R Fox	– Head of Development Planning and Housing Strategy
	Mr J Partridge	– Scrutiny Policy Adviser
	Mr T Saunders	– Assistant Director, Planning
	Ms J Taylor	– Housing Officer

#### SCOSC/13/88 **Members' Interests**

None.

#### SCOSC/13/89 **Chairman's Announcements and Communications**

The Chairman reminded Members of the Committee who were also Members of Development Management of the importance of not prejudicing any discussion that they may take part in at a later date on that Committee. The Chairman also reminded all those in attendance of the importance of conducting the meeting in a way which ensured that discussions took place in an environment in which all groups felt that their dignity was respected.

#### SCOSC/13/90 **Petitions**

None.

#### SCOSC/13/91 **Questions, Statements or Deputations**

The Chairman informed the Committee that several members of the public had registered to speak on the Gypsy and Traveller Local Plan. There would be several opportunities to speak throughout the meeting and all those requesting to speak would be invited to do so at the relevant time.

#### SCOSC/13/92 **Gypsy and Traveller Local Plan**

Cllr Young introduced a report that set out the findings of the Gypsy and Traveller Accommodation Assessment (GTAA) and introduced the proposed changes to the draft Gypsy and Traveller Local Plan (GTLP) in light of the responses received during public consultation.

In addition, Cllr Young outlined the background to the GTLP including the legal obligation to develop a GTLP that, when adopted, would form part of the statutory development plan for Central Bedfordshire. Cllr Young also informed the Committee of a previous Inspector's Report (IR) regarding the Council's refusal to grant planning permission for gypsy and traveller pitches at Mile Tree Road. Cllr Young pointed out that the IR had given temporary consent to those pitches, which were in the Green Belt and had also suggested that the Council's previous GTAA was not robust, as the Council had not recommended a 3% compound growth rate and did not take account of 'hidden households'.

Cllr Young pointed out that the IR was being challenged by the Council during 2014.

Cllr Young informed the Committee that following their previous meetings in 2013 a full, revised GTAA had been undertaken and as a result there had been significant work and discussion with regards the appropriate compound growth rate that should be proposed. In Cllr Young's opinion there was no evidence for a compound growth rate of 2.5 - 3%, despite planning inspectors stating other cases that a 3% growth rate was appropriate. With regard to the GTAA, Cllr Young specifically referred to the difficulty of undertaking an accurate Gypsy Caravan Count and the issue of delivering additional pitches in Central Bedfordshire in light of the previous numbers that had been provided. In light of local evidence, Cllr Young considered that a compound growth rate of 2% was appropriate for Central Bedfordshire. Cllr Young also advised the Committee of two errors contained in the report;

1. Table 2: the total number of pitches at 2.5% growth rate per annum in table 2 should read '165' not '156'. The numbers had also been rounded and may not sum.
2. Table 3: the growth rate used should read '1.5%' and refer to 'plots' rather than 'pitches'.

The Chairman invited two members of the public to speak with regard the GTAA and the numbers of recommended pitches. In summary, the following issues were raised by those speakers:-

- The GTAA did not provide a sufficient level of evidence on which to base the numbers of pitches that were recommended up to 2031. National evidence supported a compound growth rate of 1.5% - 2.5%, so it was not clear why the Council would recommend a 3% compound growth rate.
- The growth calculations included in the GTAA were inaccurate and an expert on growth statistics should be engaged to advise on the appropriate number of pitches required.
- The Council had not identified any 'exceptional circumstances' in which the use of Green Belt for gypsy and traveller pitches was appropriate.
- The consultation documents on the draft GTLP had not been easy to follow and a contents pages was required.

In response, Cllr Young commented on evidence of a growth rate of 0.5% in Gypsies and Travellers in Central Bedfordshire, although the national rate was closer to 1.25%. Cllr Young felt there was no evidence for a growth rate of 3% in Central Bedfordshire. It was important for the Council to establish a preferred growth rate so the GTLP could be taken forward. It was stressed that due to previous planning decisions there was a risk that the GTLP would be deemed 'unsound' on the basis of a 2% growth rate but he felt there was compelling evidence to suggest this figure was the most appropriate. Cllr Young also responded that the Council could allocate Green Belt to provide for new pitches through the GTLP and reminded the Committee that there was a legal requirement to provide sites in order to prevent unauthorised encampments.

Cllr Shingler commented that the Council had not identified any 'exceptional circumstances' for the allocation of sites within the Green Belt. Previous decision of the Planning Inspectorate were based on the Council's inclusion of Green Belt sites in the draft GTLP. In light of those decisions Cllr Shingler felt that the possibility of developing derelict or regeneration sites in the draft GTLP had been overlooked. Cllr Shingler also felt the Council had been too optimistic in relation to the deliverability of some sites within the proposed timescale. In response, Cllr Young commented that sites could be allocated through the GTLP in the Green Belt in exceptional circumstances where there was an identified need for sites. The allocation of some pitches within the Green Belt was partly due to several sites already being located in the Green Belt.

Cllr Nicols commented he felt the Committee should have been provided with more time to consider and understand the report and associated papers in advance of the meeting. In addition, he felt that rather than approaching the issue on a regional or national basis, those local authorities who had historically provided Gypsy and Traveller pitches were being relied on to continue to provide pitches in the future. As a result, he was concerned regarding the number of pitches that could have been allocated in Central Bedfordshire in 50 years time. It was also suggested that local authorities (nationally) needed to better understand the Gypsy and Traveller community in order to develop appropriate GTLPs. Cllr Nicols also commented on the need for further statistical analysis of the numbers of Gypsies and Travellers residing in Central Bedfordshire. Cllr Nicols commented that some of the evidence contained in the GTAA was based on survey comments, the Council needed to be careful about using perceptions and conjecture as evidential proof for the level of need. In response, Cllr Young stated that the survey included in the GTAA provided the views of the Gypsy and Traveller community but was only part of the evidence that had informed the GTAA's conclusions on pitch need.

Cllr Matthews proposed that the Committee should recommend a 2% growth rate despite the inherent risk of doing so due to the evidence that Cllr Young could produce for this figure being appropriate locally. Cllr Williams queried the likelihood of a GTLP, based on a 2% growth rate, being considered 'sound' if this was recommended by the Committee and whether the Council would be open to unauthorised encampments if the GTLP was found to be unsound. Cllr Young reiterated that he believed there were compelling reasons that 2% was the appropriate compound growth figure.

Cllr Young also commented that the appropriate growth rate for Travelling Showpeople plots was considered to be 1.5%. Cllr Young felt that the pragmatic solution identified in the GTAA to allow for seven households on a site was not appropriate as he felt there was no material evidence to deliver this number of plots, particularly as Council officers had never observed more than three caravans on the site. As a result Cllr Young wished to amend the number of plots included in the plan from seven to three. Therefore it was recommended that the GTAA be endorsed subject to recommending the numbers as follows:-

- 131 Gypsy and Traveller pitches up to 2031; and
- 20 extra plots for Travelling Showpeople up to 2031.

On this basis the Committee unanimously agreed to endorse the GTAA and the total number of pitches for allocation in the GTLP up to 2031.

Having endorsed the GTAA Ms Taylor advised the Committee of the key issues and proposed changes to the draft GTLP that were contained in Appendix D of the report. In addition Cllr Young commented that the Council had taken note of the comments received during the consultation process and had proposed changes to the GTLP as a result. These changes included the proposed removal of site 55 (to be replaced by site 26), and the withdrawal of the field to the south of Gamlingay. The Chairman highlighted to the Committee that as a result of the consultation it was not proposed to add any of the previously considered sites back into the draft GTLP.

The Chairman then invited a further 12 members of the public to speak on specific sites, two of whom during the course of the discussion stated that they no longer felt the need to speak. In summary, the following issues were raised by speakers regarding specific sites and comments on the plan in general:-

- Site 16 was considered to be inappropriate for use. Although the Council had suggested that mitigating actions would be put in place it was not clear how issues such as traffic or road safety concerns would be addressed. It was recommended that the site should be reconsidered in light of the Council's revised proposals.
- Site 26 should not be included in the GTLP despite the removal of site 55. Site 26 was unsuitable for planning reasons and had scored lower in the assessment than other sites that would be able to provide access to facilities such as schools. Site 26 was further unsuitable due to the impact of nearby housing developments, which would place greater demand on existing facilities. In the opinion of local residents a better alternative to site 55 was the site at Bibby, which was more accessible and complied with relevant planning considerations, such as improved screening, convenience to facilities and less environmental impact.
- Site 55 was considered to be unsuitable for archaeological reasons and in order to protect historical remains, comments that had also been provided by English Heritage. The Council had not satisfactorily responded to the issues that had been identified in relation to this site or site 82. There were also issues in relation to the impact on the local ecology and the protected species that had been found in the area.
- Site 58 should be removed from the GTLP but the existing Potton site should not be considered for expansion outside of the plan making process. Refurbishment of the existing Potton site had led to a positive relationship with the community in Potton and the Council should not jeopardise that.
- Site 58 was unsuitable due to flood risk, various environmental issues and accessibility, which were highlighted in the site assessment. The Committee needed to be mindful of the impact of expanding existing sites and the need to ensure that sites were of a size relative to the settled community.
- Site 58 was unsuitable due to its proximity to a reservoir and quarry. There were further issues relating to this site that included access, failure of the Council in its duty to co-operate and the impact on housing developments near to the site.

- Site 116 was unsuitable for expansion and support for the site had only been provided by nearby Parish Councils. Any expansion was considered not legally compliant and the site map incorrectly identified the parcel of land proposed to be used, which had already been used for housing development. The land was presently used as agricultural land, which should have impacted on the assessment score and had previously been rejected as a site in 2004. Expansion of the site would not be in keeping with the size of the settled community. The Council had also failed in its duty to co-operate in relation to this site.
- Whether the number of pitches proposed to be allocated included in the previous draft GTLP would be amended in light of the public consultation.
- Whether Government grants were still available for the delivery of Gypsy and Traveller sites.
- The importance of effective management of Gypsy and Traveller sites.
- Assurances that if site 13 was added back into the plan that the assessment scores would be reconsidered.

In light of the comments raised by members of the public Cllr Young responded as follows:-

- The GTLP would be considered by the Executive and full Council following which a further public consultation would be undertaken before the final GTLP was submitted for Public Examination. All of the responses provided to the formal public consultations would be made available to the Secretary of State when the GTLP was examined. The urgency to approve the GTLP so that it could move forward related to the need to prevent unauthorised encampments.
- Site 49 had not been considered for allocation in the GTLP due to the cumulative impact of proposing this site and site 82. It was proposed that site 55 be replaced with site 26 so there would be no archaeological impact on site 55.
- The Council would deal with overcrowding and other issues at the existing Potton site, outside of the Plan making process. An expansion of the existing site would go hand in hand with the provision of additional screening and site management. The Council was very mindful of the need to promote social cohesion.
- The Council is in the process of applying for Government grants to deliver sites and had also allocated money in the capital budget to match these grants.
- Should any significant changes, such as the inclusion of a new site, be made to the Plan, a further round of Public consultation would be required. However, the Council is able to bring forward a planning application for any of the sites outside the Plan making process. In relation to this, Cllr Nicols commented that if for any reason site 13 were added back into the GTLP the comments of residents and Members should be reconsidered and a further consultation undertaken.

Following the speakers Cllr Young commented that the score assessment that had been provided to Members should be amended in relation to site 76. The site should have scored three points fewer due to the score given for agricultural land quality. Cllr Young then set out his proposals for locating

pitches to deliver need over the next 10 years, which were 84 pitches (based on a 2% growth rate) as follows:-

Site	Pitches	Change from draft GTLP
Site 16 - Barton	15	Additional 5 pitches
Site 26 - Dunton Lane	15	Site 55 to be replaced with site 26 Allocation increased from 10 to 15 pitches
Site 58 - Potton	0	Site to be removed from the plan
Site 92 - Caddington	9	No change
Site 116 - Pulloxhill	13	No change
Site 76 - Fairfield	10	No change
Site 78 - Tingrith	4	No change

<b>Total</b>	<b>66</b>
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Windfall to meet first 10 years requirement at 2%	18
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In addition, Cllr Young referred to windfall sites, which he felt could impact on the total numbers of pitches that would be required on some sites. The numbers of pitches on each of these sites would be reviewed after 5 and 10 years of the GTLP to ensure that they took into account any windfall that came forward.

**(Meeting adjourned 1625 and reconvened at 1640)**

The Chairman advised that he would consider each of the sites proposed to be allocated in turn as follows:-

**Site 16**

Cllr Shingler commented that he considered the GTLP would be considered unsound due the way in which it had been considered by Members and Members having not considered all of the sites that had been included at stage three of the assessment process. In relation to site 16, there were specific issues that included planning constraints, acoustics, ecological impact and ancient monuments, which could affect the deliverability of the site. It was suggested that further assessments of the site were necessary to determine whether it was deliverable before it could be included in the draft GTLP. In response, Ms Taylor commented that all responses received during the formal consultation period would be provided to the Planning Inspector.

The Chairman invited a public speaker to comment again on site 16 who commented on the increase on the number of pitches proposed to be delivered on the site and that 15 pitches would contravene previous guidance that no more than ten should be allocated. Further concerns included any continued expansion of the site in the future and the significant impact of an additional 15 pitches on the settled community. It was commented that the Council should include the proposed number of pitches for each of the sites within the GTLP for consultation.

In response to the comments on this site, Cllr Young stated that the Council would monitor windfall delivery on an annual basis to consider if any changes were necessary. The Council was mindful that sites should not dominate the settled community and Cllr Young was confident that the number of windfall sites would be higher than expected, which would provide capacity to review the GTLP in the future.

In light of the discussion, Cllr Graham commented she still had concerns about the access to site 16, which was reflected in the low score the site had received. In light of that, she felt unable to support the use of this site.

In light of the discussion and the consultation responses, the Committee agreed to support the proposal to allocate 15 pitches on site 16. In doing so it was commented that the Members of the Committee were not prejudicing any decision that could be made in the future by Development Management, and that any planning application would be judged on its own merit.

**Site 55:**

Cllr D Lawrence commented that site 26 (the replacement site now being proposed) had been a site formerly recommended by Mid Bedfordshire District Council. If more pitches were delivered by windfall applications it was recommended that the number of pitches allocated on site 26 be considered first.

Cllr Zerny queried why site 26 had been proposed as an alternative to site 55 when it was located in close proximity to the previous site and there were other sites included in the site assessment process that could have been considered. It was not clear why sites 55 and 58 were still considered to be suitable when others were not. Cllr Zerny considered Site 26 was unsuitable for several reasons including the lack of healthcare facilities, difficulty of expanding school provision and the impact of housing development in the area. There were no clear actions set out to mitigate concerns in relation to site 55 and the allocation of 15 pitches in this location was too high. It was suggested that there had only been one representation recommending a change from site 55 to site 26. Cllr Zerny also queried whether decisions had been based on clear evidence and why some sites were considered prior to the site assessment process and excluded without being included in that scoring process or drawn to the attention of Members. It was suggested that sites 55 and 58 should be removed from the GTLP and the stage three rankings should be reconsidered.

In response, Ms Taylor undertook to make further documents available to Members in relation to sites that had previously been considered but not included in the site assessment process. Cllr Young also commented that he had responded to the views provided by the community by proposing the removal of site 55, which was endorsed by two public speakers at the meeting. If the Council had not taken a pragmatic approach then the highest scoring sites, many of which were impractical, would have been included in the GTLP.

Cllr Gurney commented on the importance of liaison meetings taking place between the Gypsy and Traveller community and local Councillors in order to understand issues locally. Sites 55 and 26 were considered to be unsuitable, however site 82 was considered suitable. Cllr Gurney queried whether two



pitches that had been located in Potton in the past would be included in windfall and if planning permission would be required. In response Cllr Young commented on the benefits of Cllrs acting as mediators between the Gypsy and Traveller and settled communities where appropriate. In relation to the two pitches mentioned on the existing Potton site, planning permission would not be required. There were several improvements necessary to the Gypsy and Traveller site in Potton and with Government grants and the Council's capital funding it was felt these could be delivered.

In light of the discussion and the consultation responses the Committee unanimously agreed to support the proposal to allocate 15 pitches on site 26.

### **Site 58**

Cllr Zerny stated that he was opposed to the use of site 58 as it was adjacent to a working quarry. It was also queried why this site was considered to be more suitable than others and why an explanation had not been provided as to why other sites had not been included in the draft GTLP. In response, Cllr Young stated that he had responded to the comments of the local community by recommending the use of site 26 instead of site 55. Whilst he had revisited the allocation of all of the sites that had been included in the draft GTLP, he also reminded members that those sites had been agreed for consultation in 2013 by full Council.

In light of the discussion and the consultation responses the Committee unanimously agreed to support the proposal to remove site 58 from the draft GTLP.

### **Site 92**

In light of the consultation responses the Committee unanimously agreed to support the proposal to allocate nine pitches on site 92.

### **Site 116**

A public speaker was invited to comment on the proposals for site 116. It was suggested that the proposal would dominate the settled community, particularly as it was located so close to several other proposed sites. There were no facilities located in the area including schools or medical facilities and further housing development on the area would increase problems regarding access. The site had scored low in the assessment and it was not clear why it was considered to be suitable. In response, Cllr Young commented that all of the representations that had been provided during the public consultation in relation to this site would be in front of the Planning Inspector who held the Public Examination in due course.

Cllr Jamieson commented that conditions could be attached to any planning permission granted on the site and the Council needed to ensure that they were appropriately enforced. In response Cllr Young commented that the Council could not prevent planning applications on the basis that previous conditions had not been adhered to but he would commit to trying to resolve existing issues with regards to this site.

In light of the discussion and the consultation responses the Committee unanimously agreed to support the proposal to allocate 13 pitches on site 116.

### **Site 76**

In light of the consultation responses the Committee unanimously agreed to support the proposal to allocate 10 pitches on site 76.

### **Site 78**

In light of the consultation responses the Committee unanimously agreed to support the proposal to allocate 4 pitches on site 78.

Following the discussion it was requested that a contents page be provided on future copies of the draft GTLP. Officers agreed to ensure that future iterations of the GTLP contained a list of documents that made them easier to navigate. The Committee also agreed to support the proposed changes to the policy detailed in appendix D to their report.

Cllr Young also requested that his thanks to officers, Members and the public for their involvement in developing the GTLP to this point be recorded.

### **RECOMMENDED to Executive**

- 1. That the Gypsy, Traveller and Showperson Accommodation Assessment 2014, conducted by ORS, be endorsed subject to the amendments made to the Assessment during the course of the meeting.**
- 2. That 131 Gypsy and Traveller pitches and 20 plots for Travelling Showpeople be allocated in the Gypsy and Traveller Local Plan up to 2031.**
- 3. That the specific sites be allocated as follows in order to meet the pitch requirements for Gypsy and Travellers and Travelling Showpeople up to 2031:-**

<b>Site 16 - Barton</b>	<b>15 pitches for Gypsy and Travellers</b>
<b>Site 26 - Dunton Lane</b>	<b>15 pitches for Gypsy and Travellers</b>
<b>Site 92 - Caddington</b>	<b>9 pitches for Gypsy and Travellers</b>
<b>Site 116 - Pulloxhill</b>	<b>13 pitches for Gypsy and Travellers</b>
<b>Site 76 - Fairfield</b>	<b>10 pitches for Gypsy and Travellers</b>
<b>Site 78 – Tingrith</b>	<b>4 pitches for Gypsy and Travellers</b>
<b>Site 82</b>	<b>4 plots to be allocated as a Gypsy and Travelling Showperson site.</b>

- 4. That the changes to the draft Gypsy and Traveller Local Plan as detailed in the report be approved for publication.**

(Note: The meeting commenced at 2.00 p.m. and concluded at 5.45 p.m.)