
Meeting: Executive

Date: 19 August 2014

Subject: Gypsy and Traveller Local Plan

Report of: Cllr Nigel Young, Executive Member for Regeneration

Summary: The report proposes the withdrawal of the Gypsy and Traveller Local Plan from the Examination process, in light of the matters raised by the Planning Inspector.

Advising Officer: Jason Longhurst, Director of Regeneration and Business

Contact Officer: Richard Fox, Head of Development Planning and Housing Strategy

Public/Exempt: Public

Wards Affected: All

Function of: Council

Key Decision Yes

Reason for urgency Hearings for the Examination of the Gypsy and Traveller Local Plan are due to commence on 23 September and continue over a two week period, to 3 October 2014. Anyone wishing to attend the hearings has the option to submit additional statements to accompany their objections, by 22 August 2014. It is essential that the process for seeking withdrawal of the Plan is initiated as soon as possible, to avoid respondents spending additional time preparing for the hearings in advance of when the hearings commence. The next Executive meeting takes place in October which is after the scheduled hearings, so the decision cannot be delayed until then.

CORPORATE IMPLICATIONS

Council Priorities:

- The Gypsy and Traveller Local Plan will contribute to the Council's priority of enhancing Central Bedfordshire, ensuring the housing needs of the whole community (including the needs of the Gypsy and Traveller community) are met, while protecting the countryside and securing appropriate supporting infrastructure.

Financial:

1. The Gypsy and Traveller Plan is intended to provide for local Gypsy and Traveller pitch need. Having a robust strategy in place helps reduce the incidences of unauthorised encampments which can create a financial burden on the Authority.

Legal:

2. The Gypsy and Traveller Local Plan will be part of the statutory development plan for the area.

Risk Management:

3. The following risks have been identified:
 - a) Failure to discharge statutory responsibilities
 - b) Reputational risks associated with the failure to address the needs of Gypsies and Travellers and the local community
 - c) Financial risks associated with unauthorised encampments
 - d) Risk of challenge and appeals
 - e) Risk of inaccurate forecasting of requirements
 - f) Failure to control unauthorised camping

Staffing (including Trades Unions):

4. Not applicable.

Equalities/Human Rights:

5. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.

Public Health

6. Gypsies and Travellers experience significantly worse health outcomes compared to the settled community. Although they have the same illnesses and problems as the general population, their life expectancy is poorer across age ranges than the settled population; for example, it is 10-12 years less than the UK life expectancy of 82 years. Levels of prenatal mortality, still births and infant mortality in Gypsy and Traveller communities are significantly higher than the national average. Gypsy and Traveller mothers are 20 times more likely to have experienced the death of a child than the rest of the population. Gypsies and Travellers experience significant barriers accessing health and social care services, and these have implications for continuity of care as well as primary health care needs.

Community Safety:

7. Section 17 of the Crime and Disorder Act 1998 sets out the Council's responsibility to do all that it reasonably can to prevent crime and disorder in its area. There is no specific provision within the criteria for assessing suitability of proposed sites to consider community safety issues. The Council is required to consider community safety across all of its functions and it will be necessary, as suitable sites are identified, to engage with the Councils Community Safety Team and key stakeholders such as Bedfordshire Police to assess what, if any, community safety implications there may be with a view to mitigating or resolving concerns.

Sustainability:

8. Central Bedfordshire Council embraces sustainable development as its overarching aim.

Procurement:

9. Not applicable.

Overview and Scrutiny:

10. This matter has not been considered by Overview and Scrutiny.

RECOMMENDATION:

The Executive is asked to:

RECOMMEND TO COUNCIL the withdrawal of the Gypsy and Traveller Local Plan from the Examination process.

Reason for Recommendation: To enable the Council to address the matters raised by the Inspector.

Executive Summary

11. This report sets out the need to withdraw the Gypsy and Traveller Local Plan from the Examination process while the numerous matters raised by the Planning Inspector are addressed.

Background

12. Central Bedfordshire and all other Councils are required under the Housing Act to assess accommodation need, and develop a strategy to meet that need, for Gypsies and Travellers. We are required as a Council to balance the needs of Gypsies and Travellers with the representations of the settled community, in an effort to promote community cohesion.

13. Central Bedfordshire is one of just a handful of local authorities which have sought to strike this balance and in June of this year, following a long process of plan preparation and consultation, the Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate, believing our Plan to be sound, that is, fit for purpose following scrutiny by the Planning Inspector.
14. An independent Planning Inspector was appointed, Mr Simon Emerson, who wrote to all respondents to the Plan on 1 August 2014, inviting them to attend an Examination from 23 September to 3 October 2014. He also at that time circulated his assessment of the main matters, inviting respondents to prepare statements on these matters for discussion at the hearings, by 22 August 2014.
15. In his main matters the Inspector raises numerous issues about the Gypsy and Traveller Local Plan and has asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings. Because of these numerous and detailed issues the Council needs more time than the three weeks given, to clarify the matters and prepare responses. On this basis it is proposed that Central Bedfordshire Council withdraws the Plan.
16. It is acknowledged that the preparation of the GTLP has taken a considerable amount of time and resources to prepare. The contents are a matter of significant public interest for all parties including the local community. It is also acknowledged that not having a Plan in place makes the Council more vulnerable to challenge and appeals and increased incidences of unauthorised developments and encampments. Notwithstanding this, the Council considers withdrawal to be the most appropriate and prudent manner in which to proceed to avoid the risk of the Plan being found unsound by the Inspector, or being challenged by third parties.

Next Steps

17. If Members of the Executive are supportive of the withdrawal, the hearings (which were due to take place between Tuesday 23 September 2014 and Wednesday 1 October) will be cancelled. Officers will be working to address the Inspector's concerns and it is only following this work that the Council can consider how best to move forward with the Plan. The withdrawal of the Plan does not undermine the commitment of the Council to provide accommodation for the Gypsy and Traveller community through the plan making process. The numerous issues raised by the Inspector will help Central Bedfordshire when amending the Plan for future Examination.

Appendices:

None

Background Papers: (open to public inspection)

None