

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

16th January 2014

REPORT OF CORPORATE MANAGEMENT TEAM

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Portfolio - Regeneration and Transportation – Lead Cabinet Member – Councillor Smith

Stockton-on-Tees Local Plan: Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft and The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012.

1. Summary

The Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document (LDD) will, when adopted, form part of Stockton-on-Tees Local Plan which will provide the local policy basis for the determination of planning applications within the Borough.

The LDD is being produced as a result of national planning policy contained within Planning Policy for Traveller Sites, which requires local authorities to maintain a five year supply of deliverable sites against locally set targets. Failure to provide allocations to meet the identified need will make it far more likely that the Council will lose appeals if planning applications are refused, resulting in additional costs and piecemeal development of Gypsy and Traveller sites. It is also likely that the Regeneration and Environment Local Development Document would be found unsound if the Council does not identify a site allocation in the Local Plan.

The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD will make provision for the accommodation of Gypsies and Travellers within Stockton-on-Tees Borough through the allocation of sites based on the need for pitches identified within the Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012. The intention of the document is not to identify a site for the Council to develop and run but to allocate suitable land for such a use should members of the Gypsy and Traveller community choose to do so.

The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012 forms the part of the evidence base for the LDD and identifies a need for 26 pitches within the Borough until 2027. This study updates the findings of a Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) which was published in 2009 and identified a requirement of 34 pitches for the Borough until 2021.

The LDD requires a period of public consultation before it can move on to the next stage in production and this report seeks the agreement of Cabinet for the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD, Sustainability Assessment and Habitats

Regulations Assessment and the updated Needs Assessment to be made available for a period of public consultation.

2. Recommendations

It is recommended that Cabinet:

1. Endorse the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft and its associated assessments (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)) for a period of public consultation;
2. Endorse the findings of the Stockton-on-Tees GTAA Update 2012 as the evidence base for the LDD;
3. Delegate any further changes to the documents prior to the consultation period to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport.

3. Reasons for the Recommendations/Decision(s)

1 & 2 to obtain Members' agreement to the policies contained in the LDD and part of the evidence base for the LDD prior to them being part of a public consultation exercise. 3 to ensure that the public consultation period will not be delayed by the need to agree further changes to the documents through the Cabinet process.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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Stockton-on-Tees Local Plan: Gypsy, Traveller and Travelling Showpeople Local Development Document (LDD) Regulation 18 Consultation Draft and The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012.

SUMMARY

The Gypsy, Traveller and Travelling Showpeople Site Allocations (LDD) will, when adopted, form part of Stockton-on-Tees Local Plan which will provide the local policy basis for the determination of planning applications within the Borough.

The LDD is being produced as a result of national planning policy contained within Planning Policy for Traveller Sites, which requires local authorities to maintain a five year supply of deliverable sites against locally set targets. Failure to provide allocations to meet the identified need will make it far more likely that the Council will lose appeals if planning applications are refused, resulting in additional costs and piecemeal development of Gypsy and Traveller sites. It is also likely that the Regeneration and Environment Local Development Document would be found unsound if the Council does not identify a site allocation in the Local Plan.

The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD will make provision for the accommodation of Gypsies and Travellers within Stockton-on-Tees Borough through the allocation of permanent residential sites based on the need for pitches identified within the Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012. The intention of the document is not to identify a site for the Council to develop and run but to allocate suitable land for such a use should members of the Gypsy and Traveller community choose to do so.

The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012 forms the part of the evidence base for the LDD and identifies a need for 26 pitches within the Borough until 2027. This study updates the findings of a Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) which was published in 2009 and identified a requirement of 34 pitches for the Borough until 2021.

The LDD requires a period of public consultation before it can move on to the next stage in production and this report seeks the agreement of Cabinet for the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD, Sustainability Assessment and Habitats Regulations Assessment and the updated Needs Assessment to be made available for a period of public consultation.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Endorse the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft and its associated assessments (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)) for a period of public consultation;
2. Endorse the findings of the Stockton-on-Tees GTAA Update 2012 as the evidence base for the LDD;
3. Delegate any further changes to the documents prior to the consultation period to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport.

DETAIL

Need for the LDD

1. National planning policy for Gypsies and Travellers is contained in 'Planning policy for Traveller Sites' published by CLG in March 2012. Key points of the document include the following:
 - Meeting the accommodation needs of Gypsies and Travellers is part of meeting the general housing requirement.
 - Local planning authorities should make their own assessment of need for the purposes of planning
 - The Local Planning Authority should address under provision and maintain an appropriate level of supply
 - Local Planning Authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
 - If a Council cannot demonstrate a five-year supply then this will be a significant factor when considering planning applications.
 - Local Authorities are to plan for sites over a reasonable timeframe, where possible for up to 15 years.
2. As a result of the requirements of Planning Policy for Traveller Sites, not meeting the identified need will make it far more likely that the Council will lose appeals if planning applications are refused, resulting in additional costs and piecemeal development of Gypsy and Traveller sites and reducing the effectiveness of enforcement action against unauthorised developments.
3. It is also likely that the Regeneration and Environment Local Development Document would be found unsound if the Council does not identify a site allocation in the Local Plan, either within the Regeneration and Environment LDD itself or in a separate LDD where there is commitment for it to be adopted and progress has been made. This will result in additional costs to the Council, a substantial delay in the adoption of other planning policies, including those relating to employment land and housing and will affect the ability of the Council to make decisions on major planning applications as the National Planning Policy Framework includes a presumption in favour of granting planning permission where the development plan is absent, silent or relevant policies are out of date.
4. Other consequences to the Council in not progressing with site allocations for Gypsies and Traveller include a delay in the adoption of the Community Infrastructure Levy, meeting the costs involved in enforcing against unauthorised encampments and the loss of New Homes Bonus, which is available for Gypsy and Traveller sites.

Purpose of the LDD

5. The LDD has been prepared as a Regulation 18 Consultation Draft, which is the first document in the process of developing an LDD to adoption. In April, 2012, the Town and Country Planning (Local Planning) (England) Regulations replaced previous regulations on the preparation of Local Development Documents. Prior to 2008, there was a requirement for separate 'Issues and Options' (Regulation 25) and 'Preferred Options' (Regulation 26) stages. This has been replaced by the requirement for a single consultation, prior to the publication of the document, under Regulation 18.
6. The adopted LDD will make positive provision for the accommodation of Gypsies and Travellers within Stockton-on-Tees Borough through the allocation of permanent residential pitches and will contribute to achieving the Council's vision for the future of the Borough, as set out in the Core Strategy. The intention of the document is not to identify a site for the Council to develop and run but to allocate suitable land for such a use should members of the Gypsy and Traveller community choose to do so.
7. The objectives of the LDD are:
 - To allocate sufficient land to provide residential pitches that will meet the identified accommodation need for Gypsies and Travellers within the Borough.
 - To identify sustainable sites to increase access to health, education and other services for Gypsies and Travellers.
 - To deliver well designed sites that are safe and attractive places to live and that respect the residential amenities of the settled communities.

The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012

8. The Housing Act 2004, places a duty on local authorities to undertake assessments of the accommodation needs of Gypsies and Travellers for their area. The needs assessment for Stockton is provided within the Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) 2009 and the Stockton on Tees GTAA update 2012.
9. The assessment of need for the TVGTAA identified a requirement in Stockton Borough for a total of 34 additional residential pitches for the period 2007 – 2021. This breaks down as follows: 2007-2012 – 17 pitches, 2012-2016 – 7 pitches and 2016-2021 – 10 pitches.
10. A steering group, with members that include Council officers, a representative from the Traveller Education Services and two Councillors, had been assembled to progress the LDD. This group advised that the Council should consider a small scale update to the TVGTAA due to changes in the communities since the publication of the TVGTAA in 2009. The recommendation was agreed by the Council's Corporate Management Team and supported by the Local Development Framework Member Steering Group of 15 November 2011.
11. The fieldwork surveys of members of the Gypsy and Traveller communities needed for the study were carried out by the Traveller Education Service, due to their existing relationships, and the questionnaire used was based upon the original consultation exercise carried out for the 2009 TVGTAA.
12. The Council's Housing Strategy and Spatial Planning teams liaised with the Policy, Improvement and Engagement in undertaking the study and using the findings of the survey work to update the residential pitch requirement. The widely accepted survey and calculation

methodology from the TVGTAA was followed as closely as possible to ensure that a robust evidence base has been produced.

13. The 2012 GTAA Update provides a revised future pitch requirement calculation for the Borough. The results identify a requirement for 26 pitches over the 15 year period 2012 - 2027, which is a reduction from the 34 pitches identified as the requirement over the 13 year period 2007 - 2021 in the 2009 TVGTAA. The updated figure of 26 pitches is now the benchmark for work by the Spatial Planning team to allocate pitches.

Outline of the LDD

14. The LDD sets out Council's approach to allocating sites within the Borough and includes consideration of issues relating to the need for transit pitches and accommodation for Travelling Showpeople, although it is not proposed to allocate transit pitches or plots for Travelling Showpeople at this stage. The main focus of the document is upon the provision of permanent residential pitches due to the need identified within the 2012 GTAA Update.
15. The LDD provides details of the minimum requirements for an acceptable residential pitch and sets out a number of options for the distribution of sites within the Borough. The Council's preferred option for site allocations was informed at a Member's policy briefing on 29 October 2013 and involves the allocation of one larger site of up to 15 pitches and the remaining need of 11 pitches provided on smaller sites.
16. 6 site options for allocation are detailed within the LDD, which is attached as Appendix A, and are listed below in Table 1. These include one privately owned site and 5 Council owned pieces of land that have been shortlisted through a technical assessment of sites. The document also includes an invitation to landowners, or those with an interest in an area of land, to submit sites for consideration as an allocation.
17. The sites identified within the LDD are options for potential allocation and are not all required to meet the identified need for Gypsy and Traveller pitches. Other sites may be submitted during the consultation period and the boundaries of some or all of the current site options may be reduced, or otherwise altered, as a result of further assessments prior to the next stage of the LDD. Similarly, the potential yield figures included within the LDD for each site are an indication of the expected potential of each site. Some sites, if developed, may provide less pitches than the estimate.

Table 1: Site Options for Allocation Identified in the LDD.

Site Name	Site Ref	Ward	Ward Councillors
Land to the rear of Roddmere, Yarm Back Lane, Stockton	1	Hartburn	Ken Lupton Terry Laing
Land on Frederick Street, Stockton	2	Stockton Town Centre	Paul Kirton David Coleman
Land between Bowesfield Crescent and the River Tees, Stockton	3	Parkfield and Oxbridge	Mohammed Javed David Rose
Land on Mill Lane, Billingham	4	Billingham South	Jean O'Donnell Mike Smith
Land on Eltham Crescent, Thornaby	5	Stainsby Hill	Derrick Brown Sylvia Walmsley
Land between the River Tees and Thornaby Road, Thornaby	6	Mandale and Victoria	Tina Large Tracey Stott Steve Walmsley

Supporting Documentation

18. The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD will be accompanied for consultation by a Sustainability Appraisal (SA) Report and Habitat Regulations Assessment (HRA).
19. The SA is a statutory requirement for land use plans. It considers the environmental, social and economic impacts of the LDD and is an iterative process that informs the development of each stage of the LDD.
20. The HRA is also a statutory requirement and it assesses the potential for impacts upon sites designated as being of European importance for their nature conservation value. The HRA of the Regulation 18 draft of the LDD has concluded that there will not be any significant impact upon a European site from the LDD.

Next Steps

21. Following endorsement by Cabinet and Full Council, the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft together with the supporting documents and assessments will be made available for a period of public consultation scheduled to commence on 3 February 2014 for a period of 6 weeks, closing on 17 March 2014.
22. During the period of public consultation, the Council will seek to involve the statutory consultees, members of the public and other stakeholders through:
 - The provision of a public notice;
 - Publishing any relevant documents on the Council's website
 - Making information and relevant documents available in Planning reception and in all libraries in the Borough
 - Writing letters and emails to everyone on the Local Development Framework Consultation Database, informing them of the process for getting involved
 - Writing and distributing press releases to local media;
23. It is considered necessary to take further steps to ensure that members of the Gypsy and Traveller communities are involved in the consultation and a consultation strategy has been

developed in association with officers from the Communications and Policy, Improvement and Engagement teams.

24. Following the public consultation period, the comments received will inform the further development of the document and the selection of the preferred site/s for allocation. The next stage of the document is Publication and it is expected that the Publication Draft of the LDD will be released for public consultation in July 2014 with adoption of the final document being in May 2015.

FINANCIAL IMPLICATIONS

Provisions for the consultation period and subsequent adoption and publication of Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document can be made within existing budgetary provision. There may be future implications relating to the release of Council owned land for development.

LEGAL IMPLICATIONS

The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD has been prepared under the relevant provisions of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Failure to comply with the provisions of the Act or Statutory Regulations may result in all or part of the document being challenged in the High Court under section 113 of the 2004 Act, which if successful may lead to all or part of an adopted Local Development Document being quashed.

RISK ASSESSMENT

The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD has been categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

The LDD supports the main themes of the Sustainable Community Strategy, which are Economic Regeneration and Transport, Environment and Housing, Community Safety, Children and Young People and Healthier Communities and Adults. The LDD does this through seeking to allocate sites to meet the accommodation needs of Gypsies and Travellers that can be accessed by sustainable means and that increase access to health, education and other services for Gypsies and Travellers. The LDD also seeks to deliver well designed sites that are safe and attractive places to live and that respect the amenities of the settled communities and encourage community cohesion.

EQUALITIES IMPACT ASSESSMENT

This report has been subject to an Equality Impact Assessment and has been judged to have a positive impact. No remedial actions are required.

CONSULTATION INCLUDING WARD/COUNCILLORS

Whilst the LDD includes site options in a number of wards, the LDD is applicable in all parts of the Borough as the identified need relates to the whole Borough and further sites may come forward as a result of the consultation; therefore there was no consultation with specific Wards or Ward Councillors.

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Education related - No

Background Papers

Appendix A-Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft

Appendix B-Gypsy and Traveller Accommodation needs Assessment Update 2012

Appendix C-Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Habitat Regulations Assessment (available on Egenda and in Members' Library)

Appendix D-Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Sustainability Appraisal Report (available on Egenda and in Members' Library)

Stockton on Tees Borough Core Strategy (2010)

National Planning Policy Framework (2012)

Planning Policy for Traveller Sites (2012)

Planning Compulsory Purchase Act (2004) as amended

Planning Act (2008) as amended

The Town and Country Planning (Local Planning) (England) Regulations 2012

Ward(s) and Ward Councillors: See above.

Property: The site allocations contained in the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD will need to be taken into account in any proposals to develop or dispose of Council property.