

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET
17th July 2014

REPORT OF CORPORATE
MANAGEMENT TEAM

COUNCIL DECISION/CABINET DECISION/KEY DECISION

Portfolio Regeneration & Transport – Lead Cabinet Member – Councillor Mike Smith

Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document (LDD) – Results of Public Consultation Exercise

1. Summary

The purpose of the report is to inform members of the outcomes of the public consultation exercise on potential site options for the location of pitches for Gypsies, Travellers and Travelling Showpeople in the Borough. The report also asks members' advice on the next steps in this process.

2. Recommendations

1. To note the outcomes of the consultation on the Gypsy, Traveller and Travelling Showpeople LDD Regulation 18 Consultation;
2. To agree a favoured course of action in relation to both the Gypsy, Traveller and Travelling Showpeople LDD and Regeneration and Economic Development LDD.

3. Reasons for the Recommendations/Decision(s)

1&2 To agree the outcomes of the public consultation as a means of progressing further work on the current Gypsy and Traveller LDD and Regeneration and Economic Development LDD.

4. Members' Interests (the text below is fixed and should not be altered by the author, however, extensive guidance on the **Members' Code** of conduct is available to officers if required)

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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SUMMARY

The purpose of the report is to inform members of the outcomes of the public consultation exercise on potential site options for the location of pitches for Gypsies, Travellers and Travelling Showpeople in the Borough. The report also asks members' advice on the next steps in this process.

RECOMMENDATIONS

1. To note the outcomes of the consultation on the Gypsy, Traveller and Travelling Showpeople LDD Regulation 18 Consultation;
2. To agree a favoured course of action in relation to both the Gypsy, Traveller and Travelling Showpeople LDD and Regeneration and Economic Development LDD.

DETAIL

1. The Housing Act 2004 placed a duty on local authorities to assess the needs of Gypsies and Travellers in their areas. Stockton undertook this assessment initially in a joint exercise with the other Tees Valley authorities in 2008 (the Tees Valley Gypsy and Traveller Accommodation needs Assessment (TVGTAA) 2009) and then Stockton Council updated the assessment individually for the borough in 2013. This identified a requirement for 26 pitches over a fifteen year period between 2012 and 2027.
2. Planning Policy for Traveller Sites 2012 read in conjunction with the National Planning Policy Framework 2013 requires local planning authorities (LPAs) to set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople to address the likely permanent and transit site accommodation needs of Travellers in their area. In addition, LPAs are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets and to identify a supply of specific, developable sites or broad locations for growth, for years six to ten and where possible, for years 11 to 15.
3. The Council's adopted Core Strategy contains policy CS9 relating to Gypsy and traveller provision. It provides a criteria based policy for new Gypsy and Traveller sites, safeguards the existing site at Bowesfield Lane and states that joint working between the Tees Valley authorities will identify the need for Gypsy and Traveller accommodation and that in deciding where to provide Gypsy and Traveller accommodation, locations in or adjacent to existing settlements will be preferred in the first instance.
4. To fulfil its duties in relation to planning policy, the Council embarked on to identify specific sites to accommodate the need identified in the updated Gypsy and Traveller Need Assessment 2013. The Spatial Planning team undertook an extensive borough wide search for sites - the details of which were reported to members in a report to Cabinet in January 2014, which sought the approval of the draft Local Development Document (LDD) for a

period of public consultation. This exercise resulted in six potential sites being identified; five Council owned sites and one privately owned.

5. The public consultation on the draft LDD took place between 3rd February and 17th March 2014. The consultation proved highly controversial and provoked a hugely negative response. None of the sites proposed were viewed as acceptable. The Council received 565 individual responses and 4 petitions in response to the consultation. The petitions provided 35 signatures against Frederick Street, 294 against Eltham Crescent in Thornaby and 517 against Land between Thornaby Road and The River Tees. In addition, a letter of objection to Land between Bowesfield Crescent and The River Tees was supported by 55 neighbours. Appendix 1 contains a summary of the comments made on each site consulted on and members can view the original responses by contacting the Spatial Planning team. Table 1 shows the breakdown of individual comments received for each site.

Table 1 – Numbers of Individual Consultation Comments in Relation to Each Site

Site	Total Number of Comments	Number of Objections	Number of Support	Number of General Comments
Land at Roddmere	196	170	18	8
Land on Frederick Street	186	165	9	12
Land on Bowesfield Crescent	86	47	27	9
Land on Mill Lane	63	45	5	13
Land on Eltham Crescent	183	168	5	10
Land between the River Tees and Thornaby Road	165	146	8	11

6. The LDD invited landowners to submit alternative sites for consideration. A number of locations have been suggested during the consultation but only three were specific areas of land suggested by a landowner. One site is located adjacent to Thorpe Thewles and has previously been submitted to the Strategic Housing Land Availability Assessment (SHLAA) where it was determined that it was not suitable for residential development due to the unsustainability of its location.
7. The remaining two sites are also currently the subject of planning applications for a Gypsy/Traveller pitch. One is an existing private Traveller site located on Uray Nook Road, near Eaglescliffe, which has been put forward for allocation for a further 5 pitches but which has previously been considered to be an unsustainable location for permanent residence. The second is the site of existing stables between Carlton and Thorpe Thewles. This applicant has previously been refused permission for a dwelling on the site.
8. Usually, the next stage in the process of preparing a LDD would be for the comments received to be analysed and if possible taken into account in determining the Council's preferred site or sites for gypsy and Traveller pitches. In addition, further assessments of the sites to demonstrate the sustainability, viability and deliverability of the sites would be undertaken and the final choice of site or sites would be determined by the results of these assessments combined. The next version of the LDD (the publication version) would be prepared with its associated assessments and it would be brought back to Cabinet along

with a schedule of responses and how they had been dealt with, in particular if it was possible to take on board the comments and, if so, how this had been done. Council would be asked to endorse how the responses had been dealt with and the revised version of the LDD containing the preferred site or sites for a further period of public consultation. Following this, the LDD would be submitted to the Secretary of State who would arrange an independent examination into the soundness of the document.

9. One site has now been withdrawn from the process; land to the rear of Roddmere at Yarm Back Lane, Stockton. This was the only privately owned site that was originally proposed.
10. Given the current situation, Cabinet is being asked to consider how it wishes to proceed. One option is to continue to proceed against the original timescales of the established National Planning Policy Framework process, with the shortlisted sites to the next stage. Realistically, the only other alternative appears to be to abort the current Gypsy, Traveller and Travelling Showpeople LDD and to seek Secretary of State consent to enable this one aspect of the Regeneration and Economic Development LDD to 'follow on' from the timetable and adoption of the Regeneration and Economic Development LDD. This could enable a current needs assessment to be carried out. It would enable more detailed consultation with the travelling community (given the inconsistency with national guidelines in responses to date). With the injection of a small one-off resource, a current comprehensive land availability analysis against the national guidelines and local consultation responses could be done irrespective of current ownership.
11. This approach is not without its risks. The government has signalled local planning authorities a number of times to how seriously it views LPAs' responsibilities in dealing with the issues of the provision of gypsy and Traveller accommodation. A local example is the suspension of Hartlepool's examination-in-public into its local plan to enable the Council to undertake a site selection exercise for gypsy and Traveller accommodation. Other examples of examinations-in-public being suspended relate to the London Borough of Havering and Leeds City Council Middlesbrough Council whose plan has recently been the subject of an examination-in-public have been advised that although their plan is not currently unsound they will need to undertake an early review of their Gypsy and Traveller accommodation assessment.
12. Currently the Council is working on the two final documents to complete the Borough's Local Development Framework; the Gypsies, Travellers and Travelling Showpeople LDD and the Regeneration & Environment LDD (R&ELDD). Whilst the first of these deals with only a single issue, the second deals with a range of issues: housing employment and transport allocations, policies dealing with the natural built and historic environments as well as giving guidance on sustainable development and the use of section 106 agreements. The R&ELDD is one stage ahead of the Gypsy and Traveller LDD in the plan preparation process and is heading towards the Publication consultation which is scheduled to start in December of this year. Past advice from the Planning Inspectorate was that the two documents could remain separate if a LPA was continuing to prepare its local plan in the format of a Local Development Framework (LDF) that is a folder of separate documents dealing with different issues. If a LPA decided to prepare a single local plan all issues must be dealt with within a single document. However this advice is some two years old and it is possible that a planning inspector may advise the Council that it needs to include its gypsy and Traveller site allocations within the R&ELDD. This could have two potential outcomes;
 - the inspector could direct a suspension of the examination-in-public for a specified period of time whilst the work to allocate appropriate sites is completed and consulted on;
 - the inspector could decide to find the plan unsound.
13. If the second option is what happens this would have serious repercussions for the R&ELDD. This document is delivering the strategic vision set out in the adopted Core

Strategy (2010) and the Core Strategy targeted review of the location of housing sites (2011). Thus it is implementing strategic policies which are now 4 years old and which were developed and found sound prior to the introduction of the National Planning Policy Framework (NPPF) in 2012. Whilst the Spatial Planning team undertook an exercise to determine that the Core Strategy policies remain in general conformity with the NPPF and therefore could continue to form a basis for the R&ELDD, the further the NPPF becomes embedded in the planning system the more out of date both the policies in the Core Strategy and the evidence underpinning them becomes and the greater the risk that a planning inspector will find the R&ELDD unsound. In these circumstances the Council will have to begin its plan preparation process again and this will require the Council to start again with preparing its evidence base and considering various options for development. This will mean that the Borough is without a plan for a minimum of a further three to four years and that the development free-for-all which has occurred in the Borough since the introduction of the NPPF in 2012 will continue on for several more years. Thus the Council can expect further housing sites to come forward for planning permission, particularly in the south of the borough. In addition, the introduction of the Community Infrastructure Levy (CIL) would be significantly delayed.

14. In the absence of any specific sites any planning applications for gypsy and traveller pitches submitted to the Council would have to be determined in accordance with the criteria contained in Core Strategy policy CS9. However it cannot be ruled out that the failure of the Council to identify suitable alternative sites may result in the Council being forced to accept pitches in locations which do not conform with this policy and are in locations it would wish to deter such accommodation
15. The Council has recently refused three applications relating to Gypsy and Traveller accommodation within the Borough, for reasons relating primarily to the unsustainable nature of the sites and the impacts upon the character of the countryside. These applications related to the creation of a new pitch on land between Thorpe Thewles and Carlton (14/0264/FUL) and the removal of a condition restricting the use of an existing site to a specific individual (13/2588/VARY) and the creation of an additional pitch (14/0193/FUL), both at Highbridge Paddock, Uray Nook Road, Eaglescliffe. Appeals for the two applications for Highbridge Paddock are to be considered by the Planning Inspectorate at an appeal hearing in August.
16. In general, the Council does not have significant problems with unauthorised gypsy encampments and does not spend significant sums on legal action against such sites. In fact, in recent years, there has been a declining trend in unauthorised encampments in the borough, due in part to the Community Protection Team's robust and prompt approach to dealing with them.

FINANCIAL IMPLICATIONS

The issues contained in this report would be dealt with under normal budgetary provisions.

LEGAL IMPLICATIONS

The issues discussed in this report relate to duties placed on the Council by:

The Housing Act 2004

Planning Policies for Travellers 2012

The National Planning Policy Framework.

RISK ASSESSMENT

“This report on the identification of potential sites for gypsy and traveller accommodation is 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 matters contained in this report support the delivery of the Sustainable Community Strategy in that they seek to support stronger and safer communities and support the development of healthier communities and adults, to support children and young people, older adults, economic regeneration, the environment and housing by identifying safe, attractive, sustainable sites to accommodate the residential needs of Gypsy and traveller communities.

EQUALITIES IMPACT ASSESSMENT

- This report is not subject to an Equality Impact Assessment.

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CONSULTATION INCLUDING WARD/COUNCILLORS

None.

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Education related? No

Background Papers

The Housing Act 2004

Planning Policies for Travellers 2012

The National Planning Policy Framework.

Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft February 2014.

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

Ward(s) and Ward Councillors: **N/A**

Property The report refers to sites which currently form part of the Councils land portfolio which may need to be disposed of to implement the relevant planning policy in due course.

APPENDIX 1

SUMMARY OF ISSUES RAISED DURING THE GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE SITE ALLOCATION LOCAL DEVELOPMENT DOCUMENT CONSULTATION

1. Public consultation on the Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document began on 3 February 2014 and closed on 17 March 2014. The main issues raised within the responses received are summarised below.

SITE SPECIFIC COMMENTS

Land to the Rear of Roddmere, Yarm Back Lane

2. The main reasons for the support of the site were due to it being further away from residential properties than the other proposed sites and because it could take all of the required pitches, has potential for future expansion and would not cause the loss of open space.
3. The main reasons given for objection are as follows:
 - Traffic congestion / highway safety on Yarm Back Lane
 - Decline in local house prices
 - Fear of anti-social behaviour/crime
 - Drainage issues
 - Damage to landscape and impact on wildlife
 - Unsustainable location
 - Relies on future potential delivery of adjacent housing development and is not suitable now.

Land on Frederick Street

4. The main reason given for the support of the site was its proximity to the Town Centre and existing amenities.
5. The main reasons given for objection to the site include the following:
 - Loss of well used open space
 - Fear of anti-social behaviour/crime
 - Decline in local house prices
 - Traffic congestion
 - Litter and noise
 - Too close to residential properties
 - Impact on Town Centre regeneration

Land between Bowesfield Crescent and the River Tees

6. The reasons given for supporting the allocation of the site were primarily that it was near the existing site, could accommodate all of the required pitches and has potential for future expansion, it would have less impact on residential areas than other sites and is near to existing services.

7. The main reasons for objection include:

- Too close to the A66/pumping station to be an acceptable place to live
- Disproportionate impact on the area due to its proximity to the existing site.
- Decline in house prices
- Loss of green space
- The site is close to the River Tees and would impact on users of the Teesdale Way and the Tees Heritage Park.
- Would create a poor impression of the area and undermine regeneration.
- Negative impact upon the security and marketability of business properties and the ability of the businesses to attract clients and staff.

Land on Mill Lane, Billingham

8. The main reasons given for supporting the allocation of this site were that it could support 11 pitches and was near to existing infrastructure.

9. The main reasons for objection include:

- Loss of well used open space
- Decline in house prices
- Fear of anti-social behaviour/crime
- Increased traffic and noise
- Impact on local infrastructure
- Too close to residential properties

10. Northumbrian Water have identified the location of combined sewer infrastructure under part of the site. No objections to the development have been raised at this stage although there may be a need to reduce the potential site area.

Land on Eltham Crescent, Thornaby

11. The main reasons given for supporting the allocation of this site were that it is close to existing infrastructure and amenities and could have a low cost to develop.

12. The main reasons for objection include:

- Too close to schools and a care home
- Loss of well used open space
- Decline in house prices
- Fear of anti-social behaviour / crime
- Too close to residential properties
- Increased traffic
- Litter and noise
- Too many pitches in Thornaby

13. One objection was received from Horizons Specialist Academy Trust, which is responsible for Westlands School. This related to potential for disruption to the routine of vulnerable pupils and also the potential for the future residents of any site to be targeted by some of the more challenging pupils, due to the site's location in proximity to a playground area.

Land between the River Tees and Thornaby

14. The main reasons given for supporting the site were that it was near to the existing Bowesfield site, has existing infrastructure and facilities, is within Council ownership and could have a low cost to develop.
15. The main reasons for objections include:
 - Loss of open space and green corridor
 - Decline in house prices
 - Fear of anti-social behaviour / crime
 - Too close to residential properties and allotments.
 - Impact on wildlife/landscape
 - Is located within the Tees Heritage Park.
 - Increased traffic
 - Too many pitches in Thornaby

PREFERENCE FOR LARGE OR SMALL SITES

16. The LDD outlines the Council's preferred option of allocating one site of 15 pitches and a number of smaller sites for the remaining need of 11 pitches, if suitable sites are available. The consultation asked whether there was agreement for this approach.
17. 102 responses were received to this question and only 21 agreed with this approach. Many of the objections to this approach were given without reason or were made because the objector was against the allocation of any pitch. Where another approach was suggested, 19 stated that they preferred one or two large sites to reduce the number of areas impacted upon and 15 stated that they would prefer all sites to be smaller to reduce the impact that each had on their surrounding areas.

CONSULTATION WITH GYPSIES AND TRAVELLERS

18. A consultation strategy was developed in association with officers from the Communications and Policy, Improvement and Engagement teams. This identified that further steps would be required to engage members of the Gypsy and Traveller communities in the consultation.
19. Four drop in events were held in the community building of the Council owned Mount Pleasant Grange site, which were also attended by the Senior Cohesion and Diversity Officer and the Gypsy and Traveller Community Liaison Officer based in education. Some residents provided feedback on the proposals and this is outlined below. However, attendance was poor and many residents on the site refused to engage in the consultation citing issues on the existing site and past failures of the Council to respond as their reasons.
20. In addition to the contact made with the residents of the existing Council owned site, the Community Liaison Officer has also been making contact with members of the community living in bricks and mortar housing to inform of the consultation and provide questionnaires.
21. 5 questionnaires have been completed from 5 individuals and a Parent Group at Port Clarence.
22. Discussion at the drop in events and the responses received in the questionnaires indicate that there would not be support for a site close to existing residential properties, due to the potential for abuse from the existing community, or near the River Tees because of the risk to children.

23. One resident stated that the proposed nearby site at Bowesfield Crescent would not be supported as this would lead to a lot of movement of people, especially children, between the two sites. Another stated that the River Tees/Thornaby Road site would not be supported as it is too close to allotments and Travellers would be blamed for any theft from or damage to the allotments.
24. In general, support was given for Land to the Rear of Roddmere, Yarm Back Lane, due to its more isolated location and because it could provide a large site. All responses supported the provision of a single large site rather than small sites of less than 15. This is a change from the preference reported in the Tees Valley Gypsy and Traveller Accommodation Needs Assessment, 2009, where the majority of respondents preferred sites of 10-12 pitches.

OTHER CONSULTEES

25. Responses have also been received from other organisations, such as the Marine Management Organisation, The Environment and Highways Agencies and English Heritage. A number of comments need consideration but none of the responses raised any significant issues with the draft document.