

Stockton on Tees Borough Council

General Exception– Proposed Key Decision

Notice is hereby given that, on 17 July 2014, Cabinet proposes to make the following key decision in accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This key decision is not included in the statutory forward plan published on 18 June 2014.

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.

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

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 identifying 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.
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 Uraly 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, Urlay 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.

DOCUMENTS TO BE CONSIDERED BY CABINET

- 17 The report and appendix to be considered by Cabinet will be available from Stockton on Tees Borough Council, Municipal Buildings, Church Road, Stockton, TS18 1LD from Wednesday 9 July 2014 and via the Council's website from that date. If you have any queries relating to receiving/viewing the documents please contact Peter Bell on 01642 526188 or e mail peter.bell@stockton.gov.uk

PROPOSED DECISION

18. Cabinet will be asked to recommend to Council that it:
1. notes the outcomes of the consultation on the Gypsy, Traveller and Travelling Showpeople LDD Regulation 18 Consultation.
 2. considers a favoured course of action in relation to both the Gypsy, Traveller and Travelling Showpeople LDD and Regeneration and Economic Development LDD.

The courses of action highlighted to Cabinet are referred to in paragraph 10, above

REASONS FOR URGENCY

19. The Forward Plan containing those key decisions Cabinet intend taking at its meeting to be held on 17 July 2014 did not detail this matter for consideration at that meeting.
20. Following the end of the consultation exercise for the LDD there was a period of collation and analysis of the responses, ahead of planned reporting to Cabinet and Council in September. The withdrawal of one of the potential sites, in recent weeks, has resulted in the need to reassess the position and advise and seek the views of Cabinet and Council.
21. After the July cycle of meetings for Cabinet and Council there are no further meetings until September 2014. It is considered important that Cabinet and Council's favoured course of action is determined as soon as possible, so that a decision can be implemented without delay. It is therefore considered that it is not practicable to include this decision in the Council's Forward Plan (acting as the document described in regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012