

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council 22 March 2007
AUTHOR/S: Corporate Manager for Planning and Sustainable Communities /
Executive Director

GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT (GTDPD)

Purpose

1. To seek Member approval for the 'three tier scoring matrix' to be used in the next stage of the Issues and Options process of the Gypsy and Traveller DPD, to agree revisions to the plan preparation timetable, and to agree the approach for Member involvement in the future development of the plan.

Executive Summary

2. Following Council (22 February), it has been identified that the recommendation agreed by Council did not formally delegate authority to the portfolio holder to agree changes to the 'three tier scoring matrix' (appendix 4 of the 22nd February report), although this had been the intention and understanding of Members. Advice by the Principal Solicitor was that this should be rectified through the next Council meeting, and this report seeks approval of a revised 'three tier scoring matrix'.
3. At the GTDPD Member Reference Group it was noted that the timetable for production of the document would need to be revised in order to reflect resources available, and the need to avoid consultations that rely on time within the summer break. An updated timetable has now been prepared, and Members are now asked to note this timetable.
4. This report also reviews the plan preparation process and member involvement, and proposes a return to special council meetings to take forward decisions on the DPD.

Background

5. The GTDPD, as part of the Council's new Local Development Framework, will provide a vision for the future of Gypsies and Travellers in South Cambridgeshire and will set out policies and proposals as they relate to planning for Gypsies and Travellers in the District up to 2016. The Issues and Options 1 Report indicated that the plan period would be to 2021, but on reflection the period should be consistent with the current adopted RPG6 and the South Cambridgeshire Core Strategy adopted January 2007 which both cover the period to 2016.
6. The GTDPD will also identify a number of sites for Traveller and Gypsy settlements to meet demand up to 2010, taking into consideration the recent *Cambridge Sub-Region Traveller Needs Assessment*, which identified a need for 110 to 130 pitches in South Cambridgeshire between 2005 and 2010. It will then be reviewed to take account of the Regional Spatial Strategy (RSS) review, which will identify the number of pitches required in the district to 2021.
7. The purpose of the GTDPD is not only to provide sites for Gypsies and Travellers to meet identified current and future housing needs, but also to set out a robust strategy for addressing the problem of illegal encampments in the District. The GTDPD will

address the full range of land use and planning issues that need to be taken into account in bringing forward Gypsy and Traveller sites over the plan period, including how they relate to the settled community.

8. The Issues and Options Report 1: General Approach was the first stage in the production of the GTDPD. Representations on report were invited during a six-week period running from 13 October 2006 to 24 November 2006. Public participation involved a display in reception at South Cambs Hall, an inter-active website, articles in the South Cambs Magazine delivered to all households in the District, copies of the reports being made available at the Council's offices and at public libraries and local access points and interviews with the Leader on the Travellers radio station "Rokker Radio". Copies of the Reports were also sent to key organisations such as statutory bodies including Parish Councils. During the consultation period 1150 representations were received.

Decisions of Council 22nd February 2007

9. At the Council meeting on 22 February Members considered the responses received during the Issues And Options Stage 1 consultation, together with a schedule of responses to those individual representations, and a schedule of resulting actions. Members agreed the following recommendations:
 - (a) The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 of the 22nd February agenda.
 - (b) The list of Preferred Options at Appendix 2 of the 22nd February agenda.
 - (c) The actions put forward in Appendix 1 (of the 22nd February agenda) and summarised in Appendix 2 (of the 22nd February agenda).
 - (d) The three-tier scoring matrix at Appendix 4 of the 22nd February agenda.
 - (e) Authority be delegated to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the responses as set out in Appendices 1 and 3 (of the 22nd February agenda) with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.
10. Following Council (22 February), it has been identified that the recommendation agreed by Council did not formally delegate authority to the portfolio holder to agree changes to the 'three tier scoring matrix' (appendix 4 of the 22nd February report), although this had been the intention and understanding of Members. Advice by the Principal Solicitor was that this should be rectified through the next Council meeting. As such, and in the light of Members' comments received through email correspondence, the revised scoring matrix is included at Appendix 1 for formal Council agreement.
11. Following Council on 22 February, all Members have been consulted on two draft 'three tier scoring matrices' and comments/responses are attached at Appendix 2 for information. The resulting final 'three tier scoring matrix' is attached as Appendix 1, and is recommended for approval. It should be noted that this 'three tier scoring matrix' reflects the decisions on the options made by the Council at the previous meeting. Details of which option the individual criteria developed from are provided in the table.

12. Members should also note that the decisions already taken have allowed work on the GTDPD to continue, and the need for this additional report has not created any additional delay in the plan making process.

Timetable

13. At the GTDPD Member Reference Group it was noted that the timetable for production of the document would need to be revised in order to reflect resources available, and the need to avoid consultations that rely on time within the traditional summer break, which has in the past caused problems for some consultees. An updated timetable has now been prepared. A summary is provided below showing the delays with the full timetable available at Appendix 3. Members are now asked to note this revised timetable.
- (a) Approval of representation responses to the Issues and Options 1 Consultation and identification of Preferred Options (part of Regulation 25 - current stage) – February/March 2007
 - (b) Issues and Options 2 Consultation (part of Regulation 25) - September 2007 (*was June/July 2007*)
 - (c) Pre-Submission Draft GTDPD Public Participation (Regulation 26) – May/June 2008 (*was February/March 2008*)
 - (d) Draft GTDPD submitted (Regulation 28) – November/December 2008 (*was August/September 2008*)
 - (e) Objection Sites Consultation (Regulation 32) – January - March 2009 (*was October – November 2008*)
 - (f) Public Examination – June/July 2009 (*was March 2009*)
 - (g) Inspectors Report - September 2009 (*was June 2009*)
 - (h) Adoption - October 2009 (*was July 2009*)

Plan Making Decision Process

14. The process for agreeing the GTDPD was a matter of concern at the last Council meeting. In order to progress and ensure the decision making process is transparent, efficient and unlikely to be challenged, discussions have taken place regarding the future process for this document.
15. There are three main options:
- (a) Continue as before with special meetings of Council;
 - (b) Continue as now with a two-stage process whereby matters of detail are debated in a member reference group, which makes recommendations to Council.
 - (c) Enable the Portfolio Holder to take all decisions on the document up to the decision to submit to the Secretary of State.
16. Option (b) requires 2 meetings to make a decision and, if not managed effectively, will add time to the plan-making process, which will be taken up by servicing meetings rather than by plan making. The Government will not change its targets for the time for plan making and as a consequence we will spend more time on process and less time on plan making with an inevitable reduction in the quality of the product.
17. There is also more opportunity for delay if Council does not accept the recommendations of its member reference groups - as happened in July 2004 when Council requested further work on the Northstowe Area Action Plan and suspended the meetings of the Northstowe Member Reference Group to take charges of this DPD.

18. Option (c) is employed by and works for other Councils. The expectation is that because Portfolio Holder Decisions are subject to Scrutiny, by the time of Council's decision to submit to the SOS the Council would agree with the approach. However, that cannot be guaranteed and as such there are risks associated with this option.
19. Option (a) is the same process which was used for previous LDF documents, involving special Council meetings held to discuss the document in open session with participation invited from all Members. To take this document forward using this approach it is anticipated that four such meetings would be required over the next two years.
20. The advantage of this approach is that decisions are taken at each stage in the process at a single meeting and decisions are final as they are decisions of Council. Given the pressure from Government to produce DPD's quickly this may be seen as the most efficient method, allowing more time to be spent on plan-making and less time to be spent on process. It is also the least risky as Council makes decisions as it goes along and it also builds ownership.
21. To continue with the current two-stage process whereby the document is first considered by the Member Reference Group and then sent onto Council is considered to be less efficient (requiring more officer resource) and allows more opportunity for delay. It is therefore proposed that the MRG is disbanded.
22. It is recommended that option (a) be taken forward at this stage. There is a commitment to undertake a detailed review of the Council's decision-making structures as part of the response to the recent CGI report. The process for developing the Local Development Framework will be considered as part of this exercise, during which the advantages and drawbacks of the favoured option will be investigated in detail along with potential new ways of working. It is therefore recommended that the option chosen should be subject to further consideration following the review of process.

Implications

23.	Financial	<p>Cabinet on 12 January 2006 agreed to fund the production of the GTDPD, taking funds from the Travellers budget.</p> <p>In terms of process the cost of printing the Agenda and papers for Special Full Council meetings is around £500 per meeting. This does not include the costs of colour printing, binding or associated costs such as refreshments. The cost of producing similar papers for consideration by the Member Reference Group is lower, however there remain resource implications arising from the need to administer these meetings.</p>
	Legal	<p>The GTDPD will become a statutory Development Plan Document and therefore a very significant material planning consideration in determining planning applications. Advice from external Counsel is also being sought throughout the production of the GTDPD in order to reduce the risk of any successful challenges later in the adoption process.</p>

Staffing	<p>The corporate projects officer is managing the production of the GTDPD with assistance from Planning Policy.</p> <p>The requirement to arrange and administer four additional Special Meetings of Council over the next two years will have staffing implications for officers in Democratic Services, Planning Policy and Facilities.</p>
Risk Management	<p>The preparation of the GTDPD adds to an already very heavy workload in Planning Policy and for the corporate projects officer. To delay or withdraw would risk planning applications being submitted without adequate planning policy guidance and framework in place and call into question earlier enforcement action, which has in part been supported by the positive approach the Council, has taken to planning for Travellers.</p>
Equal Opportunities	<p>In line with statutory duties under the Race Relations Acts and Disability Discrimination Acts, this Council's operates both a Race Equality Scheme and a Disability Equality Scheme (the latter considered by the Council on 23 November 2006). Travellers represent the biggest ethnic minority in the district (1% of the population) and suffer disproportionately high levels of ill-health and disability.</p> <ul style="list-style-type: none"> a) The Council is committed to treating everyone fairly and justly, whatever their race or background. b) The Scheme gives priority to actions relating to Travellers as the biggest ethnic minority in the district (around 1.0% of the district's population). c) Planning is identified as being amongst the services most relevant to promoting race equality.

Consultations

24. The Issues and Options report 1 has been subject to extensive public consultation. Senior Management Team, the Principal Solicitor, Democratic Services Manager, Leader, Deputy Leader and Planning Portfolio Holder have also been consulted on the issue of Special Council meetings.

Effect on Annual Priorities and Corporate Objectives

25.	<p>Affordable Homes</p> <p>Customer Service</p> <p>Northstowe and other growth areas</p> <p>Quality, Accessible Services</p> <p>Village Life</p> <p>Sustainability</p> <p>Partnership</p>	<p>The need to address Gypsy and Traveller issues has implications for all three Council priorities and all four corporate objectives. This is also reflected in the Council's policy on Traveller issues, agreed July 2004. The production of the GTDPD is central to identifying how and where Gypsy and Travellers' housing needs can be met. The document will look at public/private provision of sites, location, relationship to settlements and effects on neighbouring uses amongst other issues. Both Issues and Options reports and the Draft GTDPD are subject to a Sustainability Appraisal and Strategic Environment Assessment to ensure their compliance with these issues.</p>
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Recommendations

26. Council is recommended to:
- (a) Note the comments from Members and the officer responses to them at Appendix 2.

- (b) Approve the 'three tier scoring matrix' at Appendix 1 for use in the site search phase of the GTDPD Issues and Options process
- (c) Delegate authority to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the 'three tier scoring matrix', with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.
- (d) Agree to hold Special Council meetings at future stages of the GTDPD in order to discuss the development of the GTDPD therefore disbanding the GTDPD Member Reference Group, subject to this process being reviewed following the wider review of decision-making structures in response to the Corporate Governance Inspection of the Council.

Background Papers: the following background papers were used in the preparation of this report:

- Council Agenda 22nd February 2007
- Report on Issues and Options Report 1 Consultation – CDN Planning Ltd
- Gypsy and Traveller Development Plan Document – Issues and Options Report 1: General Approach
- Gypsy and Traveller Development Plan Document – Issues and Options Report 1: General Approach – Sustainability Appraisal
- Representations received in response to the above documents

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