

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: New Communities Portfolio Holder

14th December 2010

AUTHOR/S: Executive Director / Corporate Manager Planning and New Communities

GYPHY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT ISSUES AND OPTIONS 2 – RESULTS OF THE CONSULTATION AND NEXT STEPS

Purpose

1. The purpose of this report is to consider the results of the consultation on the Gypsy and Traveller Development Plan Document Issues and Options 2 - Site Options and Policies, and its supporting documents. The expectation by this time was that the Government would have published the draft Localism Bill, and provided the promised new guidance regarding planning for Gypsy and Traveller accommodation. This has not been the case. Therefore the report is focused on identifying which sites are no longer site options as a result of issues raised in the consultation, and to outline the next steps in the plan making process.
2. This is a key decision because:
 - it is likely to be significant in terms of its effects on communities living or working in an area of the district comprising all wards.
 - it raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework.It was first published in the November 2009 Forward Plan.

Recommendations

- (a) That the Portfolio Holder **NOTES** the representations received during the Issues and Options 2 consultation in appendix 1.
- (b) That the responses and recommendations in appendix 2 **BE AGREED**. The recommendations in appendix 2 are:
 - Recommendation 1: Review the approach to the Gypsy and Traveller DPD in 2011 when the new Needs Assessment has been completed and further information regarding government policy, in particular the Localism Bill and the new guidance regarding planning for Gypsy and Traveller Accommodation, is available.
 - Recommendation 2: Review the Vision and Objectives in light of the approach to the development plan following changes to government policy having regard to relevant issues raised during the consultation.
 - Recommendation 3: Provision at major developments could be public or private, determined at the time of delivery and taking account of needs at the time. A Site Delivery Strategy will be prepared to explore innovative methods of site delivery, funding and management.

- Recommendation 4: Review the criteria based policy on major developments following changes to government policy having regard to relevant issues raised during the consultation.
 - Recommendation 5: Major developments should be required to provide a specific number of pitches through the GTDPD, with flexibility on how that number is provided left to masterplanning of the development.
 - Recommendation 6: Delivery of sites should be phased so that key services and facilities at the major development are available before Gypsy and Traveller pitches are occupied.
 - Recommendation 7: Prepare local guidance on design of Gypsy and Traveller sites, including site size, and consult on it at the next opportunity, including consultation with Gypsies and Travellers.
 - Recommendation 10: The following sites are no longer site options:
 - Site 5: University site - Land between Madingley Road and Huntingdon Road Cambridge)
 - Site 7: Cambourne (in association with a major development proposal)
 - Site 18: Land at Spring Lane, Bassingbourn
 - Site 21: Blackwell (Transit Site)
 - Recommendation 9: Commission further assessment of the potential noise impacts of train stabling and the proposed new railway station at Chesterton Sidings on the Chesterton Fen Road area.
 - Recommendation 10: Sites suggested through the consultation by, or with the support of, landowners, are subject to public consultation at the next stage of the plan making process, identifying whether they are proposed as site options or rejected.
 - Recommendation 11: If sites are allocated in the Green Belt under exceptional circumstances, they should remain in the Green Belt, including the area west of Chesterton Fen Road if sites are allocated in this area.
 - Recommendation 12: Policy CNF6 from the Local Plan 2004 should not be included within the Gypsy and Traveller Development Plan Document and will be superseded by it.
 - Recommendation 13: Review the draft policies for windfall development and site design in light of anticipated new government guidance.
 - Recommendation 14: Utilise the monitoring indicators currently included in the Annual Monitoring Report to monitor the performance of the Gypsy and Traveller DPD. Add information regarding unauthorised encampments in the district during the year as a whole rather than purely on the two specific dates of the caravan count.
- (c) That the Portfolio Holder **AGREES** that a further report be brought to him on the next steps once changes in the national planning policy framework for plan making and for Gypsies and Travellers are known.

Reasons for Recommendations

3. The reasons for the recommendations are provided in appendix 2, which explores the issues raised in representations.

Background

4. In response to Government guidance and to ensure that the accommodation needs of all its residents can be met, the Council commenced production of a Gypsy and Traveller Development Plan Document (GTDPD) in 2006. This will identify a number of specific sites to be allocated for development as Gypsy and Traveller or Travelling Showpeople sites, and provide planning policies for the consideration of planning applications.
5. The public consultation process began in October 2006 when the 'Issues and Options Report 1: General Approach' was subject to consultation. This sought feedback on the criteria the Council could use for identifying new sites. The Council considered all the representations, and developed a set of criteria to test potential new sites. These were then used to test a series of sites, to identify potential options for allocation in the plan.

The Consultation Process

6. The GTDPD Issues and Options 2 consultation took place between July and October 2009. The consultation sought views on potential site options for Gypsy and Traveller pitches and Travelling Showpeople plots in the district. It also sought views on planning policies that could become part of the Council's Local Development Framework that will provide a planning policy context for making decisions on planning applications for Gypsy and Traveller sites on both allocated and other land.
7. A large public consultation exercise was undertaken, including a series of exhibitions around the district where officers were available to discuss the issues. A significant number of representations have been received and it has taken longer than anticipated to register and consider the issues raised. 3,795 representations were received from 714 people and organisations. Of these 3,114 (82%) were objections, 266 (7%) were support and 415 (11%) were comments. In addition a petition signed by 1,111 people was submitted objecting to the site option of Spring Lane Bassingbourn.
8. A small proportion of those making representations included material that the Council cannot lawfully publish and which cannot influence its decisions. The Council is specifically prohibited by law from publishing any comments, statements or information that contravene the terms of the Race Relations (Amendment) Act 2000 and The Local Government (Access to Information) Act 1985. We are also unable to have regard to or give weight to them in Council decisions. In most cases representors submitted other comments that could be considered and these have been included as representations. Only 12 respondents comments were rejected outright. When informed in writing that some of their comments could not be accepted, 9 people decided to withdraw their representations.
9. Appendix 1 of this report provides summaries of all the representations received. Representations can also be viewed on the Council's website.

Changes to Government Policy and the Future of the Gypsy and Traveller DPD

10. The Gypsy and Traveller DPD had been aiming to meet the target for new Gypsy and Traveller pitches in South Cambs required by the East of England Plan. The Council will now need to consider the way forward in light of changing government policy, and announcements regarding the future revocation of regional plans. In addition new guidance is anticipated which will replace Planning Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
11. The Government has advised that local authorities will be responsible for determining the level of provision in their areas, reflecting local need and historic demand using Gypsy and Traveller Accommodation Assessments as a starting point.
12. These changes have significant implications for the Gypsy and Traveller DPD, particularly given the high level of need identified in the district, and the uncertainty created has led to a slowdown in the plan making process while we take stock, although work has continued to bring the consultation to a conclusion and provide as much clarity on the Council's position as possible while we consider the next steps.
13. The Localism Bill, and Government guidance regarding provision of Gypsy and Traveller sites, were anticipated prior to this meeting. However, publication of the Localism Bill was delayed by the Government, and the new 'light-touch' guidance has not been forthcoming. The revocation of Regional Plan (East of England Plan) has been successfully challenged in the High Court, but the government has confirmed its intention to formalise the revocation in due course. Whilst the loss of the regional plans was previously identified as being a material planning consideration, this has also been successfully challenged in the courts.
14. In light of the uncertainty, officers are unable to provide definitive advice on the way forward for the Gypsy and Traveller Development Plan Document, and some of the issues subject to consultation in 2009. However, the report is being brought forward at this time to provide clarity where it is possible, particularly with regard to site options identified where, having regard to representations received, there were clear reasons why they should be rejected.

Responding to Representations

15. Appendix 2 provides recommended responses to the issues raised in representations, regarding issues that can be resolved at the current time. It is provided in the form of a document dealing with issues and sites in turn. This enables the issues to be drawn together in a logical way to provide a comprehensive consideration of the issues raised and reach clear conclusions. The report is inevitably lengthy given the level of responses received. An Executive Summary is included that addresses the key issues and includes the recommendations made.
16. The issues and options report proposed 22 site options for consultation. The document considers the issues raised in representations, and recommends whether any specific site options should be ruled out at this stage as a result of issues raised which means that they are no longer considered to be suitable site options. It is recommended that three sites drop out at this stage. Site 5 University site - Land between Madingley Road and Huntingdon Road Cambridge, Site 7 Cambourne (in association with a major development proposal), and Site 18 Land at Spring Lane, Bassingbourn. It is also recommended that the existing Blackwell site (site 21) on the edge of Cambridge, is rejected as an option for a transit site, and remains a residential site.

17. In addition, it is proposed to carry out additional research to assess the noise impact of proposed reuse of the sidings and a new station on development on Chesterton Fen Road. This will help the assessments of sites at Chesterton Fen Road, where two site options were included in the Issues and Options 2 consultation.
18. A number of new sites were suggested in representations, either from landowners, or other parties as alternatives to site options they were objecting to. These have been subject to initial testing against the site assessment criteria to identify whether they warrant further assessment. Most of the sites fail against the assessment criteria, and are recommended as rejected sites. The report recommends two sites, at the A1198 Bassingbourn cum Kneesworth (former Sunday Market site) and Alwyn Park Caravan site, Over Road, Over, that are worthy of further exploration to identify whether suitable deliverable options could be developed. This will include discussions with the landowners, local parish councils and other key stakeholders and if they are found to be possible new site options, they will be subject to sustainability appraisal and public consultation at the next stage in the plan making process.
19. In addition to the site options, the document examines responses to the other policy issues raised in the representations. With regard to major developments, it recommends that the criteria based policy regarding the location of sites at major developments be reviewed in light of changing government guidance. It also recommends that sites must be appropriately phased so that key services and facilities are available to meet needs when sites are opened. The general planning policies proposed in the options report were guided by Circular 1/2006, and it will be necessary to examine the policies in light of new guidance when it becomes available. It is also recommended that further guidance is provided on the design of sites, and delivery mechanisms for Gypsy and Traveller sites.

Next Steps

20. Work is currently being undertaken by the County Council on a new Gypsy and Traveller Accommodation Needs Assessment, which will replace the current 2006 study. An additional stage in the plan making process is that the Council will now need to consider what level of local provision should be planned for in South Cambs, having regard to this new Gypsy and Traveller Accommodation Assessment that is currently in preparation. It will also need to consider how the plan is progressed in light of changes to the wider planning system anticipated in the government's Localism Bill.

Implications

21. Without the Gypsy and Traveller DPD, the Council is unable to demonstrate that it can make provision for all sections of the local community or how the needs identified in the East of England Plan and current Needs Assessment will be met. Inspectors can take into account the level of need and the availability of alternative provision when determining planning appeals. The Council does not have an existing planning policy tailored to the consideration of Gypsy and Traveller site applications. General policies of the local development framework and national guidance have to currently be applied.
22. A slowdown in the plan making process has particular implications for planning application decisions. There are 73 existing Gypsy and Traveller pitches that have been granted a temporary planning permission. This reflects circular 01/2006, and is justified where there is currently an unmet need, but where it is expected that the

planning circumstances will change in a particular way at the end of the period of the temporary permission. The preparation of the GTDPD has been considered such a circumstance. The permissions will now expire for a number of sites before the GTDPD can be completed, and also before a draft plan can be prepared.

23.	Financial	Financial resources will be required for the further stages of the GTDPD preparation process.
	Legal	The Council's Local Development Framework provides planning policies used in the consideration of planning applications. The GTDPD will include policies and land allocations in relation to Gypsy and Traveller and Travelling Showpeople provision.
	Staffing	Staff resources will be required to continue production on the plan document, particularly alongside delivery of other plans including the Core Strategy Review.
	Risk Management	As detailed above, a slowdown in the plan making process extends the period of time that the Council will not have planning policies in place to address Gypsy and Traveller and Travelling Showpeople sites.
	Equality and Diversity	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. Travellers represent the biggest ethnic minority in the district (1% of the population) and suffer disproportionately high levels of ill-health and disability. <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). Planning is identified as being amongst the services most relevant to promoting race equality.
	Equality Impact Assessment completed	Yes An EqIA was carried out on the Issues and Options 2 Report, and published for consultation as a supporting document. Future Plan documents will also be subject to EqIA.
	Climate Change	The Report considers the relative sustainability of site options.

Consultations

24. A number of officers and external bodies have contributed to technical sections of the Response to Consultation document.

Effect on Strategic Aims

25. The Consultation has enabled a significant level of feedback to be provided to the Council on options and policies for the Development Plan Document. Production of the Gypsy and Traveller Development Plan Document will contribute to delivery of sites to meet housing needs, contributing to the aim of Making South Cambridgeshire a Place in which Residents can Feel Proud to Live.

Summary

26. Changes in government policy has led to a slowdown in the Gypsy and Traveller DPD plan making process while we take stock, although work has continued to bring the consultation to a conclusion and provide as much clarity on the Council's position as possible while we consider the next steps. The Response to Consultation document in appendix 2 provides recommendations responding to the issues raised in representations where this is possible in the absence of the Localism Bill and New Government Guidance.

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

Gypsy and Traveller DPD Issues and Options 2 Site Options and Policies
Gypsy and Traveller DPD Issues and Options 2 Technical Annex
Sustainability Appraisal
Habitats Directive Assessment
Equality Impact Assessment

Documents can be viewed here:

www.scambs.gov.uk/ldf/gtdpd

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