

 <b>COUNCIL</b> <b>13 August 2014</b>		<b>Agenda Item No.</b> <b>13</b>
<b>Title</b>	Draft Development Plan Document (DPD) for the Allocation of Sites for Gypsies and Travellers	
<b>For further information about this report please contact</b>	Lorna Coldicott (Senior Planner, Planning Policy)	
<b>Wards of the District directly affected</b>	Development Services	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	All	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Minute no. 135 – Executive 12/02/14 Minute no. 103 – Council 26/02/14 Minute no. 158 – Executive 03/03/14	
<b>Background Papers</b>	Report to 12 February 2014, Council 26 February 2014, Executive 03 March 2014	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality and Sustainability Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	01.08.14	Chris Elliott Bill Hunt
Head of Service	01.08.14	Tracy Darke
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer/Legal	05.08.14	Ian Marriott
Finance		N/A
Portfolio Holder(s)	01.08.14	Cllr Les Caborn
<b>Consultation &amp; Community Engagement</b>		
<p>Consultation has taken place with Executive Members and Group Leaders.</p> <p>Previously there have been two public consultations regarding the provision of Gypsy and Travellers sites one in the summer of 2013 and one in early 2014</p>		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

### 1.1 This report seeks:

- to inform members of the outcome of the Preferred Options for Sites for Gypsies and Travellers consultation and the next steps required to enable the submission of the Development Plan Document (DPD) to the Secretary of State
- Approval to carry out a public consultation for the Draft Development Plan Document (DPD) for the Allocation of Sites for Gypsies and Travellers

## 2. **RECOMMENDATION**

2.1 That Executive agrees that the consultation on the potential for employment development on land at Stratford Road, Warwick agreed by the Executive at its meeting on 30<sup>th</sup> July 2014, be amended to refer to the wider area of land as shown in Appendix A of Appendix 2.

2.2 The Council is recommended to resolve as follows:

2.2.1 That Council notes the Report of Public Consultation on the Preferred Options for Sites for Gypsies and Travellers (Appendix 1) and the updated site assessments (Appendix 3).

2.2.2 That the Draft Development Plan the Allocation of Sites for Gypsies and Travellers (Appendix 2) and the amendments to the Policies Map (Appendix A of Appendix 2) are approved for publication under Regulation 19 of the Town and Country Planning Regulations 2012.

2.2.3 That the Draft Development Plan, amended policies map and sustainability appraisal be open to representations for a period of six weeks, to coincide with the Local Plan consultation on the potential for development at Stratford Road, Warwick. The consultation will be undertaken in accordance with a Statement of Representations Procedure to be made available in accordance with regulation 19 of the Town and Country Planning Regulations 2012

2.2.4 That approval of the Statement of Representations Procedure and publication of the sustainability appraisal is delegated to the Chief Executive in conjunction with the Deputy Leader of the Council.

2.2.5 That Council delegates authority to the Chief Executive, following the six week consultation period, acting in consultation with Group Leaders and the Deputy Leader, to submit the Draft Development Plan and amended Policies Map for independent examination, together with a table of any proposed modifications, provided that only minor, non-material modifications are to be proposed.

2.2.6 In the event that it is considered desirable to propose material modifications, that Council delegates authority to the Executive to approve the submission of the Draft Development Plan Document for independent examination, together with a table of proposed modifications including material modifications, provided that such modifications do not require further statutory consultation.

2.2.7 That delegated authority is granted to the Head of Development Services, in consultation with the Deputy Leader of the Council, to make any necessary non-material amendments to the Development Plan before the commencement of the consultation.

### 3. REASONS FOR THE RECOMMENDATION

- 3.1 The Allocation of Sites for Gypsies and Travellers Development Plan puts forward sites to be allocated through the Local Plan process, for the use of Gypsies and Travellers to satisfy a need identified in the Gypsy and Traveller Accommodation Assessment (GTAA) 2012 and fulfil the Council's responsibility under the National Planning Policy Framework (NPPF) 2012 and the Housing Act 2004 to meet the accommodation needs of the population within its area
- 3.2 The Town and Country Planning Regulations 2012 require that Development Plan Documents (DPD) proceed through a number of key stages. This report brings to an end the preparation stages as set out in Regulation 18 of the 2012 Regulations and commences the 'publication' stage of the DPD as set out in Regulation 19
- 3.3 Following approval for publication, Regulation 20 of the Town and Country Planning Regulations requires that the Draft DPD and Sustainability Appraisal are open to representations for a period of six weeks. The Regulations require that the following documents are published alongside the Draft DPD:
- The Sustainability Appraisal report which is available on the Council's website;
  - A Statement setting out-
    - (i) Which bodies and persons were invited to make representations under regulation 18;
    - (ii) How these bodies and persons were invited to make such representations;
    - (iii) A summary of the main issues raised by those representations;
    - (iv) How those main issues have been addressed in the DPD and such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the DPD; and,
  - A 'Statement of the Representations Procedure' specifying:-
    - (a) The title of the DPD which the local planning authority propose to submit to the Secretary of State;
    - (b) The subject matter of, and the area covered by, the DPD
    - (c) The date by which representations about the DPD must be received with the Local Planning Authority, which must be not less than 6 weeks from the day on which the Statement is published;
    - (d) The address to which representations about the DPD must be made;
    - (e) That representations may be made in writing or by way of electronic communications; and,
    - (f) That representations may be accompanied by a request to be notified at a specified address of any of the following:-
      - (i) The submission of the DOPD for Independent Examination under Section 20 of the Act;
      - (ii) The publication of the recommendations of the person appointed to carry out an independent examination of the DPD under Section 20 of the Act; and,
      - (iii) The adoption of the DPD.
- 3.4 One of the proposals is to accommodate a Gypsy and Traveller site on land off Stratford Road Warwick. The Executive at its meeting on 30<sup>th</sup> July 2014 has already agreed to undertake a consultation on the possible inclusion within the Local Plan, of this land for employment purposes. In discussing this possibility with the other 2 principal landowners, it became clear that the site appraisal for

both employment and for a gypsy and traveller site needs to refer to a wider area of land than had been agreed by the Executive. Consequently two things arise: that the consultation on the release of land for employment purposes needs to extend to the wider area of land shown in Appendix A of Appendix 2 (which is a decision of the Executive); and the public consultation on the employment land and the Draft Development Plan for Gypsy and Traveller sites need to be run concurrently in order to avoid confusing the public. At present it is not possible to be absolutely certain when the 6 week consultation will take place as it is dependent on a number of unknown factors regarding the assessment, however it is hoped that the consultation could commence during the last week of August.

3.5 With regard to the preparation of the publication documents, the proposal is as follows:

Draft DPD: to be published as shown in Appendix 2 subject to any amendments agreed by Council.

Sustainability Appraisal Report: the sustainability appraisal process has informed the preparation of the DPD. The report has been published on the Council's website.

Report of Public Consultation: the statement required to report on public consultations undertaken during the Regulation 18 preparation stage of the DPD will comprise:

- The report of public consultation shown in Appendix 1 of this report;
- The report of public consultation for the 'Issues and Options' stage of the DPD as reported to Executive on 12th February 2014.

3.6 A Statement of Representations Procedure must be prepared prior to the commencement of the period during which the publication documents are open to representations. It is proposed that the authority to finalise and approve this statement is delegated to the Chief Executive in consultation with the Deputy Leader of the Council.

3.7 The preparation stage of the DPD must ensure that the DPD is consistent with the National Planning Policy Framework (NPPF), Planning Policy for Travellers and the Local Plan and should take account of up to date evidence and any representations made during the consultations. These matters should therefore be taken into account by Council in considering the Draft DPD.

3.8 The reports of public consultation set out the material points raised during the following consultations:

- The Issues and Options Consultation
- The Preferred Options Consultation

3.9 The representations received during the next consultation period will be carefully analysed and where these indicate that modifications to the plan can be justified, a table of proposed modifications to the DPD will be submitted alongside the DPD.

3.10 It is proposed that if such modifications are only minor, non-material modifications the Chief Executive, acting in consultation with the Group Leaders and the Deputy Leader of the Council, is authorised to submit a table of the proposed modifications to the Secretary of State provided the modifications are of a minor, non-material nature. The Secretary of State will then make the

necessary arrangements for an Independent Examination, as they will have been invited to amend the Draft DPD.

- 3.11 In the event that the proposed modifications are material in nature it is proposed that authority to approve the submission be delegated to the Executive as long as the modifications do not require further statutory consultation.
- 3.12 The exact submission date will depend on the number of representations received, whether any modifications are required and if so, the number of such modifications.
- 3.13 It is proposed that delegated authority is granted to the Head of Development Services, in consultation with the Deputy Leader of the Council, to make minor non-material amendments to the Development Plan Document before the commencement of the consultation. The purpose of this recommendation is to ensure that any minor issues identified, such as typographical errors in the document, can be amended before the consultation stage for the Submission Draft.

#### 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework:** The Site Allocations Gypsy and Traveller Development Plan Document will allocate land to meet the District's needs for a 15 year period, as outlined in the Gypsy and Traveller Accommodation Assessment. This need is for a total of 31 permanent pitches (25 within the first 5 years) and a transit site suitable for 6-8 pitches.
- 4.2 The Gypsy and Traveller DPD complies with the appropriate policies in the Draft Local Plan (subject to minor amendments to ensure alignment with his Development Plan Document) and with national policy in the NPPF and 'Planning Policy for Travellers', 2012.
- 4.3 **Fit for the Future:** The provision of Gypsy and Traveller sites is a key part of the Local Plan. The proposals seek to provide for an ethnic minority in line with the inclusivity aim of the sustainable community strategy. Failure to provide sites for Gypsy and Traveller accommodation will put a risk the adoption of the local plan. The Local Plan is central is a key part of the Council's prosperity and sustainability agenda as set out in Fit for the Future and the Sustainable Community Strategy

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 The next stage of the process following the six week consultation on the soundness of the DPD will be to submit the document to the Secretary of State to commence the Examination in Public process. The costs of the EIP process will be met from within resources already allocated to the Local Plan.
- 5.2 It should be acknowledged that the use of our land at Stratford Road could have an opportunity cost both in terms of foregone capital receipt and in terms of operational effectiveness of our contractors because of the loss of the depot. In parallel with the proposed consultation these issues will be examined and reported separately.

## **6. RISKS**

### 6.1 Risk: Unsound or delayed Local Plan

Without deliverable gypsy and travellers sites to accommodate the 25 pitches required within 5 years, there is a significant risk that the Local Plan will be found unsound or will be significantly delayed as a result of not having adequately addressed this issue. This in turn will leave the Council exposed in dealing with planning applications for developments which do not comply with the emerging local plan.

Mitigation: Progress towards the adoption of a gypsy and travellers site allocation DPD as quickly as possible.

### 6.2 Risk: Unauthorised sites and illegal encampments

Failure to achieve deliverable sites to meet the needs of gypsies and travellers will make it harder to address issues associated with illegal encampments and may increase the risk the unauthorised sites will be established within the District.

Mitigation: Progress towards the adoption of a gypsy and travellers site allocation DPD as quickly as possible.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

7.1 Alternative sites to meet the requirements set out the 2012 GTAA have been considered. The assessment of these sites is shown in Appendix 3.

7.2 As the Council has to meet its obligations under the National Planning Policy Framework and the Housing Act, the number of pitches specified in the GTAA should be met. It has been suggested that the GTAA is flawed. Whilst it is extremely difficult to forecast the requirements for Gypsies and Travellers accurately, the GTAA has been checked and provides a reasoned methodology. It is therefore considered that alternatives involving the provision of fewer pitches cannot be justified.