 Executive 29th July 2015		Agenda Item No. 4
Title	Gypsies and Travellers – update on the progress of the Draft Development Plan Document to allocate sites	
For further information about this report please contact	Lorna Coldicott Lorna.coldicott@warwickdc.gov.uk 01926 456505	
Wards of the District directly affected		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	11 th March 2015 Minute number 145	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	Yes/No (If No state why below)
N/A	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	02.06.15	Chris Elliott/Bill Hunt
Head of Service	02.06.15	Tracy Darke
CMT	02.06.15	Chris Elliott, Bill Hunt, Andy Jones
Section 151 Officer	02.06.15	Mike Snow
Monitoring Officer	02.06.15	Andy Jones
Finance	02.06.15	Mike Snow
Portfolio Holder(s)	13.07.15	Cllr Stephen Cross
Consultation & Community Engagement		
Final Decision?	No	

1. Summary

1.1 This report:

- Informs Members of the current position with regard to the preparation of the Draft Development Plan Document
- Updates Members on opportunities for working with a housing provider to bring forward sites
- Updates Members on the funding opportunities through the Homes and Communities Agency (HCA)
- Enables consideration of applying for HCA funding and working with a housing provider and possible future need for Council investment to deliver sites
- Enables consideration of previously approved approach to seeking Green Belt land
- Enables consideration of invoking the Council's powers of Compulsory Purchase Order to secure land for sites

2. Recommendations

- 2.1 That Executive notes the latest position in respect of Green Belt Gypsy and Traveller site provision and agrees that officers should not take any further proactive steps to identify potential Gypsy and Traveller sites in the Green Belt.
- 2.2 That Executive notes the funding that may be available from HCA and a housing association and agrees that it will consider business cases for site delivery that involve the use of council funds.
- 2.3 That subject to agreeing recommendation 2.2, Executive agrees to officers progressing Gypsy and Traveller options at the following sites:
- a. Harbury Lane (Leamington Football Club) (see plan at Appendix 1);
 - b. Land off Birmingham Road (Oaklands Farm) (see plan at Appendix 2)
- 2.4 That Executive re-affirms the policy position in the Draft Local Plan that should any further non-Green Belt sites be identified as potential for Gypsy & Traveller provision, any business case can include the option of Compulsory Purchase Order (CPO) and that officers should reconsider non-Green Belt sites that were previously discounted on the grounds that the owner would not sell.
- 2.5 That Executive notes the opportunity for a Gypsy & Traveller site (either permanent or transit) on land to the east of Europa Way (see plan at Appendix 3) and agrees that officers develop respective business cases for such provision with full details being brought to a future Executive meeting.

3. Reasons for the Recommendations

- 3.1 In March 2015 the Executive approved a new approach to the identification of Gypsy & Traveller sites by considering land currently within the Green Belt that may be removed from the Green Belt through the Local Plan process, so freeing up a suitable site for further consideration. Since that time, officers have been working to identify land which is coming onto the open market, both within the Green Belt and outside for its suitability against the criteria within the Local Plan (policy H8). To date, this search has not yielded any additional, suitable, potential sites, even if that land were to be excluded from the Green Belt. Furthermore, the Government has tightened up the guidance on the allocation

of sites within the Green Belt to accommodate Gypsies and Travellers and the 'exceptional circumstances' required to allocate such land do not include the lack of non-green belt sites (Planning Policy for Traveller Sites, 2012). Planning applications have also been 'called in' by the previous Secretary of State for his own decision to ensure that Green Belt sites are only developed where the 'exceptional circumstances' are strictly enforced. Sites therefore that are in the Green Belt and considered acceptable, sustainable and deliverable in every other way, would have to be taken out of the Green Belt through the Local Plan process, as advised in the last Executive report. It is therefore recommended that given officers' fruitless search for Green Belt sites and the tightening of Government guidance, further resource is not deployed in exploring this as an option.

- 3.2 However, previously reported and identified Green Belt land at Oaklands Farm, Birmingham Road, Budbrooke is worthy of further consideration. It has the potential to accommodate 15 pitches, is currently for sale on the open market and discussions have taken place in the past with the landowner with a view to the provision of a Traveller site there. Indeed, the site was included during the Issues and Options stage of the Gypsy and Traveller Site Allocations document and was carried forward as a potential site in the Preferred Options stage of the document, but then reconsidered because of its Green Belt status. The land is still available and is well located and previously developed. If this was considered a suitable site to pursue however, it could be taken out of the Green Belt through the Local Plan process and a logical, defensible boundary be drawn around the site.
- 3.3 At that same March 2015 meeting the Executive approved that officers make an approach to the HCA with regard to potential funding for a Gypsy and Traveller site(s). Officers have since met with a representative from the HCA to discuss possible funding options. HCA grants are provided to assist delivery of sites through Local Authorities or Housing Associations within a set period of time. Currently funding is only applicable to projects within the 2015 – 2018 timeframe with no certainty of any funding available beyond that period. Consequently, with the hiatus in Warwick District Council's Local Plan process, it is highly unlikely that a scheme could be completed by March 2018. However, should the Plan process get back on track then it is worth Members understanding the following issues:
- 3.3.1 HCA is not allowed to help fund any sites within the Green Belt, but is able to fund transit sites as well as permanent outside the Green Belt. Sites that have been removed from the Green Belt through the Local Plan process are eligible for funding;
- 3.3.2 There is a ceiling of £90k per pitch inclusive of land acquisition costs, available toward the sites HCA can invest in. Agricultural land values locally average just under £10k per acre (Savills Market Survey 2014). However, the overall cost of setting up a site for 15 pitches is in the region of £1.6 million, based on other Councils' experiences. This would obviously leave a considerable shortfall when these additional costs are taken into account (land purchase, VAT, provision of services and ground-works to construct individual pitches);
- 3.3.3 To make up the shortfall in funding a housing association and/or a Local Authority could assist. An example that Members may wish to consider involves a site in North Somerset Council's area (July 2014), where the local authority contributed £600k to make up the shortfall on a 24 pitch site; the other costs being met by HCA funding and money from Elim Housing Association;

- 3.3.4 There may be a further round for bidding post 2018 and so officers will continue to monitor funding announcements.
- 3.4 In addition to this work, officers have met with a housing association, Rooftop Housing, who provide affordable housing and have also set up and manage sites for Gypsies and Travellers in Worcestershire and Solihull. This group is interested in providing the same service in Warwick District. Importantly, the housing association would not only work with the HCA to obtain funding, but also own and manage sites, allocating pitches to ensure that tenants form communities that integrate with existing residents. A meeting last month with a representative, which included visits to potential sites, has shown that Rooftop is interested in those specific sites and is impressed with the locations, access and other aspects which make them not only suitable but also desirable for this use. Those sites are at Harbury Lane (Leamington Football Club) and potentially at Oaklands Farm, Birmingham Road, Budbrooke, (see above). Officers have also considered the possibility of providing a Traveller site as part of the new Local Plan housing allocation at Europa Way where it could be integrated into the larger residential element of the site. However, this site is required to help address the shortfall of affordable housing together with the community stadium/ hub. If a Gypsy and Traveller site were also to be included here, there would be substantial impacts on not only the delivery of the other necessary community benefits, but also upon the viability of the overall site. It has therefore been dismissed as a potential way of providing such a site.
- 3.4 Officers were also made aware of two other housing associations that may be prepared to provide sites for Gypsies and Travellers but of these, one will only work in the Bristol area and the other has decided not to pursue this sector of their business in future. Rooftop therefore remains the only such provider willing to work with us to set up a site(s) in this district.
- 3.5 At a meeting of the Executive on 12 February 2014, members committed in principle to invoke the Council's use of Compulsory Purchase Powers to ensure delivery in the event that an insufficient number of sites set out in Policy PO1 and PO2 of the Preferred Options consultation document came forward with the support of the landowners, to ensure that the required number of pitches are delivered. Subsequent to that meeting, it was agreed by the Executive that this would not apply to the Leamington Football Club site on Harbury Lane as the potential move of the club from this site to another to be allocated in the Local Plan, dictated whether or not this land would become available and the Council had no intention of using Compulsory Purchase powers to evict the club. Thus far no other such undertaking has been given for other non-green belt sites.
- 3.6 The CPO process is lengthy, costly (typically the legal costs alone are in the region of £100k plus the value of the land and relocation of any business uses plus 'disturbance allowances'), unpopular and has so far not delivered any Gypsy and Traveller sites in other parts of the country. In the circumstances however, where there is potentially acceptable land available but for the reluctance of landowners to part with it for such a use, officers would suggest that CPO needs to be an option and indeed Policy H9 of the submitted Local Plan states that the Council will consider this as an option but as a last resort. Officers would further recommend that they revisit the non-green belt sites (table attached at Appendix 4) which have been previously subject to public consultation, to ascertain whether there are any that could be delivered in this way if the reason for their unsuitability was the land-owners reluctance to release land.

- 3.7 Land within the ownership of Warwickshire County Council was identified as potentially suitable for the use as a Gypsy and Traveller site to the east of Europa Way. This land has been consulted upon throughout all stages of the preparation of the Plan and has received little opposition. Warwickshire County Council has formally agreed to transfer the ownership of this land to Warwick District Council with the proviso that if the District Council were to subsequently sell the land, any uplift in value would be paid back to the County Council. This land represents an excellent opportunity to provide a small site for either permanent or possibly transit use within a relatively short time frame. Officers are also investigating the possibility of gaining an additional area of land from a private landowner to extend the boundary of this site resulting in a larger developable area, but this is at an early stage. At this point no commitment has been sought to purchase any land as this would form part of the overall business case for Members' consideration.

4. **Policy Framework**

- 4.1 **Submitted Local Plan** - The site choices will need to conform to the Gypsy and Traveller Site Provision Criteria policy H8 within the Submitted Local Plan. It will also need to align with the plans of our partners' documents, including the Warwickshire Local Transport Plan
- 4.2 **Fit for the Future** – The final version of the DPD will need to align with and help deliver the Sustainable Community Strategy (SCS) and the Council's Fit for the Future programme where appropriate. It will also need to align with the Local Plan and our partners documents, including the Warwickshire Local Transport Plan
- 4.3 **Impact Assessments** – During the preparation of the Local Plan an Equalities Impact Assessment was undertaken. This looked at a wide range of potential impacts and concluded that three areas needed to be focussed on in addressing potential negative impacts: consultation; housing mix/affordable housing and Gypsies and Travellers. The preparation of the Plan has addressed these three issues, with further extensive consultations in line with the Statement of Community Involvement; a clear and strong approach to affordable housing (see policy H2) and housing mix (see Policies H4, H5 and H6); and ongoing work to identify suitable site for provide for the accommodation needs of Gypsies and Travellers (see policies H7 and H8)

5. **Budgetary Framework**

- 5.1 Undertaking this work will have resource implications on the Council which will not all be covered by the existing budget. These aspects will need to be discussed further if members decide on certain courses of action and will be brought back to the Executive at a future date with a business plan representing a substantial amount of money. This may be to assist with the setting up of sites as outlined in para.3.2 above and could also include the cost of compulsory purchase as outlined in para.3.4 above.
- 5.2 The Council may be expected to lay out a considerable amount of money to enable a site, but the rents accrued by letting the pitches would be payable to the housing association. These rents are likely to be similar to those achieved on other such sites locally. In Stratford upon Avon district, Council owned sites attract a rent of £63 per week for a single pitch and £67 for a double. On the

Rooftop sites a standard pitch is in the region of £95 per week or £96 for a DDA compliant pitch and at the Griff site in Nuneaton where the pitches each have a park home provided, £108 per week. These rent levels are unlikely to repay investment quickly.

6. Risks

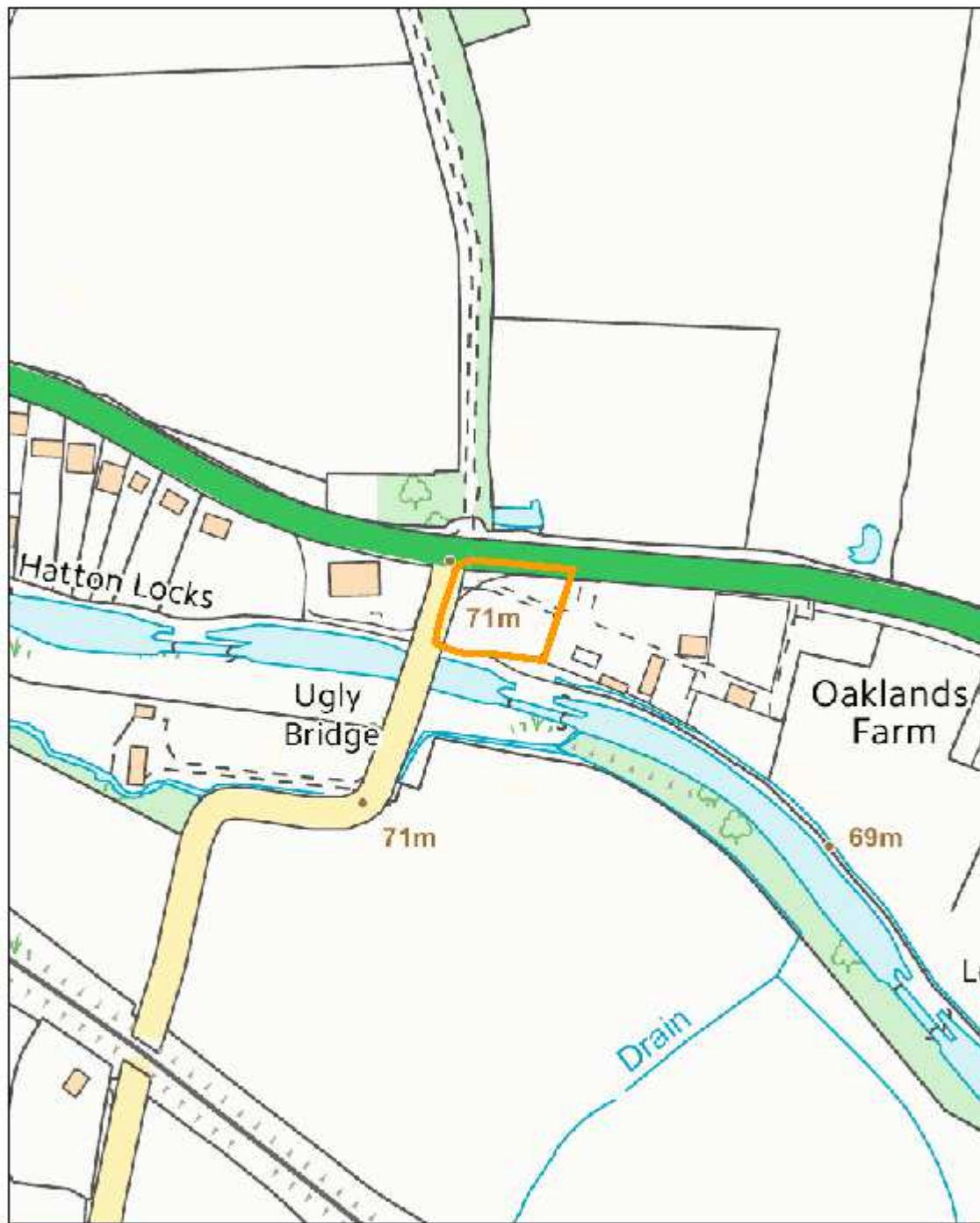
- 6.1 There are a number of risks connected with elements of this strategy. By not progressing this work, principally the risk of not meeting the required need for the provision of Gypsy and Traveller sites impacting on the progress and soundness of the submitted Local Plan.
- 6.2 There is also a significant risk that we could lose planning appeals on illegal sites, such as that experienced at Kites Nest Lane in recent years, because we have not made progress in the allocation of sites specifically for this sector of our community.
- 6.3 There is also a risk that by allocating land within the Green Belt and proposing to remove this land from the Green Belt, the DPD will be found unsound unless we can clearly demonstrate exceptional circumstances. This would result in the Council still not fulfilling its responsibilities to accommodate Gypsies and Travellers.
- 6.4 Additionally there is a risk that if the Council used its CPO powers to acquire a site outside the Green Belt that a landowner was unwilling to sell or use for this purpose, subsequent time and considerable expense could be wasted if the Secretary of State then failed to confirm the CPO, as has been experienced elsewhere in the country. This would result in the Council still not fulfilling its responsibilities to accommodate Gypsies and Travellers.

7. Alternative Option(s) considered

- 7.1 An option would be to not allocate sites for Gypsies and Travellers, but this would be contrary to national policy and the DPD would be found unsound without a commitment to meeting the need demonstrated by the GTAA.
- 7.2 Another option would be to not consider using CPO powers to purchase land. There are known risks to the procedure outlined in paragraphs 3.4 and 6.3 above. There is therefore a high risk of failure with this strategy but it may also be the only way to deliver acceptable sites outside the Green Belt.

Appendix 1
Map of Harbury Lane site





GT19 - Land off Birmingham Road, Budbrooke, Oaklands Farm

Scale
0 15 30 45 60 75 m

SP2566SE | 1:2500 @ A4 | 20/01/2014 | DSR | Grid Reference: 425598E, 266367N

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Appendix 3
Land east of Europa Way



Sites which are outside the Green Belt but were rejected due to lack of support by landowners

Site	Green Belt?	PD land?	Red/Amber /Green	Commentary
GT02 Land abutting Fosse Way at junction with A425 (part)	No	No	Green	<ul style="list-style-type: none"> • Access from Fosse Way possible if visibility splays achieved. New access cannot be opposite an existing – potential loss of intact hedgerow with associated ecological objections • Wholly within low risk flood zone 1 and is sequentially preferable • Ancient woodland to north west boundary-Parlour Spinney • Grade 3 and 3a agricultural land • Strong opposition from adjacent businesses – potential loss of employment • Roman pottery has been recorded from within the proposed site itself. There is a potential for the proposed development to disturb archaeological deposits associated with the Roman and later occupation of this area • Owner not willing to sell
GT06 Land at Park Farm/Spinney Farm (part)	No	No	Amber	<ul style="list-style-type: none"> • Would cause problems for viable agricultural unit • Proximity to Grade 1 Listed Park and Garden at Castle Park • Contamination issue related to former landfill site on western third of site reduces developable area • Noise issue connected with proximity to A452 and M40 just beyond along boundary to south • Lies within Flood Zone 1 and therefore sequentially preferable • Access should be achievable north of Park Farm • A range of prehistoric features have been recorded to the north and west of the proposed site. These include a number of features partially excavated ahead of the construction of the Warwick bypass, including a Neolithic cursus and a double pit alignment and settlement of Iron Age date. There is a potential for the proposed development to disturb archaeological deposits associated with the prehistoric and later occupation of this area. • Land owner not willing to sell
GT11 Land at Budbrooke Lodge, Racecourse and Hampton	No	No	Amber	<ul style="list-style-type: none"> • Reduced site area due to areas in Flood Zone 3 and potential road noise issues from A46 • Gog Brook modelled so confident of extent of floodplain

Road (part)				<ul style="list-style-type: none"> • Uncertainty over impact on racecourse and Budbrooke Lodge • Includes Gog Brook LWS • Immediately adjacent to local services and facilities at Chase Meadow • Edge of urban area • Close to primary road network • Good pedestrian access • Vehicular access may be achievable but Budbrooke Lodge access preferred and not available therefore this may make the site undeliverable • May be able to connect to main sewers serving Chase Meadow • Dependent upon the extent of any groundworks associated with the proposal, further detailed archaeological assessment may be appropriate in order to evaluate the potential for previously unrecorded archaeological remains • Land owner not willing to sell without whole of site to the north included as this part forms the access to land on which residential is envisaged and that value needs to be attained
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