

 Executive 11 March 2015		Agenda Item No. 16
Title	Gypsies and Travellers – update on the progress of the Development Plan Document to allocate sites	
For further information about this report please contact	Lorna Coldicott (Senior Planner, Planning Policy)	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	13 th August 2014 Minute No: 32	
Background Papers	Report of Public Consultation , Preferred Options site at Stratford Road, Warwick	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	16.02.2015	Chris Elliott/Bill Hunt
Head of Service	16.02.2015	Tracy Darke
CMT	16.02.2015	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	16.02.2015	Mike Snow
Monitoring Officer	16.02.2015	Andy Jones
Finance	16.02.2015	Mike Snow
Portfolio Holder(s)	16.02.2015	Cllr Les Caborn
Consultation & Community Engagement		
Preferred Options consultation on Stratford Road, Warwick site held between 31 October 2014 to 12 December 2014		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
Draft Development Plan Document (DPD)		

1. **Summary**

1.1 This report seeks to

- Inform members of the results of the public consultation regarding the Preferred Option site at Stratford Road, Warwick District Council
- Inform members of the current position with regard to the preparation of the Draft Development Plan Document
- Request that members agree to a revised approach to the identification of the required land to meet the needs of Gypsies and Travellers as outlined in the Gypsy and Traveller Accommodation Assessment (GTAA) 2012
- Request authority to expressly talk to landowners of potential Green Belt sites
- Request authority to approach the Homes and Communities Agency (HCA) with regard to possible funding to assist delivery where this is needed

2. **Recommendation**

- 2.1 That the Executive notes the results of the public consultation report on the 'Preferred Option' consultation for a site at Stratford Road, Warwick for Gypsies and Traveller attached at **Appendix 1**
- 2.2 Taking account of the consultation, the site at Stratford Road is not available for use as a Gypsy and Traveller site, Executive agrees not to pursue this site for allocation through the Gypsy and Traveller Development Plan Document (DPD).
- 2.3 That the Executive agrees the recommended change of approach to the identification of suitable, sustainable, available and deliverable sites to meet the needs of Gypsies and Travellers as outlined in the GTAA, 2012, to look at potential sites in the Green Belt.
- 2.4 That the Executive agrees that Officers may approach landowners of any potential sites in the Green Belt and enter into a dialogue with regard to the possibility of using such land for this purpose
- 2.5 That the Executive agrees that Officers may approach the HCA with a view to exploring the potential funding which may be available to assist in the delivery of suitable sites

3. **Reasons for the Recommendation**

3.1 **Report of Public Consultation**

In August 2014 a report was brought to the Executive requesting approval for officers to undertake public consultation on the 'Preferred Options, Land at Stratford Road, Warwick'. The report was approved and the consultation was subsequently carried out between 31 October 2014 and 12 December 2014

- 3.2 The results of the consultation are summarised and attached to this report at **Appendix 1** to inform members and to highlight the main issues raised through the consultation. Many of these responses are generic and will be afforded weight accordingly. A total of around 700 responses were received to this consultation and a petition submitted by 4 Warwick Councillors with a total of 326 signatures

- 3.3 The next step would normally be to produce a Draft Development Plan Document to consult upon under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, as will be seen from the Report of Public Consultation, the site at Stratford Road cannot now be considered as available due to the consultation responses received from the two landowners who own the relevant land proposed for the site and access to the site. Both landowners have now formally objected to the proposed Gypsy and Traveller site and have stated categorically that their land is not available for this use. Furthermore, another landowner with a potential access to the site has also objected and stated that his land is not available for this purpose. The removal of this site from further consideration leaves a deficit in provision of 15 pitches when compared with a need for 31 pitches in the district over a 15 year period, the clock for which is already ticking; two years having already elapsed since the GTAA was published. This assessment takes into account the potential sites at Leamington Football Club, Harbury Lane (15 pitches), if the site is vacated and the potential transit site at Europa Way (with 1 permanent pitch for a site manager)
- 3.4 Officers now feel that they have exhausted the potential supply of land for sites in the non-Green Belt area of the district, other than those which we have already considered are suitable to take forward i.e. Leamington Football Club, Harbury Lane and a transit site at Europa Way and which continue to be supported. In view of the lack of suitable, available and deliverable land, a view has to be taken as to how we address the shortfall in the number of pitches required. It is therefore proposed that we consider potential sites within the Green Belt.
- 3.5 It is important that any sites considered are actually available and deliverable and that a case can be made for the 'exceptional circumstances' required to allocate land in the Green Belt for development. Paragraph 15 of the Policy for Travellers Sites states that "Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only". Officers believe that the lack of non-Green Belt land in a district which is very constrained by the Green Belt and a thorough trawl of all potential sites outside the Green Belt resulting in a shortfall in pitches, could represent the circumstances required to release land within the Green Belt for this use
- 3.6 The Local Plan has recently been submitted to the Secretary of State for public examination and as the allocation of sites for Gypsies and Travellers is part of the Plan, it is crucial that identification of sites is progressed as a matter of some urgency to assure the Planning Inspector that the Council is making good progress on such allocations.
- 3.7 Any land which is identified, found to be suitable and subsequently allocated by following this approach will be removed from the Green Belt. This can be done through the Local Plan process; the allocation of sites for Gypsies and Travellers being part of the Local Plan. There are risks associated with this approach which are outlined in paragraph 6 below, Officers consider however that without the use of Compulsory Purchase Powers (CPO) to acquire non-Green Belt land, this

is the only remaining alternative. The use of CPO is not without its own risks and these too are outlined in paragraph 6 below

- 3.8 It has become clear that the costs of setting up sites for either Gypsies and Travellers themselves, social landlords or private landowners, are considerable. As the HCA has funding available to assist with delivery, it would be useful for Officers to approach the HCA and ascertain what level of funding is available and how it can be accessed and utilised

4. **Policy Framework**

- 4.1 **Submitted Local Plan** - The site choices will need to conform to the Gypsy and Traveller Site Provision Criteria policy 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 be covered by the existing budget

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 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
- 6.3 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

- 6.4 In view of the above, it is considered that investigating the possibility of identification of land within the Green Belt is the best option since all other approaches have so far failed to find sufficient land to accommodate the required number of pitches outside the Green Belt

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 Local Plan would be found unsound without a commitment to meeting the need demonstrated in the GTAA
- 7.2 Another option would be to consider using CPO powers to purchase land outside the Green Belt. It is not considered a good option as there are many pitfalls. These include the length of time it takes to complete the process, the cost of doing so, the unpopularity amongst local residents of such an approach and the fact that no Gypsy and Traveller sites have been brought forward this way elsewhere, as they have failed at some stage in the process. There is therefore a high risk of failure