

**Gypsy and Traveller Development Plan Document: next consultation****Report of the Gypsy and Traveller Working Group****Summary:**

Cabinet in December withdrew the previous consultation on the Gypsy and Traveller Development Plan Document (DPD), in recognition of comments received, and agreed revised criteria for the assessment of potential sites, and a timetable for future stages of the DPD, with the next consultation in March 2009. Cabinet asked the Gypsy and Traveller Working Group to use the revised criteria to assess potential sites during the recent consultation, to re-assess sites previously considered, and to advise Cabinet on how the next consultation could be arranged.

Applying lessons learned from the previous consultation, the Working Group has drafted a fresh consultation document, and has applied a transparent and consistent scoring method to assess potential sites, based on the revised criteria, to allow easy comparison. The Working Group also suggests improvements to the methods of informing local residents and communities, and a simpler process for submitting comments during the consultation, particularly through the Council's website. All persons and bodies who commented during the recent consultation will be informed of the next consultation.

**Conclusions:**

The relevant Regulations will allow the next consultation to be simpler and easier for the public to participate. It will continue the previous "issues and Options" consultation of 2007, from which some elements will be retained as they are based on sound evidence.

The Working Group has concluded that the next consultation document should not finally exclude any sites already considered, but should particularly seek views on sites with comparatively high overall scores on the revised criteria, and indicate that the Council does not intend to further consider sites with lower scores, at this stage. Compared to the previous consultation, the next consultation document should give more detail of how sites will be developed and managed; why the Government requires the Council to prepare the DPD, and how needs have been identified

**Recommendations:**

That Cabinet approves a public consultation on a range of potential Gypsy and Traveller sites, under Regulation 25 of the LDF Regulations, for a period of 8 weeks commencing on 9 March 2009 in the manner recommended in this report, and approves the attached consultation document.

Cabinet member(s): Derek Blake	Ward(s) affected: All
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## 1. Background

- 1.1. The Council is required by Government policy to identify sites for Gypsies and Travellers. Circular 01/2006 looks to councils to identify suitable located sites and to reduce the number of unauthorised encampments and developments. The Regional Spatial Strategy Single Issue Review sets South Norfolk a target of providing 28 pitches.
- 1.2. Cabinet decided on 1 December 2008 to withdraw the previous consultation, under Regulation 27 of the LDF Regulations, on the Gypsy and Traveller Development Plan Document (DPD). On 19 December 2008, Cabinet agreed revised criteria for assessment of potential Gypsy and Traveller sites (subject to minor rewording which has been subsequently agreed with the portfolio holder, Councillor Blake). Cabinet asked the Gypsy and Traveller Working Group to assess potential sites which had been suggested during the recent consultation, and to re-assess sites previously considered, using the revised criteria.
- 1.3. Cabinet also agreed that the future preparation of the Gypsies and Travellers DPD will include two stages of public consultation, with the first stage during March and April 2009 (the timetable is published on the Council's website) and asked the Working Group to advise on how the next consultation could be arranged.

## 2. Decision Sought

- 2.1. That Cabinet approves a public consultation on a range of potential Gypsy and Traveller sites, under Regulation 25 of the LDF Regulations, for a period of 8 weeks commencing on 9 March 2009; in the manner recommended in this report, and approves the attached consultation document.

## 3. Proposal and Reasons

- 3.1. The next consultation will take place under Regulation 25 of the LDF Regulations, which is intended to allow public discussion of a range of possible alternatives, and can take place in several "stages" over a period of time. It is a less formal process than the Regulation 27 consultation, and is in effect a continuation of the previous "Issues and Options" consultation of Spring 2007, but more focussed on the choice of particular sites.
- 3.2. The Working Group recommends that the next consultation should not revisit some key elements from "Issues and Options", which are based on sound evidence, including:
  - Seeking sites in broad "corridors" along specified main routes.

- Each site to provide 6-8 pitches.
- 3.3. In making these recommendations, the Working Group has reflected on the lessons learned during the previous consultation. In particular:
- a) A more transparent process for choosing potential sites on which to consult – see section 4 below;
  - b) Significant improvements to the attached consultation document, compared to the previous consultation documents, as set out in section 5 below;
  - c) Changes to the suggested arrangements for publicity and notification of local residents and communities – see section 6 below.
- 3.4. The Working Group recommends that, in keeping with the spirit of Regulation 25, the next consultation should not absolutely exclude any sites that have been examined. It recommends that the consultation documents should include two lists of potential sites:
- a) details of nine sites (without indicating any preference), which are considered to score highly on the revised criteria, and on which the Council is particularly seeking views;
  - b) Brief details of all other sites which the Council does not intend to consider further at this stage, because they score poorly on the revised criteria. Any person or body would have the opportunity to suggest that one or more of those other sites should be considered further – or to suggest new sites.
- 3.5. Comments made during the next consultation would feed into to the choice of sites for the following stage of consultation in Autumn 2009, leading up to the submission of the DPD to Government for approval.

#### **4. Documenting how sites were assessed**

- 4.1. In the document now proposed, there is a single “spreadsheet” showing how each potential site has been assessed using essential and desirable categories. The assessment used the following method:
- The members of the Gypsy and Traveller Working Group made site visits to all sites that were considered to have potential
  - Each site was scored on essential and desirable factors (on the 1 to 4 scale, with 1 being the lowest, 4 the highest).
  - Only sites with a score of 1 or 2 in the essential categories did not proceed to the next stage
  - Sites scoring 3 or 4 in the essential categories were evaluated for the desirable factors, and an average score of all factors was calculated.
  - The sites were sorted into the three road corridors (A11, A47 and A143).
  - Members scores were average and the three highest scoring are considered to warrant detailed investigation as to their suitability for a gypsies and travellers sites. The following sites for further investigation are as follows (it is important to note these are not listed in order of priority):

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## A47 Corridor –

- (i) Land at Station Lane, Ketteringham
- (ii) the former MoD Fuel depot, Station Lane Ketteringham
- (iii) land at the Thickthorn A47/A11 interchange, suitable as a transit site

## A143 Corridor –

- (i) Land south of Scole Road, Brockdish
- (ii) Land north Old Harleston Road Earsham
- (iii) Coach Depot, Old Harleston Road, Earsham

## A11 Corridor –

- (i) Land at Station Road S of A11, Spooner Row
- (ii) Land at Chepore Lane, Sutton
- (iii) Land west of Stanfield oil depot.

Consultation will guide the Council's decision as to which site to allocate in each corridor for a site for Gypsies and Travellers.

- 4.2. Using this method will allow local residents to see how the Council has selected sites for further consideration, and why it considers that it would not be appropriate to consider certain remaining sites any further at this stage.
- 4.3. The Working Group in the past had used slightly different scoring methods to narrow down the choice of sites from each of these lists, but these scoring methods were not explained clearly in the consultation documents. In addition, the selection process had included some factors specific to particular sites, which had not been made explicit. As a result, it was difficult for consultees to fully appreciate why the previous consultation had included or excluded a particular site or sites.
- 4.4. The revised criteria approved by Cabinet in December have now explicitly included all criteria, and simplified the weighting given to them. For each of the criteria, officers have given each site a score on a four-point scale, as a “desk exercise”. This has been used to give an overall “score” for each site. The overall score is not a simple arithmetic average of the score on the various criteria – it is intended to distinguish between sites, and therefore gives greater weight to the “essential” criteria. Sites that received low scores on essential criteria therefore have a lower overall score, even if they have other advantages.
- 4.5. In some cases, on non-essential criteria, more detailed investigations or surveys may be required in order to confirm the score. It is intended that further information on such cases will be sought from technical consultees during the next consultation, in accordance with the spirit of Regulation 25.

- 4.6. As requested by Cabinet, the Working Group visited all the “new” sites suggested by landowners and the public during the previous consultation, and revisited the 2008 shortlisted sites, to check the criteria scores and the overall scores. The Working Group has also endorsed the scores suggested by officers for all other sites.

## **5. The Consultation Document**

- 5.1. The Working Group wishes the consultation document to be simple and more focussed, to assist more effective consultation. This will be easier because it can exclude much of the technical and legalistic material required for the more formal Regulation 27 stage. It has four main sections:
- a) Context: why the DPD is being prepared, and number of sites required
  - b) How sites were chosen
  - c) Details of suggested sites for further consideration, and lists of others considered;
  - d) How sites will be developed and managed
  - e) The proposed development control policy for assessing future “windfall” proposals for permanent sites.
- 5.2. The context section explains why the Council is required to produce this DPD, and why it is pressing ahead – see section 8 below. It also explains the number of sites required in the Regional planning guidance, which has now reached an advanced stage, and reflects our local survey of needs.
- 5.3. The recommended consultation document contains far more detail on how sites will be developed and managed.
- 5.4. These topics were only sketchily covered in the previous consultation, but proved to be a major source of public concerns, and became the most “frequently asked questions” in representations and public meetings. Answering these questions absorbed a large proportion of available resources, and perhaps “crowded out” discussion of other issues, reducing the effectiveness of the consultation for all concerned.
- 5.5. We therefore propose that the next consultation document will include, as appendices, drawings and plans showing a “typical” layout and landscaping for a Gypsy and Traveller site of 8 pitches, derived from the planning permission granted in 2008 at Harford.
- 5.6. We also now have the advantage that arrangements with Broadland Housing Association for the management of the Harford site are much further advanced, and can inform the content of the consultation document.

## **6. The consultation process**

- 6.1. The next consultation will comply with the Council’s published Statement of Community Involvement (SCI), as required by the LDF Regulations.

- 6.2. A draft copy of the consultation document has been sent to all those town and parish councils which contain one of the sites proposed for further consideration, with a note that the selection of sites is subject to Cabinet approval 23 February 2009..
- 6.3. We recommend that everyone who commented during the recent withdrawn consultation will be informed of the fresh consultation, how they can obtain the consultation document and comment, and the timetable.
- 6.4. We recommend that the facility to submit comments through the Council's website should be provided again, but should be simplified and made easier for the public to use. In the previous consultation, the very formal rules of Regulation 27 required that all comments were limited to assessing whether or not the DPD met the technical "tests of soundness". The Council received many complaints from those who found this difficult to understand, and which limited their ability to comment in the way they wished. The next consultation is not constrained by these rules.
- 6.5. We recommend that the local Gypsy and Traveller community should be consulted through their representative organisations.
- 6.6. The previous consultation used a variety of methods for notifying local residents, which gave rise to a number of criticisms. Some residents were sent letters from this Council, but we accept that some addresses were unfortunately omitted. Others were hand-delivered by local communities, so this Council could not respond effectively to allegations that coverage was incomplete. We consider that it is important that residents in the immediate vicinity of sites going through to the next round of detailed investigation should be sent letters by the Council, with officers checking addresses beforehand.
- 6.7. The publicity for the next consultation will state that comments made during the recent consultation cannot be "carried forward", because the next consultation uses new assessment criteria and includes sites which have been suggested since the previous consultation.
- 6.8. The Gypsy and Traveller Working Group have recommended that exhibitions and public meetings be held in the parishes where sites are proposed as undergoing more detailed investigation. The exhibitions will be staffed by officers and will allow residents the opportunity to find out more about the planning process surrounding the development plan document. These will be held at different times of the day in an attempt to allow as many as possible to attend. In addition it is proposed to hold a public meeting in the parishes where sites are proposed as undergoing more detailed investigation.
- 6.9. Putting this into practice would mean there will be public meetings and exhibition/drop-in events at Brockdish, Earsham, Ketteringham and Wymondham. (Dates and venues to be confirmed). This will be organised by South Norfolk Council, in consultation with the Chairs of these Parish and Town Councils.

## **7. Relevant Corporate Priorities**

- 7.1. The DPD is intended to implement 3-year goal, paragraph 3.3 of the Council's adopted Sustainable Community Strategy: "to have mechanisms in place to deliver new Gypsy and Traveller sites to meet identified needs" and all the Council's current corporate priorities

## **8. Other Options**

- 8.1. The Council is committed to producing the DPD, which appears in the Council's Local Development scheme (part of the Local Development Framework). The DPD will also meet the requirements of the Regional Spatial Strategy and current Government advice on planning for Gypsies and Travellers. If the Council failed to produce a DPD, the Government could use its reserve powers under Section 27 of the 2004 Planning and Compensation Act to step in and impose a plan, without the involvement of local elected representatives but with the Council having to pay for the exercise.
- 8.2. If Cabinet accept these recommendations, the next stage of public consultation will provide local communities with an opportunity to comment on a choice of options for possible locations of sites.
- 8.3. The previous "Issues and Options" stage of the DPD examined other broad locational options, including a Sustainability Appraisal of options, and explained why the Council has chosen the approach of small sites in broad "corridors".
- 8.4. In addition, producing a DPD at an early stage allows:
- local communities to engage in the choice of suitable locations for Gypsy and Traveller sites, through the democratic process,
  - the opportunity to obtain 100 per cent Government funding to providing sites at no cost to Council tax payers, and
  - more effective enforcement action against unauthorised encampments.

It is the Council's view that this represents better value for money than the high cost and delays of enforcement action without a DPD.

## **9. Implication – Risk, Financial, Legal, Environmental, Climate Change, Equalities, Biodiversity and Crime Reduction**

- 9.1. One of the main aims of the DPD is to achieve a more acceptable balance between the interests of the travelling communities and the settled communities.
- 9.2. Providing planned sites to meet the identified needs of the travelling communities, with reasonable access to facilities, will contribute to equalities by reducing the disadvantages faced by travellers, particularly in terms of health and education. It will also reduce the risk of damage to biodiversity and sensitive environmental resources by unauthorised encampments, and assist more effective enforcement.
- 9.3. The risk for the Council is that, if it cannot show that it is attempting to meet identified needs, it is unlikely to gain the support of the Planning Inspectorate and

the Courts, and expensive and lengthy enforcement action will continue. If there is undue delay in providing suitable sites, current Government grants may be fully spent, so that the cost of provision would fall on local taxpayers, and the Government may possibly impose sites, with no local democratic involvement.

## **10. Conclusion**

- 10.1. The relevant Regulations will allow the next consultation to be simpler and easier for the public to participate. It will continue the previous “issues and Options” consultation of 2007, from which some elements will be retained as they are based on sound evidence.
- 10.2. The Working Group has concluded that the next consultation document should not finally exclude any sites already considered, but should particularly seek views on sites with comparatively high overall scores on the revised criteria, and indicate that the Council does not intend to further consider sites with lower scores, at this stage. Compared to the previous consultation, the next consultation document should give more detail of how sites will be developed and managed; why the Government requires the Council to prepare the DPD, and how needs have been identified

Cabinet

23 February 2009

**APPENDIX A**

Draft Consultation Document