

## Agenda Item No 6

## Gypsy and Traveller Development Plan Document (DPD): Response to Regulation 25 Public Consultation and next steps

## Report of the Gypsy and Traveller Working Group

- Summary:** This report reviews the responses to the public consultation undertaken on the Gypsy and Traveller Sites Development Plan Document (DPD). It considers the elements of the DPD which require change having assessed responses, and recommends which sites should be progressed for inclusion in the next draft of the DPD (Regulation 27 Pre-submission draft).
- Conclusions:** The public consultation exercise has provided the Council with a great deal of evidence that has been invaluable in assessing the suitability of the potential sites listed in the Regulation 25 version of the Gypsy and Traveller Development Plan Document. Taking these responses into account has enabled the best sites to go forward for inclusion as allocations in the pre-submission draft (Regulation 27).
- Recommendations:** Cabinet is recommended to:
- a) Thank the members of the public who participated in the recent round of consultation
  - b) Instruct the Gypsy and Traveller Working Group to prepare Regulation 27 Documents for the Gypsy and Traveller Development Plan Document (DPD). This DPD to:
    - Allocate the site at Stanfield Road, Wymondham as a permanent Gypsy and Traveller site in the A11 corridor;
    - Allocate land north of Old Harleston Road, Earsham as a permanent Gypsy and Traveller site in the A143/A1066 corridor;
    - Include a criteria-based policy for assessing planning applications for further proposals for Gypsy and Traveller sites, including transit sites;
    - Include more commentary on the criteria that has led to the evaluation and selection of sites; and,

- Given that it is not recommended to proceed with the proposed transit site at Thickthorn, to make reference to the need to work with Norfolk County Council in the provision of suitable transit sites for Gypsies and Travellers.

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

- 1.1. At its meeting of 23 February 2009, Cabinet approved draft proposals on a range of potential Gypsy and Traveller sites for public consultation, under Regulation 25 of the Local Development Framework (LDF) Regulations. This consultation ran for an eight-week period (9 March to 5 May 2009). The consultation draft included proposed locations for permanent sites for Gypsies and Travellers in three road corridors (A11, A47 and A143/A1066). The purpose of the DPD is to identify sites that would meet the target of 28 pitches to be provided from 2006 to 2011, which is in the Regional Spatial Strategy Single Issue Review.
- 1.2. The consultation undertaken on the document during the period included:
  - Statements and news releases which were carried in the media, prior to and during the consultation period.
  - Letters to all those who had responded to previous stages of the DPD, alerting them of the consultation document.
  - Public Exhibitions at Brockdish, Earsham, Ketteringham, Spooner Row and Wymondham. Officers attended each of the exhibitions, and they were able to explain to residents the background to proposals and also the DPD process. Morning, afternoon and evening drop-in information sessions were held at each venue. Attendance at each venue was approximately: Spooner Row 98, Earsham 47, Ketteringham 69, Brockdish 158 and Wymondham 46. (These figures are in many cases underestimates as not every member of the public recorded their attendance on the pin chart provided.) Postcards were sent to all households in the vicinity of sites (approximately all homes within a 2 km radius of the sites). These postcards gave details of the exhibitions and also included information on how the draft document could be viewed.

- Public Meetings attended by Officers and senior members arranged by the Parish Councils at Brockdish, Earsham and Ketteringham. In addition the Council organised and held a public meeting at Wymondham.
  - Site notices were put up for each of the nine sites that were featured in the main document.
  - An article explaining the consultation, and how to get involved, was prepared, and subsequently used by Wymondham Town Council in its community magazine.
  - The draft DPD was available on the Council's website and was sent to local libraries.
- 1.3. 1591 responses were received during the consultation period; these made 3186 individual comments on the draft document. These figures do not include two petitions totalling 732 signatures, although the comments made in the petitions have been included in the responses and have not been ignored. Many who signed the petition also submitted individual comments.
- 1.4. The main themes arising from the responses are:
- Scoring of sites was thought in some cases to be incorrect or inconsistent.
  - Concerns relating to adverse impact of the proposed sites on the settled community.
  - Concern that some of the site locations would be detrimental to the health of Gypsies and Travellers.
  - Concerns over site management, control and eligibility.
  - Concerns about the potential of sites to grow in size.
- 1.5. Secondary points raised included:
- Concerns at the potential for a site to attract additional caravans of visiting Gypsies and Travellers.
  - Concerns at the consultation process being too Internet-based and forcing people to repeat comments they had made at the previous consultation.
  - Concern that comments from previous consultations have been ignored.
- 1.6. The Gypsy and Traveller working Group, a committee of Members with special experience, met on 18 June 2009 to review the consultation responses and endorse the next steps. Having considered them they recommend that Cabinet.
- a) Thank members of the public who participated in the recent round of consultation.
  - b) Instruct the Gypsy and Traveller Working Group to prepare Regulation 27 Documents for the Gypsy and Traveller Development Plan Document (DPD). This DPD to:
    - Allocate the site at Stanfield Road, Wymondham as a permanent Gypsy and Traveller site in the A11 corridor.

- Allocate land north of Old Harleston Road, Earsham as a permanent Gypsy and Traveller site in the A143/A1066 corridor.
- Include a criteria-based policy for assessing planning applications for further proposals for Gypsy and Traveller sites.
- Given that it is not recommended to proceed with the proposed transit site at Thickthorn, to make reference to the need to work with Norfolk County Council in the provision of suitable transit sites for Gypsies and Travellers

## **2. Decision Sought**

- 2.1. Following consideration of the representations received during the consultation period, Cabinet is requested to approve the sites to be allocated in the next version of the DPD (the Regulation 27 version). If the recommendations are agreed by Cabinet the Gypsy and Traveller Working Group will draw up the Regulation 27 version of the DPD and the associated documents that are required, under the regulations.

## **3. Policy Background**

- 3.1. This section of the report summarises the general themes raised in the consultation. The detailed response to individual comments can be seen in Appendix 1 of this report.
- 3.2. The need for sites has been established through the Council's Gypsy and Traveller Accommodation Needs Assessment and through the single issue review of the Regional Spatial Strategy (the East of England Plan) which sets South Norfolk a target of 28 pitches to be provided within the period 2006 – 2011. (A pitch equates to one family unit and may contain up to four caravans, depending on the size of the family). The Council has a statutory duty to ensure it meets the targets set in the Regional Spatial Strategy. Failure to make adequate progress could result in the Secretary of State intervening, using his or her powers under Section 27 of the Planning and Compulsory Purchase Act 2004. These powers allow the Secretary of State to prepare and impose a plan.
- 3.3. GO-East drew the Council's attention to the need to accommodate sites beyond 2011. This is covered in the single-issue review by a formula. The DPD does allow for this through its criteria-based policy that will be used to assess further proposals for Gypsy and Traveller sites made by landowners or private developers. Granting additional consents to private sites over-and-above this DPD process may mean we do not have to revisit the issue in 2011.
- 3.4. In addition to the sites proposed by this DPD process, other sites have been granted permission over recent years. The question is whether these sites (some of which are private sites and not available for the general Gypsy and Traveller population) 'count' towards the South Norfolk total laid down in the regional policy. Officers have explored the appropriateness of taking recent planning permissions for Gypsy and Traveller sites into account when calculating

the allocation requirement. This approach is based on the proposed wording in the RSS single issue review of Gypsy and Traveller sites that states:

“Local authorities should achieve the levels of provision required by 2011 as soon as possible through development control decisions and Local Development Documents”

In addition, officers have also sought advice from GO-East, which has confirmed that private sites can be taken into account when calculating the allocation requirement. It should also be noted that one of the Council's Greater Norwich Development Partnership (GNDP) partners, Broadland District Council, has also taken this approach with a site development at Stratton Strawless.

- 3.5. The Regional Spatial Strategy sets the Council a target of 28 pitches for the period 2006 to 2011. Since 1 April 2006, the Council has granted planning permission for a total of six pitches. (Planning reference 2007/2228: one pitch at land north of Marlingford Sports Club, Easton and 2007/0536: five pitches, land north of Ashtrees, Bawburgh.) These clearly can be considered to fall within the A47 corridor. In addition, the site at Harford is under construction and occupation is expected in September this year. Together, these give 14 pitches in the A47 corridor. This gives justification to the argument that the Council has met its aspiration for sites in this corridor. It also illustrates the good progress the Council is making to achieve the identified need for pitches.
- 3.6. GO-East also considered whether the DPD should include sites for Travelling Show People. There is no evidence in the Council's own Gypsy and Traveller Accommodation Needs Assessment that such a site is needed in South Norfolk. Given the lack of demand for such a site, it is suggested by officers that any new sites for Travelling Show People should be dealt with at a sub-regional level.
- 3.7. In some cases, landowners indicated that they would be unwilling to sell land identified as being suitable to the Council, meaning the Council would have to compulsorily purchase the land. The Council does have compulsory purchase powers and circular 1/2006, paragraph 35, advises Councils to consider using such powers to secure appropriate sites. One of the risks in having to do so is that the process is delayed. This can in turn lead to potentially more costs in dealing with unauthorised encampments and the risk that existing Government funding opportunities will be exhausted by other local authorities.
- 3.8. Development Control Policy - a few comments were received about this aspect of the proposals. This plan must make provision for the criteria by which applications for private sites are judged, for example, where a Gypsy or Traveller purchases a plot of land and applies for planning permission for a permanent caravan site. The Friends of Gypsies and Travellers organisation stated that the upper limit on the number of pitches for sites is contrary to the advice in circular 1/2006. The limit is based on evidence from the Gypsy and Traveller Accommodation Assessment, which considers the size of site (six to eight pitches) to present fewer challenges for site management.

#### **4. Consultation Responses**

- 4.1. Many respondents complained that they had to submit new representations to this round of consultation, believing that their registered comments in the consultation held last year were sufficient. It should be remembered that the previous round of consultation was under Regulation 27 of the development plan regulations. This requires the Council to consider the representations received and decide whether to submit the DPD to the Secretary of State for examination or to return to a previous round of consultation. Cabinet considered the responses to this previous round of consultation at its meeting of 1 December 2008 and, taking account of the points made, Cabinet decided not to submit the document to the Secretary of State for examination but to return to the Regulation 25 stage of the DPD process. In deciding to return to the early stage in the regulations, the Council effectively abandoned that earlier consultation stage and consulted on a new set of criteria and proposals. Under the development plan regulations, the previous Regulation 27 consultation will not be passed to the Inspector when the DPD goes to its examination in public.
- 4.2. General comments – a minority of respondents (less than 100) raised objections to the overall principle of providing sites for Gypsies and Travellers. The majority agreed with the need to provide sites, but disagreed with the site selection, either the methodology itself or the scoring of individual sites.
- 4.3. Many responses questioned the Council's approach to locating sites within the three road corridors. They considered this too restrictive and not based on sound evidence. The 2006 needs survey concluded that sites were required around the A47, in the Waveney Valley area and in the Wymondham to Norwich area. The 2007 Issues and Options consultation suggested that these broad locations should be interpreted as corridors along specified main routes. This document, which was widely circulated at the time to Parish Councils and other statutory consultees, found that this approach was broadly supported and the results of the consultation have been published on the Council's website. The 'Corridor' approach took into account national planning guidance and the comments of a wide range of consultees. This is consistent with the 2006 Needs Survey. If it were impossible to find sites within the corridors then, by degrees, the search would have been extended, but as can be seen, it has been possible to identify sites. In fact, some sites could be considered to be in two corridors when they are situated near a junction.
- 4.4. Concerns were raised that the selection criteria had not fundamentally changed from the previous round of consultation. In particular, respondents said that in their view, the only criterion that had altered was the one relating to the effect on nearby dwellings. In fact, the scoring mechanism was changed substantially. Greater weight was placed upon 'essential criteria' and any site failing to score highly in this category was discounted regardless of how well it scored on less important factors. This was a major change from the previous consultation process.
- 4.5. Furthermore, the previous consultation had been restricted to seven sites. The current process opened up all 82 sites that had been considered, however briefly, and even if they had been rejected as being unsuitable. In fact, one site at

Spinks Lane, Wymondham, which was not one of the sites the Council shortlisted, was 'promoted' by large numbers of respondents from Spooner Row.

- 4.6. This major change resulted in Cabinet deciding to reconvene the Gypsy and Traveller Working Group and re-evaluate sites.
- 4.7. Comments also were received about the lack of a criterion to assesses the impact of sites on the community. This factor is covered in the Office of Deputy Prime Minister's (ODPM) circular 01/2006 "Planning for Gypsy and Travellers Caravan Sites".
- 4.8. A number of those who responded thought the selection criteria should have been explained more clearly to clarify why scores were given. Paragraph 5.5 of the draft DPD explains the site evaluation process. **While some of the criteria are more subjective, others could usefully have had some commentary explaining the evaluation. It is recommended that these commentaries be included in the Regulation 27 version of the DPD.**
- 4.9. Site size, and particularly the potential for sites to increase in size was a recurring theme in representations. The evidence from the Gypsy and Traveller Accommodation Needs Assessment suggests the optimum size of six to eight pitches. The allocations recommended are for that size and the requirements for screening and landscaping will restrict the ability to extend sites. With regard to accommodating visitors, this is considered to be a factor of site management and not something that the DPD can specifically address.
- 4.10. The comments that the consultation process was too Internet-based are not considered justified. Free paper copies of the consultation document were available at the public exhibitions, public meetings and from the Council Office. In addition there was a paper version of the questionnaire distributed at the exhibitions. Residents could (and in fact many did) write letters.

## 5. A47 Corridor

- 5.1. A47 corridor – (two potential permanent sites and one potential transit site). Comments can be grouped as;
  - Sites are not on the A47 corridor but the A11.
  - Land at Station Lane is liable to surface water flooding.
  - Former MoD depot is potentially contaminated and, therefore contrary to the criterion that seeks to avoid contaminated land.
  - Access will be severely restricted once the central reservation on the A11 has been closed.
  - Sites have been given too high a score in the evaluation, in particular with regard to impact on the nearby dwellings.
  - Concern was raised for the well-being of Travellers, given the proximity of the railway line, the A11 and the neighbouring council depot and recycling centre.

- The transit site is not suitable because of noise and fumes from traffic on the A11 and A47.
  - Concerns about the management of the sites and the potential impact on crime and disorder.
- 5.2. While the sites are closer to the A11 than to the A47, they all fall within the corridors that appeared at the Issues and Options stage of the DPD. However, there are other issues that have arisen from the consultation that cast serious doubt on the sites' suitability.
- 5.3. Evidence has been submitted that show the site at Station Lane, Ketteringham is prone to surface water flooding. One of the essential site selection criteria requires that we avoid sites that are at risk from flooding. While the site is not within a defined flood risk zone, the advice from the Environment Agency is that the Council should take account of localised flooding. This would suggest that the score of 4 was too high and this element of scoring should be lowered to 2, thus excluding the site under the draft DPD's selection methodology which places flood risk in the 'essential' category.
- 5.4. The former MoD site could be contaminated as it was used to store aviation fuel, but the size of the site means it is likely a sufficient portion of the site does not suffer from contamination. It could accommodate the proposed Gypsy and Traveller site. The site would also become less accessible once the central reservation on the A11 is closed. This would require northbound traffic from the site to travel south on the A11 to the next junction at Wymondham. Concerns were raised that this would encourage traffic to use minor roads such as Cantley Lane, and that this was inappropriate. These factors suggest that the site is not as accessible as scored (this would also apply to the Station Lane site). It would also suggest the score of 3 for the selection criterion 'Road network from corridor' should be reduced to 2. This would exclude the site from the draft DPD selection method on the 'essential' category basis too.
- 5.5. With regard to the proximity of dwellings, both sites are separated from the closest dwellings by the railway line, which has natural screening alongside it. It is considered that the scores in the draft DPD are reasonable. Likewise the scoring on the well-being of site occupiers is considered to be reasonable, given the potential for screening neighbouring uses
- 5.6. Most of the comments on site management raise concerns based on experience of unauthorised sites. One of the key purposes of the DPD is to have properly managed sites that will not give rise to the problems associated with unauthorised sites. The Council consulted with Norfolk Constabulary who made no comments in respect of the proposals. Some respondents considered the proposal to manage the site through a lead tenant was not adequate and that there should be a warden on site 24 hours a day. From an economic viability point of view, the size of the site that could justify this level of site control would need to be greatly in excess of six to eight pitches. It is considered that a lead tenant is appropriate and justified given the size of the sites being sought.
- 5.7. If Cabinet agree that both these sites are unsuitable, there would be no allocation in the A47 corridor in addition to that at Harford. As stated in paragraph 3.5, this

gives justification to the argument that the Council has met its aspiration for sites in this corridor.

## **6. Transit Sites**

- 6.1. The proposed transit site also received a variety of objections. Many of these related to the poor environment that would be experienced by site users. In particular, concerns were expressed about the adverse effect on the health of occupiers caused by traffic noise and pollution. These factors have been checked with the Council's Environmental Health team who confirm that the air quality at this location is very poor. The Highways Agency has also objected on the grounds of road safety. Its objection is on the grounds of road safety relating to the potential for slow moving vehicles emerging from the minor road onto the A47 slip road (westbound to the Thickthorn roundabout) where traffic is likely to travelling at relatively high speeds. These factors need to be reflected in the assessment scoring, especially the essential factor of suitable access by local road network. It is officers' view that this factor should be rescored at 2, thus excluding the site under the DPD's selection methodology.
- 6.2. This leaves the Council without a suitable transit site identified. The recommendation of the Gypsy and Traveller Working Group would be to include a criteria-based policy for assessing planning applications for transit sites in the future. Identifying new sites would necessitate a further round of consultation under Regulation 25, with resulting delays in progressing the DPD to adoption. Given the pressing need to progress the DPD, officers consider the criteria-based policy approach to be the preferred way of resolving this issue. Such a policy would need to refer to Norfolk County Council's strategy for providing transit sites.

## **7. A11 Corridor**

- 7.1. A11 Corridor – (three potential permanent sites). Comments can be grouped as:
- Sites have been given too high a score in the evaluation – particularly in relation to the nature conservation value, access to services, impact on Wicks Hall and adverse impact on the local footpath and bridleways.
  - Sites are disproportionately large in comparison with the settlements of Spooner Row and Sutton.
  - The site that was not shortlisted at Lower Spinks Lane has been wrongly assessed and is a better location than the three highlighted in the DPD.
  - Concerns about the management of the sites and the potential impact on crime and disorder.
  - Too many sites have been identified in the A11.
  - Concern raised for the well-being of the travellers, given the proximity of the A11.
- 7.2. Most of the comments on site management raise concerns based on experience of unauthorised sites. This issue is addressed in paragraph 5.6 of this report.

With regard to comments about too many sites being located in the A11 corridor, it is the Council's intention to allocate just one site of six to eight pitches. Some people refer to the Thickthorn and Ketteringham sites as being in the A11 corridor too, but it is the council's view, as stated earlier, that the Ketteringham sites fall within the A47 corridor. The proposed site at Thickthorn is a transit site, and not specific to any road corridor. In any event, Cabinet are being asked to drop the Ketteringham and Thickthorn sites from the DPD, resulting in just one site in the A11 corridor.

- 7.3. Many respondents expressed concerns at the proximity of the Sutton and Spooner Row sites, which appears to arise from a misunderstanding of how many sites were required in the A11 corridor (that is, one permanent site). Many submitted comments were identical for both sites (many who responded adopting a standard template).
- 7.4. Spooner Row – many of the responses considered the Council's assessment of the site to be flawed. In particular respondents considered the site to have nature conservation value and therefore should score 2 or less on the criterion "Avoid environmentally sensitive sites". There is no nature conservation designation on the site in planning terms. The site is not defined in the South Norfolk Local Plan as an area protected for its habitat or environmental value, nor is it designated as a County Wildlife Site. The site is in agricultural use and managed under a countryside stewardship regime, which ends in 2012 when the current EU Modulation framework expires. This is not a planning designation. Taking this into account it is considered this criterion has been appropriately scored. With regard to Wicks Hall, it has no listing or other protective designations.
- 7.5. Concerns were raised for the well-being of occupiers of the proposed site in regard to noise and air pollution. In planning terms, noise could be managed by acoustic bunding on the site. Air pollution is not at a level that would warrant an objection on this factor.
- 7.6. Several respondents also challenged the scoring on access to facilities, and they considered there to be few facilities in the village. Spooner Row does have a range of local facilities, including a primary school and village hall, which are considered to be within a reasonable walking distance from the proposed site. Officers consider the assessment of this factor to be a fair reflection. One area that requires to be reassessed is site access. Norfolk County Council commented that: "Access would be taken from the Station Road (B1172)/A11 (Trunk Road) roundabout junction which is considered unacceptable due to conflict with vehicles using this roundabout". This has led Norfolk County Council to raise an objection to the site. This information suggests the site access criterion be reduced from 3 to 1, thereby excluding the site under the DPD's selection methodology.
- 7.7. It is considered that the scale of the proposed site in relation to the settlement of Spooner Row is proportionate.
- 7.8. Sutton – Similar responses to Spooner Row were received for the Sutton site. In particular many respondents questioned why the criterion "Access to social and

community facilities” was scored one point higher than the nearby Spooner Row site. The additional point was given because the Sutton site is closer to a bus route. However; it is debatable whether this factor in itself justifies a higher score. It is proposed that this criterion is rescored to 2, reflecting the Spooner Row evaluation. This point is not an essential factor in the site selection criteria, so would not see it excluded from the DPD methodology. Concerns were again raised for the well-being of occupiers of the proposed site in regard to noise and air pollution. Noise could be managed by acoustic bunding on the site. Air pollution is not at a level that would warrant an objection on this factor.

- 7.9. Some responses queried the site assessment with regard to the proximity to existing dwellings. The site is closer to dwellings than the other sites in this corridor, however the distance from the site to the dwelling is reflected in the evaluation, which scores this factor as 3.
- 7.10. From the responses received it is clear that Chepore Lane is well used by pedestrians, cyclists and horse riders. There is concern that the presence of the site would render the route unsuitable for these pursuits. It is not accepted that a well-managed site would have such results.
- 7.11. Elements of the scoring criteria have been re-assessed for the Sutton site in the light of public comments; the only factor given a new score is the access to services, which is not an essential factor. However the site should also be compared with the proposal at Stanfield Road. For the reasons listed below the Stanfield Road site is considered to be more suitable than the Sutton proposal and therefore it is recommended that the Sutton site, although considered acceptable in planning terms, is not allocated as part of this DPD process.
- 7.12. Most of the comments on site management raise concerns based on experience of unauthorised sites. This is addressed in paragraph 5.6 of this report.
- 7.13. Stanfield Road – Some representations of support were received for this location. Objections to the site included: it has nature conservation value, is unsuitable because of the neighbouring oil storage depot, and is too remote from services and facilities.
- 7.14. The site has no nature conservation designations (such as County Wildlife Site). Norfolk County Council has given the opinion that the site has no special wildlife value and the Council’s ecologist has confirmed this. With regard to the distance from services and facilities, it is considered the location meets the criteria in ODPM circular 1/2006. Paragraph 54 states when considering rural locations for Gypsy and Traveller sites, local authorities should be realistic about the need for private car travel to access local services. Taking this advice into account it is considered that the proximity to Wymondham.
- 7.15. Representations from Goff Petroleum, (the operator of the neighbouring fuel storage site) question the safety of the site. It is concerned that the Health and Safety Executive’s consultation zone is too restrictive and should be increased. This increase would cover the site, and in Goff Petroleum’s view makes it unsuitable for development. The proposed site lies outside of the published Health and Safety Executive’s consultation zone, and this point has been

checked with the Health and Safety Executive since receiving Goff's representation.

- 7.16. Lower Spinks Lane – Several representations questioned the Council's evaluation of the site at Lower Spinks Lane. In particular it was considered the Council had given too low a score to the criterion "Access to social and community facilities". The Council has re-examined this factor and has sought the views of Norfolk County Council in its capacity as the local transport authority. Norfolk County Council has responded that if the Council were to allocate the site it would raise an objection on transport grounds. This is because of the lack of pedestrian access across the A11 slip roads. This confirms the score given by the Council to this factor and the transport objection rules out allocating the site.

## **8. A143/A1066**

- 8.1. A143/A1066 Corridor – (three potential permanent sites). Comments can be grouped as:
- Sites have been given too high a score in the evaluation – in particular concerns at the visual intrusion of the sites in the landscape, the lack of local facilities, the adverse impact on tourism.
  - Sites are disproportionately large in comparison with the settlements of Brockdish and Earsham.
  - The sites are too close to existing sites.
  - Adverse impact on walkers, cyclists and horse riding.
  - Concerns about the management of the sites and the potential impact on crime and disorder.
- 8.2. Brockdish – Norfolk County Council has raised a highway objection to this site. This objection means the Council could not justify allocating this site. The highway objection gives evidence to re-score the site access and road network criteria to 1. This means the site does not meet the site selection criteria and should be excluded from the list of potential sites
- 8.3. Objectors have pointed out that there is already an authorised Travellers site in the Parish of Brockdish and Thorpe Abbots. This site is in Thorpe Abbots and the evaluation of the site fails to acknowledge this. It is appropriate to rescore the criterion "Not Close to existing authorised G and T sites" from 2 to 1. This criterion is not an essential factor.
- 8.4. Representations suggested the site was contrary to the Council's own local plan policy ENV 3. However, this policy identifies specific landscape characters. It requires development to be designed and landscaped in a way that reflects the landscape character. The policy is not an embargo on development.
- 8.5. From the responses received it is clear that this area is well used by pedestrians, cyclists and horse riders. There is concern that the presence of the site would render the route unsuitable for these pursuits. In particular there were concerns that the site would damage the attractiveness of Angles Way, an award winning

long distance footpath. This would result in fewer tourists and have a negative impact on tourist accommodation in Brockdish. It is not accepted that a well-managed site would have such results.

- 8.6. Most of the comments on site management raise concerns based on experience of unauthorised sites. See paragraph 5.6 of this report. One of the main purposes of the DPD is to have well-managed sites that will not give rise to the issues associated with unauthorised sites. From a South Norfolk perspective, there is no hard evidence to suggest that the presence of an authorised Gypsy and Traveller site results in an increase of crime and disorder. Some respondents considered the proposal to manage the site through a lead tenant was not adequate and that there should be a warden on site 24 hours a day. From an economic viability point of view the size of the site that could justify this level of site control would need to be greatly in excess of the six to eight pitches sought.
- 8.7. Many respondents raised the issue of impact on the local primary school, which has a small number of pupils. However no response was received from Norfolk County Council's Children's Services (the Local Education Authority) to confirm these concerns.
- 8.8. Earsham – (Coach Depot) many objections were received that raised concerns that the occupation of the proposed site would compromise the neighbouring scaffolding business. This concern is based on the fact that the operation of the scaffolding business is noisy, with activity during hours that would be unsocial for occupiers of the proposed site. Representations were received from the scaffolding business (Tubes Scaffolding) and their employees raising this point, and expressing concerns that any possible objections from occupiers of the proposed site on the grounds of noise, would compromise the viability of the business. This point has been taken up with the Council's Environmental Health team, which has confirmed that this is a valid concern. It is considered impractical to adequately screen this site from the noise from a scaffolding company. This concern means the site is not suitable for allocation.
- 8.9. Objections have also been received from the current occupier of the site (D Way Travel). In particular it suggests the proposed site would have a negative impact on local businesses.
- 8.10. Many of the representations drew comparisons between the proposed site and the unauthorised site at Five Acre Lane. As has already been stated, the aim of the DPD is to secure well-managed sites that will avoid many of the issues experienced from unauthorised encampments. Providing well-managed authorised sites strengthens the ability to take enforcement action against future unauthorised encampments.
- 8.11. Several representations stated that the site was unsuitable because of the access to the A143/A1066. Norfolk County Council has not raised this as a concern and there is no highway objection.
- 8.12. It is considered that the scale of the proposed site in relation to the village of Earsham is proportionate. From the responses received it is clear that this area

is well used by pedestrians, cyclists and horse riders. There is concern that the presence of the site would render the route unsuitable for these pursuits. It is not accepted that a well-managed site would have such results.

- 8.13. The lack of local facilities was mentioned in many of the representations. This included, the lack of footways along the Old Harleston Road, the lack of facilities in Earsham. While the Old Harleston Road does not have footways it is clear from a great number of responses that this section of the road is currently well used by pedestrians and cyclists. The road has a quiet country lane character with low traffic flows. With regard to facilities, the village has a shop, public house, village hall, school and is on a bus route. It is considered that these facilities justify the score given for this criterion.
- 8.14. Many respondents raised the concern that contaminated water would run off the site into the River Waveney. However, it is considered that a properly designed and well-managed site would not cause this problem. Visual intrusion in the valley landscape was also frequently referred to in responses. The coach depot site is in hollow and a site here would be unobtrusive.
- 8.15. Earsham – land north of Old Harleston Road. Given the proximity of the site to the Coach Depot it is not surprising that it shares many of the same issues. It also shares many of the same responses to the issues raised. There are however, some key differences
- 8.16. With regard to noise from the neighbouring scaffolding company there is one key difference. The size of the field would allow for the construction of an acoustic bund, which would protect the occupiers from the noise. The construction of this bund would reduce the size of the remainder of the field that could be used for agriculture. The site is currently used for keeping pigs.
- 8.17. There have been comments made by the farmer and others that locating the site on this field would mean a reduction in the size of the pig farm because of the need to have an area separating the site from the pigs. It was suggested that this was due to the risk of disease to the pigs arising from discarded litter from the site. When coupled with the requirement for an acoustic bund, the issue is whether there is sufficient land remaining for the pig farm to be economically viable. Following receipt of these representations, officers have established with DEFRA that even with the requirements for screening and separation, enough land remains for the pig farm to be viable.
- 8.18. The landowner has indicated that he would be unwilling to sell the land to the Council, and has suggested that the Council would have to compulsorily purchase it. The site is set in a more open position than the other Earsham site and is more prominent in the landscape. This in itself does not preclude development but does mean the site will require extensive landscaping to minimise its visual impact.
- 8.19. Having regard to these issues, it is considered this site is suitable for allocating as a permanent site for Gypsies and Travellers.

## **9. The next Steps**

9.1. The next stages can be summarised as:

- Gypsy and Traveller Working Group submit recommended Regulation 27 documents to Cabinet 27 July 09
- Eight week deposit period (Regulation 27) for public comment on soundness August September
- Cabinet 14 December 2009 to consider responses to Regulation 27 Draft DPD and decision whether to submit to the Secretary of State for Examination in Public.
- Special meeting of Council to agree to submit to the Secretary of State
- Submit December 2009
- Examination in Public by June 2010
- Inspector's Report by August 2010
- Adopt by September 2010 (assuming the DPD is found to be "Sound")

## **10. Relevant Corporate Objectives**

10.1. The DPD is intended to implement the three-year goal 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

## **11. Other Options**

11.1. 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 local democratic involvement.

11.2. 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 considered that this represents better value for money than the high cost and delays of enforcement action without a DPD.

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

- 12.1. As stated in section five of this report, failure to deliver the identified requirement for Gypsy and Travellers sites could result in the intervention of the Secretary of State. These powers of intervention include the ability to pass on the costs of the intervention to the council.
- 12.2. Current negotiations with the landowners suggest that the Council will need to use its powers of compulsory purchase (CPO) to acquire the proposed sites. This is likely to result in additional costs. However, allocating the sites will assist the Council's case.
- 12.3. The Council has a statutory duty to eliminate unlawful racial discrimination, provide equality of opportunity and promote good race relations. It is therefore essential that in undertaking its planning function the Council consider the housing needs of all sectors of the community, including Gypsies and Travellers.
- 12.4. Progressing the DPD should increase the opportunity for the Council to obtain 100 per cent Government funding to providing sites at no cost to Council Tax payers. Having an adopted DPD that demonstrates how the Council meets its requirements for providing Gypsy and Traveller sites will allow more effective enforcement action against unauthorised encampments.

## **13. Conclusion**

- 13.1. The public consultation exercise has provided the Council with a great deal of evidence that has been invaluable in assessing the suitability of the potential of the sites listed in the Regulation 25 version of the Gypsy and Traveller Development Plan Document. Taking these responses into account has enabled the best sites to go forward for inclusion as allocations in the pre-submission draft (Regulation 27).