

Report to Overview & Scrutiny Committee

Date of meeting: 23 February 2016



Subject: Basildon Borough Council - Local Plan Consultation

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Recommendations/Decisions Required:

That the following comments be made to Basildon Borough Council in response to the current consultation on its emerging Local Plan:

- (a) that the commitment to on-going co-operation with other Essex local authorities on cross-border and other strategic planning issues, including provision for the travelling community, be noted;**
- (b) that the approach proposed for future provision for the former Dale Farm travelling community, in the light of the revised guidance “Planning Policy for Traveller Sites” issued by the Department for Communities and Local Government in August 2015, be noted; and**
- (c) that, whilst being sympathetic to the position of Basildon Borough Council, it is extremely unlikely that Epping Forest District Council will be able to make any provision for the former Dale Farm community as it is probable that the Council will be asking other local authorities to make provision for some of it’s identified need for the travelling community (112 additional pitches for the period up to 2033) as a result of the 92% Green Belt coverage of the district.**

Report:

1. The current Development Plan for Basildon Borough consists of the Saved Policies from the Basildon District Plan (1998) and the Essex and Southend-on-Sea Waste Local Plan (2001), and the recently adopted Essex Minerals Local Plan (2014). The new Local Plan will replace the 1998 policies, setting out an overall development framework for the period up to 2034. Consultation on the Draft Local Plan runs from 28th January to 24th March 2016. The document can be accessed on www.basildon.gov.uk/localplan
2. The key issue in the consultation for Epping Forest District Council is provision of new accommodation for Gypsies and Travellers. Basildon’s 2013 Gypsy and Traveller Accommodation Assessment (GTAA) identifies a need for an additional 104 pitches to meet the needs of the authorised, temporary and tolerated sites, and a further 136 pitches to meet the needs of those members of the travelling community who were established on the unauthorised Dale Farm site.
3. The Borough Council is of the view that suitable and deliverable sites with the capacity for between 98 and 109 pitches can be identified, meeting the needs of the authorised, temporary and tolerated sites. The consultation document concludes that the Borough cannot make provision for the need arising from the former Dale Farm community, and

that this need will therefore need to be met through the Duty to Co-operate.

4. The Borough Council is taking advantage of the most recent (August 2015) Government guidance on provision for the travelling community (Planning policy for traveller sites (PPTS)). Paragraph 12 states – “In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.”
5. Consequently Policy H3 of the Draft Local Plan states (inter alia) that:
 - (a) “The Council will seek to provide for the accommodation and well-being needs of the Borough’s gypsy, traveller and travelling showpeople communities by securing existing provision and seeking the delivery of an additional 104 pitches by 2033; and
 - (b) The Council will continue to work with other local planning authorities and Essex County Council to secure the provision of:
 - (i) The need arising from the large scale unauthorised former site at Dale Farm in other Boroughs/Cities/Districts in Greater Essex; and
 - (ii) New transit sites to meet Greater Essex needs.”
6. In response to an earlier consultation (Basildon Borough Local Plan Core Strategy Revised Preferred Options Report) this Council sent an officer level response in March 2014 (agreed with the Planning Policy Portfolio Holder) which included the following comments: “I am sure that every other Essex authority would accept that Basildon has a particularly tricky and difficult problem with making adequate provision for future traveller needs. However a joint GTAA is currently being prepared for the rest of Essex and, while it is far from complete, the message that is coming through is that this district is likely to need to more than double the already quite high provision in the period up to 2033 – and this is a district which is currently 92% Green Belt. There are also hints that revised guidance is to be published shortly for consultation, and that this is likely to tighten Green Belt constraints as far as traveller pitch provision is concerned. From this perspective it would appear to be virtually impossible for this Council to make any meaningful contribution to the predicted shortfall in Basildon provision.”
7. Members will be aware that the Essex GTAA was published in July 2014 and adopted as part of the Local Plan Evidence Base at the Cabinet meeting on 8th September 2014. This concluded that Epping Forest District needed to provide 112 new pitches by 2033. As of December 2015 there were 123 authorised permanent pitches in the district. The PPTS also changed the definition, for planning purposes, of travellers, excluding those who no longer follow a nomadic way of life. This will necessitate an update to the GTAA, and is likely to lead to a small reduction in the new pitch target, so while the figure is not quite as high as was anticipated in the March 2014 response to Basildon, there can be no doubt that this district still has a very challenging target to meet its own needs.
8. The PPTS has also tightened Green Belt constraints as far as provision for the travelling community is concerned. A new last sentence has been added to the (re-numbered) paragraph 16 which states “Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.” The re-numbered para 25 has an additional word, underlined in the following quote - “local planning authorities should very strictly limit new traveller site development in open countryside ...”.

9. A new last sentence has also been added to the re-numbered paragraph 27, which is now quoted in full, with added underlining : “If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, and Area of Outstanding Natural Beauty, or within a National Park (or the Broads).”
10. These changes will make it even more difficult for this authority to make provision for its own travelling community needs, as was predicted in March 2014, and as a consequence, virtually impossible for any of Basildon’s former Dale Farm community. While this Council would wish to be fully involved in Duty to Co-operate discussions with other Essex authorities on a wide range of issues including provision for the travelling community, it is much more likely that Epping Forest District will be asking other authorities to take some of its identified traveller needs because of the very significant, and recently strengthened, constraints in the district. The response to the current Basildon consultation should emphasise this point.

Resource implications:

Consideration of the consultation has been undertaken within the existing resources of the Planning Policy team.

Legal and Governance Implications:

These could arise if negotiations are entered into with other Essex authorities concerning provision for the travelling community.

This Council already has a very difficult target in terms of new pitches for the travelling community and, given the significant Green Belt coverage of the district, it is important that the response should highlight the problems the Council is facing.

Safer, Cleaner Greener Implications:

There are no such implications arising from the recommendations of this report.

Consultation Undertaken:

None.

Background Papers:

Basildon Borough Draft Local Plan Regulation 18 Consultation – January 2016. Planning Policy for Traveller Sites (DCLG August 2015)

Impact Assessments:

Risk Management: There are no risk management implications arising from the recommendations of this report.

Equality: There are no equality implications arising from the recommendations of this report.