

Report to the Cabinet

Report reference: C-120-2008/09
Date of meeting: 20 April 2009



Portfolio: Planning and Economic Development.
Subject: Analysis of Gypsy and Traveller Options Consultation.
Responsible Officer: Ian White (01992 564066).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To agree the methodology that will be used for analysing the responses to the options consultation on sites potentially suitable for Gypsies and Travellers;**
- (2) To approve the addition to the website of the simplified flow diagram which outlines the process of analysis; and**
- (3) To note that the Sustainability Appraisal, which has been prepared by the County Council, will be published for public consultation for a period of 6 weeks.**

Executive Summary:

The report describes how a “filtering” process is being used to narrow down the final selection of potentially suitable sites for pitches for gypsies and travellers. The process will place sites in one of three categories A, B or C. Those in A are where significant problems have been identified which cannot be mitigated, and therefore no further analysis of these sites will take place. The sites in B also have problems but more research is being undertaken to assess the importance of these issues, and the final decision will place these sites in either A or C. Those in C have no significant problems identified by the consultation, but this simply means they will not be eliminated at this stage. A comprehensive flowchart and a simpler version (for the website) are included as appendices.

Reasons for Proposed Decision:

A clear, transparent and robust methodology is needed to analyse the consultation responses and to focus quickly on the sites that remain potentially suitable for the travelling community. With about 1,600 responses representing about 9,700 local residents, it is important to develop a filtering mechanism to enable early deletion of sites where significant problems have been identified which cannot be mitigated or otherwise overcome.

Other Options for Action:

There is no other reasonable option. A process is needed to prevent unnecessary work on unsuitable sites and to meet the deadline set by the Direction requiring submission of the draft Development Plan Document (DPD) to the Secretary of State by the end of September 2009.

Report:

Analysis of Consultation Responses

1. Public consultation on the options for sites for Gypsies and Travellers ran from early November 2008 to 20 February 2009. 700 on-line replies were received and 900 paper copies of the questionnaire were returned. A smaller number of letters, some of significant length, were also received. About 9,700 local residents replied to the consultation although the vast majority of these (about 8,100) were in the form of group responses – mainly completed questionnaires with attached signatures.

2. SNAP Surveys Ltd has been employed to enter responses from the hard copy questionnaires into a database. This will be returned to the Council in electronic format with the relevant reference numbers attached to the entries. This will be combined with the on-line replies received directly by the Council and will assist with assessing and correlating issues raised in the responses. A more detailed quantitative description of the outcome of the consultation will form an appendix to the final Council report.

3. Analysis of the responses will follow the process described below, and Members are encouraged to examine the flow diagram accompanying this report (Appendix 1). The first priorities are to identify:

- (a) suggestions for alternative sites; and
- (b) significant problems affecting sites which cannot be mitigated.

The former should come only from the “non-technical” responses (ie the local community). The latter can come from both the technical (mainly the statutory consultees) and non-technical replies.

4. Potential alternative sites will have been judged against the 21 criteria listed in the Consultation on Options document (which were used to select the sites included in the consultation). If any of the “new” sites satisfy the criteria, and are otherwise reasonable, they will have to be subject to further technical and public consultation – hence the need for early identification of any alternative sites. This “second round” of public consultation (if one is needed) will be more restricted in coverage and will be focused on the locality of the particular sites. The “first round” responses are currently being analysed as a priority to determine if any reasonable alternatives have been suggested. The few alternatives so far identified (at the date of the drafting of this report) have not been considered reasonable being either remote from services or having other fundamental planning problems. There is no regulatory requirement to consult on unreasonable alternatives.

5. Identification of significant problems will enable separation of sites into one of 3 categories – category A sites are those where the problems cannot be mitigated, and no further analysis of these will take place; category B sites are where problems have been identified which can possibly be mitigated – further research is needed to determine whether they ultimately fall into category A, or the third one, category C. This last division will contain those sites that will be subject to further studies (e.g. landscape impact) as well as detailed assessment of other matters raised in the consultation responses. It is important to understand that inclusion in category C at this stage merely means that a site has not been eliminated, and does not mean that it will automatically be proposed as being suitable for pitches. Thorough analysis of the non-technical responses may conclude that some category C sites are not suitable. The final Council report will make recommendations, but this will include analysis of all relevant consultation responses, the deliverability of the sites, the final results of the sustainability appraisal, the location strategy and any update on the Single Issue Review of the

East of England Plan and the Essex Gypsy and Traveller Accommodation Assessment 2008 - 9.

Sustainability Appraisal (SA)

6. This is a statutory requirement for all Development Plan Documents and its purpose is to promote sustainable development through the integration of social, environmental and economic considerations. It incorporates Strategic Environmental Assessment (SEA) as required under a European Directive. The SA will assess the methodology used in the original site selection, the sites included in the consultation document, and any alternative sites suggested which also satisfies the criteria as described in paragraph 4. The results of the SA should be seen to have contributed to the final selection of sites.

7. The SA is being produced by the County Council and will be the subject of its own separate consultation. This involves several statutory bodies and all parties that responded to the options consultation. It summarises the technical responses to that consultation and evaluates site suitability. It is a statutory requirement to consult on the SA, and government good practice on appraisals makes it clear that the SA process should be used as a means to narrow down the options based on the evidence. Members therefore need to be aware that the categorisation of sites (by the County Council) will be in the public domain well before the final Council report is published.

8. The final appraisal report will be placed on the website with paper copies being available at council offices. Members, parish and town councils, landowners, lead petitioners of group responses and individual respondents will be contacted and their opinion sought on the report. There will also be a press release. Consultation is expected to commence after Easter and to run for 6 weeks.

9. The appraisal itself or any responses to the consultation could identify further issues or problems affecting particular sites, and these will be dealt with as described in paragraph 5. The SA and a summary of the consultation responses will form an appendix to the final Council report.

Deliverability Study

10. Delivery is key to the new development planning system, and it is therefore necessary to show that the sites that are finally selected can be delivered for use by the travelling community within a prescribed time period. Officers from the Housing and Planning Directorates have been co-operating to prepare a draft Deliverability Study. This will require consultation with, and input from (inter alia), Essex County Council, Registered Social Landlords and the Homes and Communities Agency (HCA). The outcomes and conclusions of the study, including indicative costings for bringing forward each of the potentially viable sites and providing a basis for a grant bid to the HCA, will be in the final Council report.

Location Strategy

11. The Council report will also analyse responses to the questions on location strategy as outlined in sections 6.1 to 6.9 of the consultation document. Members should also take into account the issue of concentration of sites in Roydon and Nazeing parishes. This was considered at the Examination in Public of the Single Issue Review of the East of England Plan, and was a contributory factor to the Panel's recommendation that this Council's target by 2011 be reduced from 49 to 39 pitches.

Other Issues

12. The final report will also update Members on progress with the Single Issue Review (the Secretary of State is likely to have published proposed amendments for consultation following her consideration of the Panel Report). The Essex Gypsy and Traveller Accommodation Assessment (GTAA) – sponsored by the Essex Planning Officers' Association and the Essex Housing Officers' Group may also have been published. Officers are confident that this will recommend a further reduction in the target for this Council.

Resource Implications:

Forward Planning and Development Control staff will carry out analysis of the consultation responses.

Legal and Governance Implications:

All non-technical responses will be checked for the use of racist or other inappropriate wording. Any such replies will be returned with a request that they are reworded in an appropriate fashion, otherwise they will not be included in the analysis.

Safer, Cleaner and Greener Implications:

The site selection process and some of the technical consultations address these issues.

Consultation Undertaken:

This is a report on a consultation exercise and how the responses have been analysed.

Background Papers:

Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents (ODPM 2005);
Consultation on Options: Development Plan Provision for Gypsies and Travellers in Epping Forest District (2008); and
PPS12: Local Spatial Planning (2008).

Impact Assessments:

The report discusses the Sustainability Appraisal, which incorporates the Strategic Environmental Assessment. The original selection of sites also took into account Habitats Regulations Assessment.