

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 19 January 2010

**Portfolio Holder:** Councillor Mrs D Collins  
(Leader's Portfolio)

**Item:** 5

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## **1. GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT - COUNSEL'S ADVICE AND INITIAL ANALYSIS OF THE OPTIONS CONSULTATION RESPONSES**

### **Recommending:**

- (1) That an urgent meeting be sought with the relevant Minister to discuss the future preparation of the Gypsy and Traveller Development Plan Document;**
  - (2) That the letter attached as Annex 2 to this report be sent to the relevant Minister prior to the meeting referred to in (1) above;**
  - (3) That, pending the outcome of further discussions with the Government Office for the East of England (Go-East), preparation of the Gypsy and Traveller Development Plan Document be continued;**
  - (4) That the sites identified within the Options Consultation Document not be rejected without formal consideration of the responses to the Consultation;**
  - (5) That officers be authorised to continue discussions with Counsel and Go-East about sites which are within or in close proximity to settlement; and**
  - (6) That the initial results of the analysis of the consultation responses be noted.**
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## **Introduction**

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- 1. At our meeting on 4 January 2010, postponed from 21 December 2010, we considered the attached report (Annex 1).**
  - 2. The report contains advice from Counsel about the future direction for the preparation of the Gypsy and Traveller Development Plan Document. We have taken account of that advice and the views of our officers and we are of the opinion that as a matter of urgency a meeting should be sought with the relevant Minister to discuss the Direction served by the Secretary of State in September 2007 which requires the Council to amend its Local Development Scheme to specify that:**
    - (a) it includes a Gypsy and Traveller Development Plan Document; and**
    - (b) work will commence on the Development Plan Document as soon as possible with submission of the draft for examination by 30 September 2009.**

3. Prior to a meeting with the relevant Minister we are recommending that a letter be sent to him outlining the matters for discussion and a copy of the proposed letter is attached to this report as Annex 2.

...

4. Members will note that there are three major points which it is considered should be addressed at a meeting:

(a) the very substantial increase in provision for gypsy and traveller pitches made in the District since the Direction;

(b) the adverse effect on achieving an up-to-date Local Development Framework as a result of continuing with a requirement to complete a separate Gypsy and Traveller Development Plan Document; and

(c) the other results of a Local Development Framework Review that the Council has undertaken.

### **Increase in Pitches**

5. The increase in provision of pitches can be seen from the table attached to the letter which compares the position as at 2006 with that as at late 2009. Members will note that there has been a significant increase in the number of private authorised sites, an increase in the number of tolerated sites, a significant increase in the number of temporary sites and a significant reduction in the number of unauthorised sites.
6. Progress made by the Council can also be contrasted with the position elsewhere in Essex as shown in the chart attached to the letter which shows gypsy and traveller populations by District as at July 2009. It will be noted that this Council has the greatest percentage of caravans in the County with the exception of Basildon District. In relation to the number of unauthorised caravans it can also be seen that there are other districts in the County with a higher percentage than this Council.

### **Threats to the Local Development Framework**

7. The Council has allocated a very significant level of financial and human resources towards preparing the draft Gypsy and Traveller Development Plan Document. Such resources are finite and they can only be stretched so far without materially undermining the Council's other strategies and priorities.
8. The cost to the Council of the Gypsy and Traveller Development Plan Document so far (not including staff costs which are considerable) is already in the region of £180,000. The Council's budget agreed in December 2007 for the preparation of the entire Local Development Framework is £1.3m. We believe that using over 10% of the total budget on a single, albeit important, issue is disproportionate.
9. The Local Development Framework process was intended to be quicker, cheaper and more flexible than the old Local Plan and using Local Development Framework resources to such a degree on a single development plan document does not fit with that aim.

### **The Local Development Framework Review**

10. The Council has recently participated in a Planning Advisory Service Diagnostic as part of an overall review of the progress the Council has made in the preparation of its Local Development Framework as required by the Planning and Compulsory Purchase Act 2004. The Planning Advisory Service report highlights the direct and adverse impact that the preparation of the Gypsy and Traveller Development Plan Document has had on progress with the preparation of the Council's Core Strategy

but is very complimentary about the work the Council has undertaken in respect of making provision for additional provision for Gypsy and Traveller pitches, particularly in its attempts to engage with the travelling community.

11. The Planning Advisory Service report also raises more subtle, but very worrying, concerns about public perception of the planning process as a consequence of the Gypsy and Traveller Development Plan Document Options Consultation.
12. Between November 2008 and February 2009 the Council carried out an Options Consultation on its proposals for the Gypsy and Traveller Development Plan Document to which an excess of 10,500 responses were received. The volume and complexity of the response to the Options Consultation on the Gypsy and Traveller Development Plan Document resulted in the Council being unable to meet the deadlines set by the Secretary of State's Direction for the submission of a draft Development Plan Document by September 2009.
13. Officers had been in discussions with Go-East since July 2009 in the hope of agreeing a revised timetable for the preparation of the Development Plan Document and how best to progress with the work necessary to prepare that document, having regard to the fact that the Council is also required to prepare a Core Strategy in co-ordination with Harlow and East Hertfordshire District Councils as required by the Regional Spatial Strategy for the East of England. Go-East suggested a process for shortening the revised timetable but Counsel advises that the suggestion be rejected.

#### **Development Plan Document Preparation**

14. Counsel has also advised that it would not be appropriate or reasonable to abandon the preparation of the Gypsy and Traveller Development Plan Document and we accept that advice.
15. As regards rejecting all or most of the sites identified in the Options Document without formally considering responses to the consultation, Counsel again advises against pursuing this course of action. He concludes that this would render the Development Plan Document "unsound" as it would not be justified because its evidence base would not be robust or creditable. We accept this advice. Evidence is key to the new planning system, and consultation responses will constitute a key part of the evidence base for preparing a Development Plan Document. Ignoring or not using that evidence would be considered wholly unsound by an Inspector at an Examination in Public.
16. Paragraph 65 of Circular 1/06 (Planning for Gypsy and Traveller Caravan Sites) states that local authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. All of these factors (and others) were taken into account in identifying potentially suitable sites for the purposes of the consultation. However, there are particular issues affecting the District which restricted the possible availability of land in terms of this guidance. We have taken account of Counsel's advice and are recommending that officers be authorised to continue discussions with Counsel and Go-East about perspective sites which are within or in close proximity to settlements.

#### **Recommendations**

17. Any significant extension to the timetable for preparing the Development Plan document will have significant implications for other forward planning work, notably the Core Strategy of the Local Development Framework. Ignoring or rejecting Counsel's advice could lead to the intervention of the Secretary of State with decisions being taken on the location of sites for new pitches being outside of the control of the Council.

18. Accordingly, we recommend as set out at the commencement of this report.