

Report to the Council

Committee: Cabinet

Date: 27 July 2010

Subject: Gypsy and Traveller Development Plan Document - Direction

Portfolio Holder: Councillor Mrs D Collins
(Leader of Council)

Item: 12

Recommending:

- (1) That all site owners, relevant Town and Parish Councils, known local residents' associations and the local travelling community be informed of the decision of the Minister for Decentralisation to revoke the Direction which had required this Council to prepare a separate Gypsy and Traveller Development Plan Document (DPD);**
- (2) That work on the Gypsy and Traveller DPD be ceased immediately;**
- (3) That the Council's website be updated as soon as is practical to reflect the situation; and**
- (4) That the Options and Issues consultation work be discontinued;**
- (5) That those residents who own or live in the vicinity of affected sites be reassured that the impact of this decision is, where appropriate, to restore the identified sites to the planning status they enjoyed prior to the Direction of September 2007.**

The Direction

1. In a letter dated 17 September 2007 from Go-East, the then Secretary of State for Communities and Local Government directed the Council to amend its local Development Scheme to:
 - (a) include a Gypsy and Traveller Site Development Plan Document (DPD); and
 - (b) start work as soon as possible with submission of the DPD for Examination by 30 September 2009.
2. A consultant was appointed in April 2008 to deal solely with the preparation of the DPD. An Issues and Options consultation document was published in October 2008, and a public consultation exercise was held from November 2008 to February 2009, including exhibitions held in areas where potential sites had been identified. The document listed 25 new potential sites, supported the expansion of two authorised sites, and recommended the authorisation of four tolerated sites. It also listed 13 authorised or partially authorised sites the extension was not supported and one new, one temporary, two tolerated and two unauthorised sites whose authorisation was not supported. The results of the public consultation were reported to the Cabinet on 21 December 2009.
3. The exercise was extremely controversial and costly, attracting very negative coverage in local and national newspapers. Much member and officer time was expended dealing with the concerns of local residents and there is no doubt that long-term damage has been done to the relationships between the Council and the

settled community. In all a total of 10,601 people responded in some way to the consultation, either as individuals, or as signatories in groups of varying sizes. The public response was overwhelmingly opposed to the use of any of the identified sites for gypsy and traveller pitches.

4. Specialist consultants were also appointed to engage directly with the local travelling community already resident within the district. DVDs were prepared for distribution to local families which described the Local Development Framework, the purpose of the “call for sites” exercise, the Issues and Options consultation, and how to submit planning applications. No questionnaire responses to the consultation were received from the travelling community. The chosen method of response appears to have been the submission of planning applications on some sites, whether or not their authorisation or expansion was supported by the Options consultation document. As a result some permissions have subsequently been granted, or Certificates of Lawful Development issued. Some permissions have been granted on appeal and some applications have been refused. With a few applications still to be resolved, and with the submission of others anticipated, an increase of 19 authorised pitches has been achieved.
5. The consultation also sought technical responses on a range of issues. Six of these were within the Council (contaminated land, flood risk, land drainage, landscape impact, Local Strategic Partnership, and noise), five from the County Council (archaeology, gypsy liaison, highways, planning and waste disposal) and 12 external agencies were also consulted, some of these because of statutory requirements – British Waterways, the Coal Authority, the Commission for Architecture and the Built Environment, Campaign to Protect Rural England, East of England Development Agency, EDF Energy, English Heritage, the Environment Agency, Go-East, the Lee Valley Regional Park Authority, National Grid and Natural England. A number of these bodies did not respond at all or indicated that they had no comments to make.
6. The volume and complexity of the consultation response made it clear that the Direction deadline for submission of the DPD by September 2009 could not be met. Officers contacted Go-East in July 2009 to explain the situation and a number of meetings were held to try to agree a realistic revised timetable, given the increased pressure from the previous Government to be making substantial progress with the preparation of Core Strategies.
7. Following advice received from Counsel, the Council wrote to the then Secretary of State in January this year asking for a meeting to discuss the continued need for the Direction. A reply was received from the then Parliamentary Under Secretary of State on 31 March 2010 which concluded that a meeting was not necessary and that there was a continuing need for the Direction, despite the significant progress that the Council had made in increasing the provision of authorised pitches, by following a “pragmatic approach” to the consideration of tolerated sites and those with the existing temporary permissions.
8. The Single Issue Review (looking only at gypsy and traveller pitch numbers) of the East of England Plan was published in July 2009. This gave the Council the target of 34 additional pitches (creating a total of 128) by the end of March 2011 and indicated that provision should be made for an annual 3% compound increase for the period 2011 to 2021. The “pragmatic” approach being pursued by the Council has made significant inroads into meeting this target.

Coalition Government Approach

9. On 27 May 2010 the new Secretary of State for Communities and Local Government wrote to all Chief Planning Officers announcing his intention to abolish Regional Spatial Strategies and return decision making powers on housing and planning to

local councils. As a result decisions on housing supply (including the provision of travellers' sites) will rest with local planning authorities without the framework of regional numbers and plans.

10. In the light of this significant change, the Leader of the Council wrote to the new Secretary of State on 2 June 2010 requesting the early withdrawal of the Direction and justifying this by the progress the Council had made towards meeting the East of England Plan target. The Minister for Decentralisation replied on 9 July, although the letter was not received until 12 July, revoking the Direction. He commented that:

"It is the view of this Government that local councils are best placed to meet the requirements of their residents, be they from the settled or travelling community. Despite the difficulties the Direction has placed on the authority, you have shown that the Council has taken a responsible approach to meeting the accommodation requirements of travellers in the district. I do not hesitate, therefore, in agreeing to your request to withdraw the Direction".
11. This decision, coupled with the revocation of Regional Spatial Strategies and their associated targets for housing and pitch provision, completely removes the need for the Council to continue work on the separate Gypsy and Traveller DPD.
12. We are recommending that this important decision should be communicated to all affected landowners, relevant Town and Parish Councils, known local residents' associations and the travelling community as soon as possible. In addition the Council's website should be updated as soon as practical.
13. For those who own land identified in the consultation document or who live adjacent to such sites it is important to state that the removal of the Direction means that the Council can and will discontinue the consultation exercise and that the identified sites, where appropriate, will be restored to the planning status they enjoyed prior to the Direction of September 2007.
14. It should be noted however, at this stage no guarantee can be given that any land will, or will not be allocated for development as a gypsy and traveller site, whether or not the land was identified in the Options Consultation document. Such considerations will be relevant in the future when the Council decides upon the proper way forward for the provision of gypsy and traveller sites through the LDF process, if that proves necessary. Similarly, the revocation of the Direction does not guarantee that land identified in the Options Consultation will not be the subject of an application for planning permission, or that if such an application is made, that the Council, or the Secretary of State, will not grant planning permission in the future. The Council is duty bound to determine all valid applications for planning permission having regard to the facts and circumstances that are relevant at the time of the decision, including whether the proposed development is in accordance with relevant policies within the statutory development plan in force at the time.
15. Cessation of any further work on the separate DPD will allow Forward Planning to concentrate its resources on continuing to build the evidence base, and to produce the Core Strategy for the new planning system to be introduced by the Government. Gypsy and traveller site provision will form part of the broader housing section of the Core Strategy and related Local Development Framework documents.
16. We recommend as set out at the commencement of this report.