

Meeting Date	04 August 2010
Report Title	Gypsy and Traveller Corporate Policy Site Assessment 2010
Portfolio Holder	Cllr Lewin – Sustainable Planning
SMT Lead	Pete Raine
Head of Service	James Freeman
Lead Officer	Shelly Rouse
Key Decision	No
Classification	Open
Forward Plan	Reference number:

- Recommendations**
1. Agree the site scores and changes in Appendix 1; and the sites to be removed at Appendix 2 as material planning considerations for the purposes of development control
 2. Agree the Site Assessment framework for assessing any further sites which may come forward
 3. Agree Gypsy and Traveller Corporate Policy Site Assessment as evidence base for the LDF.
 4. Agree that as a guide the Council will look favourably in principle at the top 11 sites & GT61 set out in Table 1 as potential Gypsy and Traveller sites to meet immediate Gypsy and Traveller needs over the next 3 years
 5. That site GT2 be held as a contingency site should there be a formal decision not to proceed with site GT27.

1 Purpose of Report and Executive Summary

- 1.1 Members will be aware that at their meeting on 27th January 2010, they agreed for the purposes of public consultation the Gypsy and Traveller Corporate Policy Site Assessment 2010. This document provided details of all the sites which had been submitted by landowners to the Council for consideration as Gypsy and Traveller sites. This includes a site assessments based on a previously agreed screening process, followed by a series of planning and sustainability criteria.
- 1.2 The purpose of this report is to consider the responses to the Gypsy and Traveller Corporate Policy Site Assessment Consultation Draft March 2010 and to

agree an initial level of provision in principle to meet Gypsy and Traveller needs over the next 3 or 4 years.

2 Background

- 2.1 In bringing forward the Corporate Policy and the current Site Assessment process, the Council were responding to:
- Government guidance contained primarily in Circular 01/06;
 - The emerging South East Plan and in particular, the partial review relating to the distribution of Gypsy and Traveller site provision across the South East;
 - Appeal decisions within the borough; and
 - The North Kent Gypsy and Traveller Accommodation Assessment
- 2.2 No direct reference has been made by the Government so far regarding current national policy guidance set out in Circular 01/06. At this stage it should be noted that Local Plan Policy H4, a criteria base policy for assessing Gypsy and Traveller sites (See Appendix 3) does not accord with the guidance set out in the Circular, particularly relating to size of site. However, Members should note that given the then pending abolition of the South East Plan, the Panel has agreed to save Local Plan Policy H4 whilst LDF Core Strategy policy is being developed.
- 2.3 At its meeting in October 2008, in response to SEERA's consultation on Gypsy and Traveller provision within the south east, this Panel agreed to support in principle moving toward permanent site provision aimed at meeting the identified need, but with pitches re-distributed between Districts based upon planning and sustainability criteria. This would have required the Council to provide 25 pitches between April 2006 and April 2016. It should be noted that the Council has granted 5 permanent pitch planning permissions since the base line date.
- 2.4 Whilst the Secretary of State has recently announced the abolition of the South East Plan, he also reiterated that whilst it is for local planning authorities to determine their own local planning policies, evidence base such as the North Kent Gypsy and Traveller Accommodation Assessment (NKGTA) should be used as a robust and credible piece of research. The NKGTA identified a need for 62 pitches (this equates to 105 caravans) and 2 pitches for transit stopping places within Swale.

3 Consultation Responses

- 3.1 The consultation on the Gypsy and Traveller Corporate Policy Site Assessments 2010 took place between 26th March and 31st May 2010. It should be noted that the consultation was undertaken before the recent announcements by the new Government regarding the South East Plan.
- 3.2 The consultation has generated a significant response from all communities with nearly 200 letters or emails received (see schedule of responses in Members

room). The response to the issues raised on individual sites and details of changes to site scores can be found in Appendix 1.

- 3.3 The response to sites which have been screened out can be found in Appendix 2. The final recommendation is that these sites are removed from the process.
- 3.4 This covering report will involve a discussion of the main topics raised in the consultation.
- Why bother/too many sites already
 - AONB/listed buildings as a reason for screening
 - Strategic gap as a reason for screening
 - Weighting/cut off point of site assessment scores
 - Impact on facilities
 - Deliverability
- 3.5 This report will then recommend a way forward for determining an initial level of provision in principle to satisfy the short to medium term Gypsy and Traveller needs within the borough over the next 3 years whilst LDF Core Strategy policy is brought forward.

Why bother/too many sites already

- 3.6 There are a significant number of existing gypsy and traveller sites within the borough (48), however, when compared with neighbouring authorities Ashford (106), Maidstone (115), Sevenoaks (82) it is clear Swale is not alone in tackling this issue.
- 3.7 The evidence base provides a significant reason why the Council needs to address this issue. The North Kent Gypsy & Traveller Accommodation Assessment demonstrates a need for 62 pitches. Members will be aware that the majority of this need comes from sites within the borough which have temporary or no planning permission or from existing sites needing additional accommodation rather than from large amounts of roadside encampments. This means that many of the sites within the Site Assessment would go a long way to meeting the need identified by the evidence base.
- 3.8 Aside from the evidence base, the Council is committed to providing accommodation and services to all its communities. It is therefore recommended that the Council should proceed with the approach suggested in this report to meet the boroughs Gypsy and Traveller needs and to act as the evidence base for future LDF policy.

AONB/listed buildings as a reason for screening

- 3.9 A number of responses commented that sites within Areas of Outstanding Natural Beauty and near to Listed Buildings should automatically be screened out.

- 3.10 Members will be aware that the Screening Process (Stage 2) of the Site Assessment does not remove sites from consideration if they compromise the objectives of the designation or have significant adverse impacts on both AONB and Listed Buildings, amongst other designations. It would not be considered appropriate to remove a site from consideration purely on its presence within the AONB or close to a Listed Building, if it causes no harm to the designation and has no significant adverse impacts. Development is allowed within the AONB and near to Listed Buildings, whatever form that development may be e.g. extensions, conversions, buildings or in this case caravans, provided it can be demonstrated significant harm is not caused to the objectives of the designation (Circular 1/06).
- 3.11 One response suggested that weighting of the scores and a higher 'break' between suitable and unsuitable be applied to sites within the AONB. However this would effectively make it impossible for any AONB site to achieve the break point when it may on balance be an acceptable site. Furthermore any sites' impact on the AONB is considered prior to any score be given through the Screening Process, which provides the qualitative assessment of whether a site would cause harm to the designation. Higher weighting specifically for sites within the AONB is therefore considered unnecessary.
- 3.12 The Screening Process part of the Site Assessment ensures that a qualitative consideration is given to any site either within the AONB or within the vicinity of a Listed Building, therefore, preventing sites which have a significant negative impact progressing any further. This is considered a robust safeguard to unacceptable development and there are no recommended changes to the Screening Process.
- 3.13 It is important to stress that the Site Assessment is a tool for the purposes of development control decisions on planning applications and does not override the fact that each proposal is considered on its own merits, including issues such as impact on national and local designations.
- 3.14 It is therefore recommended that the Screening Process remain unchanged.

Strategic Gap as a reason for screening

- 3.15 A number of responses commented that the Strategic Gap and Important Local Countryside Gap (Swale Borough Local Plan 2008 Policy E7) should be a reason to remove sites via the Screening Process.
- 3.16 The Strategic Gap and Local Important Countryside Gap are not landscape designations but are designed to prevent coalescence of settlements and are not included in the list of landscape designation which must be considered in PPS7.
- 3.17 The Screening Process would therefore only remove a proposal under stage 3, overriding considerations, where the development would undermine the space between settlement and be of a scale which resulted in the merger of

settlements. None of the listed sites are of such a scale and any site which would be that significant would not likely be a viable or deliverable proposal.

- 3.18 In any event the presence of a site within a local landscape or national designation (AONB, conservation Area etc) does not automatically amount to a reason for refusal, it is only where harm to the reason for designation is demonstrated (See issue raised above).
- 3.19 Therefore the presence of a site within the Strategic Gap and Important Local Countryside Gap should not in itself be a reason to remove a site from consideration. It would be for the detailed consideration as part of a planning application to balance whether the scale of a site undermined the space between settlements.
- 3.20 It is therefore recommended that there should be no proposed changes to the screening process used in assessing the suitability of sites.

Impact on facilities

- 3.21 A number of responses raised issues of distance of sites to various services (see site table for resulting changes to scores)
- 3.22 In the context of potential impact of sites on local services, no evidence other than that for two primary schools has been provided. Upon investigation, only a couple of traveller sites use one of the schools mentioned and the others use other schools within the borough.
- 3.23 Neither KCC Education nor the Primary Care Trust has commented directly raising concerns. In light of the comments received from the public during consultation, KCC Education Service and the Primary Care Trust have been contacted and their response will be reported to Members at the meeting.

Deliverability

- 3.24 Several responses comment on how sites will be delivered and who would pay for them.
- 3.25 The Site Assessment process is primarily a tool for development control purposes and therefore delivery on the majority of sites, particularly sites with temporary permission or outstanding planning applications, will be via planning applications. All but one of the sites within the Site Assessment are privately owned. Therefore, the timing of delivery is within the landowners control, although there is no evidence to suggest that any of the sites would not be able to be delivered within the next 3 years. If sites do not come forward within the 3 year period, these sites will need to be reviewed through the LDF processes. Members should be mindful that the Site Assessment is designed to demonstrate progress to meet the need for sites in the short term (2-3yrs) immediate time frame and

that longer term delivery of sites will be a matter for the Core Strategy and Site Allocations Development Plan Document.

- 3.24 In terms of the public site provision – site GT27 Land rear of Bobbing Apple, Sheppey Way, is to be delivered and managed by Kent County Council. At this stage there is a degree of uncertainty as to whether the County Council will be able to secure the funding necessary to bring the site forward in the short term.
- 3.25 It is therefore considered that there should be no change to the assessment undertaken on the grounds of deliverability.

Crime & Devaluation of property

- 3.26 Many responses raised this issue. However there is no local evidence to demonstrate this assertion either way. Incidents of crime and site management would be a matter for the police. Affect on property values is not a material planning consideration.

Previous Inspectors decisions on sites

- 3.27 Responses raised concern over previous planning Inspectors decisions on site within the Site Assessment.
- 3.28 The Site Assessment document does acknowledge the planning history for sites and includes details of the relevant Inspector's decision. The summary for sites also acknowledges that Planning Inspectors make their decisions based on the information available at the time.
- 3.29 The Site Assessment process looks at all the sites suitability without prejudice to previous Inspectors or planning committee decisions and is a factual score of the sites suitability in planning, sustainability and environmental terms. The criteria assessing planning, sustainability and environmental factors is founded in current national policy and has undergone public consultation following which it was agreed by Members and adopted by the Council.
- 3.30 The (without prejudice) summary for each site is within the Gypsy and Traveller Corporate Policy Site Assessment. Since the various Inspector decisions on sites the Council's strategic approach to Gypsy and Traveller site provision has changed dramatically and has included the adoption of a transparent assessment process for all sites and an adopted set of criteria based on planning considerations. When a site is assessed against the adopted criteria if it does score favourably it indicates that it could be suitable for permanent permission.
- 3.31 The Council's proposed approach and site assessments are aimed at establishing a 'holistic' view of available sites and should enable the Council to indicate whether a site in principle will be looked upon favourably should the site come forward through a planning application. Within this context, if a planning application is submitted, the planning application must be determined on its

merits, taking into account all other material considerations and will have regard to the status of this approach.

- 3.32 However, this work including the response from residents through the consultation will act as an evidence base to support future planning policy through the LDF.
- 3.33 It is therefore considered that issues relating to planning appeals and Inspectors views have been appropriately taken into account in the site assessments and it is recommended that there are no changes to the scoring.

Weighting/cut off point of site assessment scores

- 3.34 There has been a mixed response in terms of what score should be the 'break' between a suitable and unsuitable site.
- 3.35 The majority of responses commented that no break should be established as it puts an arbitrary figure in place and goes against the established planning ethos that each proposal is determined on its merits. The Council should avoid a situation where a site may be below the break by one point but on the balance of all considerations is an acceptable site in case Members are put in a position where they tend towards a refusal of planning permission, or taking enforcement action, which would be difficult to defend at appeal.

Conclusion on consultation

- 3.36 The Site Assessment criteria have now undergone public consultation twice and have received positive response from stakeholders, residents and Gypsies and Traveller. The criteria are based not only on national policy at the time but take into account what an inspector is likely to look at when making a decision and are based in planning criteria used for mainstream housing.
- 3.37 The most important conclusion to re-affirm is that the Site Assessment is a tool not an absolute. The process is designed to be an important tool for officers for the purposes of development control decisions and is for the short/immediate term site provision within the borough. The Site Assessment will contribute to officers and Members discussion of a site as a material consideration to be balanced against all the other considerations pertinent to that application. The score is therefore a yardstick to which to compare with other sites and provide a steer on a sites' suitability; there are likely to always be other considerations at application level which could render a site unsuitable.

4. Final scores and Pitch Numbers

- 4.1 It is considered appropriate for the Council to consider within the context of planning policy, the accompanying evidence base and Government policy, an

initial view on the number of pitches it believes should be accommodated in the short term, say next 3 years, to provide a holistic basis to guide future development control decisions.

- 4.2 Below is the Table of Site Scores, including pitch numbers, resulting from the consultation. Members are recommended to agree the finalised scores as material planning considerations for development control purposes.

TABLE 1

Sites in Site Assessment 2010				
	Ref	Site Address	Final Score	Pitch Numbers
1	GT3	Orchard Park, Oak Lane, Upchurch	34	8
2	GT8	Ridgedale Stables, Halstow Lane	33	1
3	GT11	Jack Russell Place, Halstow Lane	31	1
4	GT20	Seaview, Bell Farm Lane, Minster	31	1
5	GT22	Mattsfield, Libbetswell, Boxted Lane, Newington	31	1
6	GT27	Land rear of Bobbing Apple, Sheppey Way, Bobbing	31	12
7	GT28	Oakfield, Woodgate Lane, Borden	30	1
8	GT5	Salvation Place, Bell Farm Lane, Minster	29	2
9	GT9	Hawthorns, Greyhound Road, Brambledown	29	1
10	GT10	The Farmyard, Elmley Road, Brambledown	28	1
11	GT21	Tiptree Farm, School Lane, Iwade	28	2
12	GT2	Land adj Orchard House, London Road, Upchurch	28	15
13	GT61	Meads Farm, Elverland Lane, Ospringe	27	1
14	GT7	Rambling Rose, Greyhound Road, Brambledown	23	5

- 4.1 Guidance on the generation of local pitch allocations has not yet issued from Government following the abolition of the South East Plan. The North Kent Gypsy and Traveller Accommodation Assessment (NKGTA) remains the most reliable evidence base to support LDF policy and development control decisions. However, the Council has previously stated its position of supporting regional re-distribution and therefore would not be expecting to meet the full 62 pitches. Members may wish, in the light of the Secretary of State's guidance that local councils are best placed to assess the needs of travellers, to consider whether it would wish to retain this position until Government guidance becomes clearer.

- 4.2 Looking at the table of site scores; if all sites were to be delivered then a total of 52 pitches would be provided. Whilst lower than the NKGTAAs figure, it is considered that this level of provision would remain inconsistent with the Council position that areas with high levels of pitch numbers should involve re-distribution within the county. The main aim at this stage is for the Council to consider what is the best balance in terms of future site provision over the next 3 years to secure a 'defensible' planning position.
- 4.3 The very least number of pitches sought should be to meet the previous stance of the Council at the regional process was 25 pitches. As 5 pitches have already been granted permanent permission since the GTAA base date in April 2006, leaving a requirement of 20 pitches. The score table would suggest that the top 6 sites would meet that requirement.
- 4.4 Members should consider whether it would be appropriate to provide some flexibility in numbers given that it is unlikely that all the top 6 sites are likely to come forward over the next three years. The top 11 sites within the table would have the potential to deliver an absolute maximum of 31 pitches beyond the 5 pitches already secured. Such an approach would demonstrate the Council's progress in identifying suitable sites and that it is taking site provision seriously. This in turn makes the Council better able to defend unsuitable sites and unauthorised development if it can be demonstrated site provision is being achieved. This is the recommended approach.
- 4.5 The ability for these top 11 sites to successfully deliver site provision is increased by the contingency applied with this level of pitch numbers and the likely assumption that not all will come forward. These top sites have the ability to deliver current unauthorised sites and brand new provision. The top 11 sites would be best placed to meet site provision and would be consistent with the Council's committed position to re-distribution and widening of site provision responsibilities away from existing high levels at County and South East level.
- 4.6 The benefit of this contingency would be that the next GTAA (due 2011) would be expected to identify a reduced level of need; as those producing the current level of need would be on permanent accommodation - this is where most of the high level of need comes from.
- 4.7 However, there is a degree of uncertainty regarding the delivery of site GT27 – Land rear of Bobbing Apple. This site has been proposed by Kent County Council as a public site but at this stage is dependant on Government funding, which there is significant uncertainty about securing in the next 3 years. Members are asked to note that this uncertainty over delivery. However, this is not considered so fundamental an issue as to suggest the site should be screened out. In these circumstances, should a decision be made not to progress site GT27, that site GT2 – Land adjacent to Orchard House, would be used as a contingency site, noting that the Council would not wish to see the entire site developed and has amended the site summary to an absolute maximum of 15

pitches. Whether this is delivered on one or two sites within the site boundary is a matter for the landowner and the planning application to determine at a future date should the site be required in principle to meet local need in the next 3 years.

- 4.8 Members may also wish to consider whether they would wish to accept that site GT61 - Meads Farm, Elverland Lane, Ospringe should also be included given its high scoring despite being located within the Area of Outstanding Natural Beauty (AONB). Officers do not recommend the need to including site GT7 Rambling Rose, Greyhound Road, Brambledown at this stage given the availability at other sites.

5 Alternative Options

5.1 There are two alternative options;

- Agree all sites within the site score table – this would result in identifying sites less desirable to meeting pitch provision and sites which impair the delivery of others and accepts that the Council should bear all the pitch demands within the Borough without any redistribution within the County.
- Agree a lower number of sites with a lower pitch provision over the next 3 years. However, this could undermine the Council's ability to defend its position at appeal on sites excluded or not to date considered as part of the site assessment process.
- Do nothing – not agree the recommendations and deal with site provision on a site-by-site basis through development control processes – this would result in unsuitable sites being granted temporary permission or permission on appeal over lack of clarity on site provision. This is the position the Council has faced in the recent years in the absence of the Corporate Policy and the proposed site assessment and selection.

6. Consultation Undertaken or Proposed

6.1 The site assessment consultation ran from 26th March – 31st May 2010. The consultation involved sending out over 700 letters to residents close to sites, letters also went out to occupiers of both permanent sites and those within the consultation, stakeholders, parish councils and Gypsy and Traveller organisations. Electronic notification also went to everyone on the Planning Policy database.

6.2 Three public information giving meetings took place; one in Sittingbourne, one in Faversham and one in Eastchurch, Isle of Sheppey to ensure coverage across the borough. The meetings were well attended, by members of the travelling and settled communities alike. In total over 300 Swale residents attended the meetings.

6.3 Several face-to-face meetings took place with occupiers of sites within the Site Assessment to explain the process and received information on the specific scoring.

7 Implications

Issue	Implications
Corporate Plan	The approach suggested would contribute to meeting objectives for a safer and stronger community and the meet housing needs within the borough
Financial, Resource and Property	There are no financial implications known at this stage. Staffing resources will be at existing Planning Policy and Development Control staffing resources.
Legal and Statutory	Human Rights Act, Race Relations (Amendment) Act 2000 are always considered in relation to site provision for Gypsies and Travellers and will be considered during relevant planning applications.
Crime and Disorder	A pro-active approach to gypsy and traveller site selection should reduce tensions with settled communities by reducing the likelihood of unauthorised sites.
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	Site provision reduces unauthorised development the cause of community tension. The Site Assessment considers sites location and access to services therefore integrating sites into communities. A Community Impact Assessment has been completed and resulted in face-to-face interviews with residents.
Sustainability	The social, environmental and economical implications of the Site Assessment have been assessed in the Sustainability Appraisal and Strategic Environmental Assessment.

8 Appendices

- 8.1 The following documents are to be published with this report and form part of the report
- Appendix 1: Site Score Table & issues raised on individual sites and details of changes to site scores
 - Appendix 2: Sites to be removed from the Site Assessment
 - Appendix 3: Swale Borough Local Plan 2008 Policy H4

8.2 The full schedule of responses is available in the Members room. Members should note due to respondent requests the decision has been taken to make all the comments anonymous. If Members wish to see the original responses please contact Planning Policy.

9 Background Papers

- North Kent Gypsy & Traveller Accommodation Assessment
- Gypsy and Traveller Corporate Policy July 2009
- Gypsy and Traveller Corporate Policy Site Assessment Consultation March 2010
- Gypsy and Traveller Corporate Policy Site Assessment SA/SEA
- Local Development Framework Panel Report 27th January 2010
- Corporate Policy Site Assessment Community Impact Assessment (CIA)