

COUNCIL	AGENDA ITEM 7 (iii) (a)
14 July 2010	PUBLIC REPORT

PETERBOROUGH CORE STRATEGY – RECOMMENDED CHANGES TO GYPSY AND TRAVELLERS POLICY

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R E C O M M E N D A T I O N S

FROM: Andrew Edwards, Head of Peterborough Delivery Partnership

That Council:

1. Authorises officers to submit to the Inspector currently testing the soundness of the Peterborough Core Strategy, the recommended changes to Gypsy and Travellers policy as contained at Appendix 2; and
2. Authorise officers to undertake public consultation on the proposed changes should it be necessary and prudent to do so, following consultation with the Inspector.

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report is in relation to the Peterborough Core Strategy, the Council's overarching planning policy and growth strategy to 2026.
- 1.2 Council is asked to approve a recommended change to the Core Strategy, and authorise officers to negotiate with the Inspector holding an Examination and Hearing into the Core Strategy to make those changes. Council is also asked to agree to any public consultation as is necessary as a result of this proposed change to policy.
- 1.3 The changes relate to the Council's policy in respect of Gypsy and Travellers planning policy.
- 1.4 This matter has not been considered by Cabinet or any Scrutiny Group due to time constraints imposed by the Inspector holding the Examination, and the urgent need for Council consideration of the issue.

2. BACKGROUND

- 2.1 At the Council Meeting of 2 December 2009, it was resolved to approve the Peterborough Core Strategy (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has now taken place (January / February 2010) and the Core Strategy has been submitted to the Secretary of State (April 2010).
- 2.2 Subsequently, an Inspector (Shelagh Bussey DipTP DipEM MA PHD MRTPI) has been appointed to hold an independent Examination and Hearing into the soundness of the Core Strategy. This includes public Hearing Sessions in September-October 2010. Thereafter, the Inspector will issue a 'Binding Report' of any changes to the Core Strategy (due end 2010), which Council will then either reject or accept in their entirety (due at Council on 8 December 2010 or 23 February 2011).

- 2.3 The important point to note is that the Core Strategy is currently ‘out of the hands’ of Peterborough City Council and instead it is controlled by the Inspector. As such, the Council can not arbitrarily make any further changes to the version as submitted to the Secretary of State in April 2010 but it can seek to make changes by persuading the Inspector to include such changes in her ‘Binding Report’.
- 2.4 It is this scenario we now face. Whilst ordinarily any relatively minor changes to policy wording would be left to officers to negotiate with the Inspector throughout the Examination process (indeed this is highly likely to be the case for a number of issues), officers have identified an issue whereby the scale of change is of such significance that Council ought to consider and determine whether such a change should be recommended to the Inspector.
- 2.5 The change relates to the Core Strategy policy on Gypsy and Travellers. As Members will no doubt be aware, the Government has declared its clear intention to abolish Regional Spatial Strategies (RSS) and the associated targets which flow from it (see Appendix 1). One such target was in respect of new Gypsy and Traveller pitch provision, a target this Council never supported as the regional policy was imposed on the Council by the previous Secretary of State. However, at the time Council approved the Core Strategy (2 December 2009), it effectively had to adopt such regional targets in its Core Strategy.
- 2.6 Further, the Inspector (in late June 2010) has specifically asked the Council, “*is it the continued intention of the Council that the Core Strategy should make provision for these special groups...?*”
- 2.7 Thus, Council is being asked to consider whether it wants to take the opportunity presented by the Inspector, following the revised national policy change, and suggest to the Inspector changes to the Gypsy and Travellers Policy.
- 2.8 In simple terms, the Core Strategy **currently**:
- (a) allocates 15 pitches each to Great Haddon and Norwood Urban Extensions (Policy CS4)
 - (b) states further pitches will be allocated in the Site Allocation Document using a given set of criteria (Policy CS7)
- 2.9 Council is recommended to suggest to the Inspector that the Core Strategy be **amended** so that it:
- (a) deletes the requirement for 15 pitches at Great Haddon and Norwood, and instead more flexibly seeks developer contributions (land or money) for provision.
 - (b) includes text to confirm we will maintain an up-to-date local (rather than regional) assessment of Gypsy and Traveller need.
 - (c) deletes various other text, including the current commitment to allocate specific sites for Gypsy and Traveller accommodation in the Site Allocations Document (though we will continue to allocate a site for a transit purpose).
- 2.10 The full changes which officers believe are appropriate are set out at Appendix 2.
- 2.11 If Members agree to such changes, these will then be passed to the Inspector for consideration and debate at the Hearing sessions. Officers would then defend the amended policy position, rather than that in the original Core Strategy. The Inspector may, prior to the formal Hearing sessions, recommend that focussed and proportionate public consultation is undertaken on the suggested changes (i.e. with those whom may have an interest in the changes) in order for the Inspector to have a fuller picture of the issues and implications of such a change. Officers are therefore seeking approval from Council to undertake such consultation if it proves necessary.
- 2.12 Thus, to summarise, Council is not being asked to make a definitive change to the Core Strategy (because legally it can not), but rather it is being asked to approve recommended changes, with such recommended changes submitted to the Inspector testing the soundness of the Core Strategy. It will be for the Inspector to determine whether to accept such changes, and, if she

does, she will subsequently ask the Council to adopt such changes. If the Inspector does not accept the changes then the Council can not arbitrarily make such changes and will have to accept whatever conclusions the Inspector reaches (or take the only other option available to it i.e. the ‘nuclear’ option of abandoning the Core Strategy in its entirety).

3. FINANCIAL IMPLICATIONS

- 3.1 There are likely to be only minor direct financial implications if this agenda item recommendations are accepted, that being the cost involved in setting up and running a possible public consultation on the policy changes. These costs are not substantial and can be covered by existing budgets.

4. LEGAL IMPLICATIONS

- 4.1 The process and recommendations described in this report are in accordance with the Acts and Regulations governing the preparation of Local Development Framework documents.

5. DISCRIMINATION AND EQUALITIES IMPLICATIONS

- 5.1 Gypsy and Travellers are a legally identified ethnic group, and are protected from discrimination under the Race Relations Act (1976, amended 2000) and the Human Rights Act (1998). The changes recommended as part of this agenda report removes, to a certain extent, the specificity of where new pitch provision for this ethnic group is planned to be delivered and eliminates any quantified target provision. However, it should be noted that the recommended policy changes do not prevent the provision of pitches coming forward. Indeed, the policy (as amended) still retains many proactive elements, such as the acceptance that new pitch provision may be acceptable in the open countryside (subject to criteria) when most other forms of development would not be acceptable. As such, overall, whilst some of the certainty regarding the location and quantity of new pitch provision is removed, the flexibility as to where new pitch provision could be acceptable remains. It is therefore considered that, overall, the policy (as amended) would continue to have positive equalities implications due to the proactive planning for such sites.

6. OTHER IMPLICATIONS

- 6.1 No other implications are apparent as a result of this agenda item

BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- The Peterborough Core Strategy (Submission Version) April 2010, and associated documents – see http://www.peterborough.gov.uk/planning_and_building/planning_policy/draft_development_plans/local_development_framework/core_strategy.aspx



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27th May 2010

Dear Leader

ABOLITION OF REGIONAL STRATEGIES

I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking.

*Your ever,
Eric Pickles*

THE RT HON ERIC PICKLES MP

Appendix 2 – Recommended Changes to the Core Strategy (to be subsequently recommended to the Inspector):

Base Text = text as contained in the Submission Version of the Peterborough Core Strategy (April 2010)

Strikethrough = suggested deletion of text

Underline = suggested new text

Policy CS 4

Urban Extensions

The spatial strategy for Peterborough includes growth of the existing built-up area of the City by means of sustainable urban extensions. These will include extensions already permitted at Hampton, Stanground South and Paston Reserve. Further urban extensions will take place at Norwood and Great Haddon.

Proposals for the Norwood urban extension should give consideration to and be designed so that they are sympathetic with the permitted scheme at Paston Reserve in order to create a single, comprehensive development area.

Development of each new urban extension must comply with all the relevant development plan documents including other policies set out in the remainder of the Core Strategy, and must be planned and implemented in a comprehensive way that is linked to the delivery of key infrastructure. In particular, each of the urban extensions at Great Haddon and Norwood should:

- Make efficient use of land, provide a broad range of housing choice by size and tenure (including market and affordable housing) and cater for people with special housing needs
- Provide ~~at least 15 pitches for either on-site or off-site Gypsy and Traveller accommodation (which may be on one or more sites) through the provision of land and/or a financial contribution to enable land to be secured by the City Council (with full details of this arrangement to be negotiated and subject to an appropriate legal agreement)~~
- Provide a wide range of local employment opportunities that offer a choice of jobs in different sectors of the economy
- Make provision for an appropriate level of retail, leisure, social, cultural, community and health facilities to meet local needs without having an unacceptable impact on the vitality and viability of existing centres
- Incorporate nursery, primary and secondary schools and either a special school or enhanced provision for pupils with special educational needs
- Provide a network of open spaces for play, sport and recreation, including local nature reserves, woodlands and green spaces
- Incorporate design solutions to maximise the use of energy from on-site renewable and/or decentralised renewable or low carbon energy sources; and maximise energy efficiency;
- Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area

In the case of the Great Haddon urban extension, which would be located adjacent to Orton Pit SAC (a site of international ecological conservation importance), the Council will require the completion of a project level Appropriate Assessment under the Habitats Regulation Assessment process. Such an assessment must clearly demonstrate that the development will have no harm to protected species and habitats, in accordance with the relevant regulations. The development should include:

- A sufficient amount and variety of green space, including woodland, to help to alleviate potential recreational pressure on Orton Pit SAC. This will require a provision over and above the standard open space requirements
- Dependent upon the findings of the EIA, informed by the Appropriate Assessment, a management strategy to ensure that inappropriate access to Orton Pit SAC is controlled

- and regulated to prevent adverse impacts to sensitive interest features
- Measures to protect the SAC from the consequences of potential changes in air quality arising from the development

6.4 Gypsies and Travellers

6.4.1 Although some Gypsy and Traveller households have been able to meet their accommodation needs in permanent dwellings, throughout many parts of the country in recent years, the Gypsy and Traveller community has experienced difficulties in securing sufficient caravan sites to meet their needs. Government Circular 01/2006 provides national guidance on planning for Gypsy and Traveller caravan sites, in order to address this shortfall and under provision. This national guidance requires that local authorities should plan for the provision of sites for Gypsies and Travellers in their Local Development Frameworks. It also states that the core strategy should set out criteria for the location of Gypsy and Traveller sites which will be used to guide the allocation of sites.

6.4.2 The Single Issue Review of the Regional Spatial Strategy, published by the Secretary of State in July 2009, establishes regional policy on the provision of sites for Gypsies and Travellers. This says that Peterborough should make provision for a minimum of 30 additional permanent residential pitches over the period 2006-2011, together with an annual 3% increase up to 2021. Additionally, Peterborough must work with the local planning authorities across Cambridgeshire to provide 40 transit pitches over the period 2006-2011.

6.4.3 The provision of additional pitches (whether for permanent occupation or transit use) can be achieved through the normal process of the submission of a planning application and the granting of planning permission; and through the identification and allocation of land in the Site Allocations DPD.

6.4.4 In Peterborough there are currently 2 Council owned sites and 9 private sites. The Council owned sites are located at Oxney Road and Paston Ridings on the eastern side of the City and are large in size. The private sites are located in the urban and rural areas to the north and east of the City and the number of pitches on each site varies, with the largest site accommodating an extended family on eight pitches.

6.4.5 From the experience of the Council in managing its sites, and from views expressed by residents of sites within Peterborough, it is clear that future provision should aim to deliver smaller sites which have a maximum capacity of 15 pitches, and in many cases, considerably fewer. In the Cambridge Sub-Regional Gypsy and Traveller Accommodation Assessment (2006), the Paston Ridings (Norwood Lane) site received heavy criticism for the quality of the site and associated services, largely on the grounds that it was too big; and it is due for refurbishment works.

6.4.6 Policy CS 4 requires each of the new urban extensions at Great Haddon and Norwood to incorporate a site or sites for at least 15 pitches as part of the delivery of sustainable mixed communities.

Policy CS 7 - Gypsies and Travellers

In addition to the minimum of 30 permanent pitches coming forward from the urban extensions at Norwood and Great Haddon (policy CS 4), sufficient additional sites for permanent Gypsy and Traveller caravan accommodation will be identified in the Peterborough Site Allocations Development Plan Document, to meet the need for the number of pitches in Peterborough which has been determined by the Gypsy and Traveller Accommodation Single Issue Review of the Regional Spatial Strategy for the East of England. The number of pitches for which provision will be made will take into account the number pitches which have been granted planning permission in the intervening period.

The City Council will maintain a local assessment of need for Gypsy and Traveller pitches (permanent and transit) and Travelling Showpeople plots. The outcome of these assessments will

assist the Council in the determination of applicable planning applications.

In considering planning applications, the criteria which will be used to identify suitable consider new Gypsy and Traveller caravan sites and associated facilities, ~~the identification of which may form part of a larger residential led allocation in the Site Allocations DPD~~, are:

- (a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as floodrisk, contamination, landscape character, protection of the natural and built environment or agricultural land quality;
- (b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school;
- (c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing;
- (d) the site should be served, or be capable of being served, by adequate mains water and sewerage connections; and
- (e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

The Council will be prepared to ~~identify and grant permission for sites in the countryside (i.e. outside the Urban Area and Village Envelopes) as an exception to policy~~ provided that there is evidence of a need (as identified in the local assessment), that the intended occupants meet the definition of Gypsies and Travellers, as set out in Government guidance, and provided that the above criteria (a) to (e) are met. In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch.

The Council has identified a clear need for a Gypsy and Traveller transit site, and therefore intends to safeguard a site for such purposes in the Site Allocations DPD, guided by the above criteria.

~~The above criteria will also be used for development control purposes, and planning permission will only be granted for the development of land as a Gypsy or Traveller caravan site if each one can be satisfied.~~

6.4.7 The policy ~~meets the requirements of Circular 01/2006 for criteria to be set out in the core strategy. It enables local circumstances and development opportunities to be taken into account, and commits the Council to making provision in accordance with the RSS Review, thereby ensuring conformity with that higher level policy. It provides the guidance necessary to meet needs and steer Gypsy and Traveller developments to appropriate sites.~~

6.4.8 The Single Issue Review of the Regional Spatial Strategy does not set any requirement for plots for travelling showpeople specifically for Peterborough; rather, it sets an overall figure for the Peterborough and Cambridgeshire authorities together. In the event that further plots are to be provided in Peterborough, the criteria in the policy, together with the advice in Circular 04/2007, will form the basis for decisions on planning applications and on the allocation of land, with a particular emphasis on safe vehicular access for large fairground vehicles and trailers.

6.4.9 Although the Community Strategy does not make specific mention of Gypsies and Travellers or travelling showpeople, the policy will help to deliver two of its priorities: 'Creating Opportunities – Tackling Inequalities' and 'Creating Strong and Supportive Communities'.

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