



Brighton & Hove
City Council

Cabinet Meeting

Title:	Cabinet
Date:	31 July 2008
Time:	10.30am
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Mears (Chairman) Mrs Brown, Caulfield, Fallon-Khan, Kemble, K Norman, Simson, Smith, G Theobald and Young
Contact:	Martin Warren Senior Democratic Services Officer 01273 291058 martin.warren@brighton-hove.gov.uk

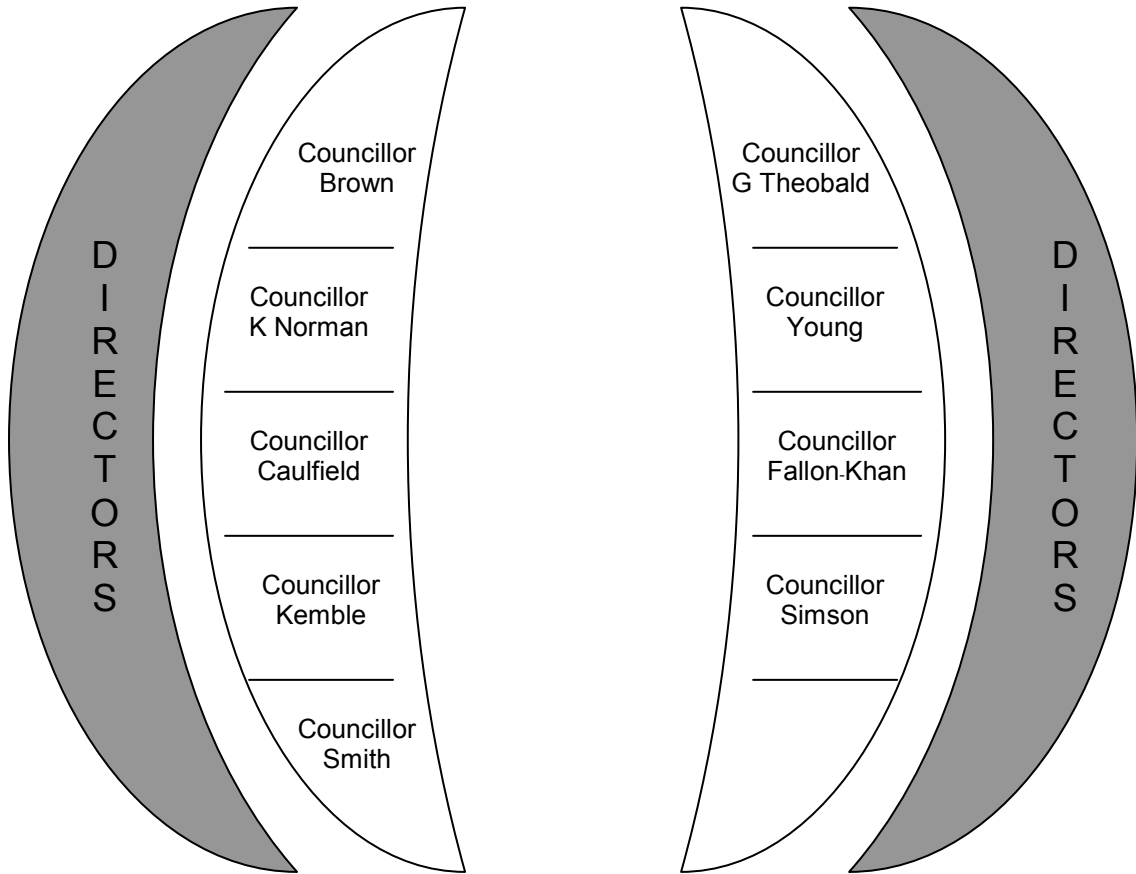
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Democratic Services: Meeting Layout

Director of Strategy & Governance Councillor Mears Chief Executive Democratic Services Officer

OFFICERS

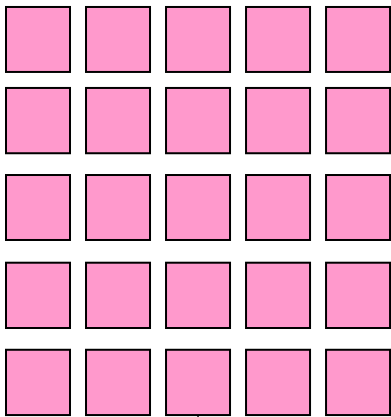
MEMBERS



OFFICERS

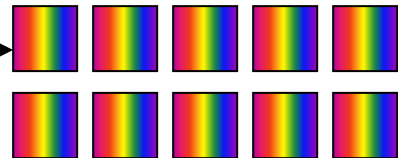
MEMBERS

Speaker Leader of the Opposition



Public Seating

Members in Attendance



Press



AGENDA

46. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

47. CABINET MEMBER'S COMMUNICATIONS**48. PARTIAL REVIEW OF THE SOUTH EAST PLAN: MEETING THE NEEDS OF GYPSIES & TRAVELLERS** **1 - 8**

Report of the Director of Environment (copy attached).

Contact Officer: Judith Macho Tel: 29-2433

Ward Affected: All Wards

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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For further details and general enquiries about this meeting contact Martin Warren, (01273 291058, email martin.warren@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

CABINET

Agenda Item 49

Brighton & Hove City Council

Subject: Partial review of the South East Plan: Meeting the Accommodation needs of Gypsies and Travellers.

Date of Meeting: 31 July 2008

Report of: Director of Environment

Contact Officer: Name: Judith Macho Tel: 29-2433
E-mail: judith.macho@brighton-hove.gov.uk

Key Decision: Yes Forward Plan No. 2087

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to inform Cabinet of work undertaken in accordance with the Partial Review of the South East Plan and the Regional Assembly's Brief to all local authorities in the region regarding the accommodation needs of Gypsies and Travellers.
- 1.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how the identified needs will be met. This report outlines proposals to meet these requirements and seeks endorsement in order to fulfil that responsibility.
- 1.3 The main proposal is to provide a small permanent Traveller Site of up to 14 pitches. The site to be managed by an on site permanent manager and to be maintained through income from rents paid by the occupants

2. RECOMMENDATIONS:

- (1) That the Cabinet approve the proposals to meet the current identified accommodation needs of Gypsies and Travellers within Brighton & Hove.
- (2) That the Cabinet approve the preferred site for the provision of a permanent Gypsy and Travellers site with up to 14 pitches to be within the former BMX site off Wilson Avenue, East Brighton.
- (3) That the Cabinet approve the granting of Landlord's consent for the use of the land for a permanent Travellers Site with up to 14 pitches.
- (4) That the Cabinet approve the making of an application for 100% grant to the Department of Communities and Local Government.
- (5) That the Cabinet approve the making of all appropriate planning applications.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Current provision

In Brighton & Hove there is one authorised Travellers Transit site, located at Horsdean, Braypool Lane, Patcham, which is managed by the local authority and has 23 pitches. As an authorised transit site this provides temporary accommodation only for up to 12 weeks.

3.2 Gypsies and Travellers who are granted a licence on the site pay rent and a utilities charge for water and electricity, which off-sets the costs of running the site. The site is used as a facility for Travellers who are in transit and need/want to stop in the city for a short period, it is not authorised for permanent accommodation. The site falls within the Sussex Downs Area of Outstanding Natural Beauty (AONB) and also within the proposed South Downs National Park boundaries.

3.3 Future Provision

3.4 An audit of the accommodation needs of Gypsies and Travellers, which is supported by local knowledge, has identified an unmet need for permanent accommodation for Gypsies and Travellers who travel in and around Brighton & Hove for all or the majority of the year. As they have no authorised permanent place to live they often establish unauthorised encampments when in the city. Some of the Travellers occasionally licensed to stay on Horsdean Transit site also need permanent accommodation as they have no authorised place to live once their temporary licence comes to an end. Providing a permanent site would therefore meet the pressing accommodation needs of some locally based Gypsies and Travellers, reduce the number of unauthorised encampments and free up spaces on Horsdean Transit site.

3.5 It is proposed therefore that the council bring forward proposals for a permanent site in advance of the formal regional planning process.

3.6 As well as ensuring the council fulfils its responsibilities to the travelling community by meeting the assessed need for permanent accommodation within the city, it will also help reduce the number of unauthorised encampments which can impact on the recreational use of parks and open spaces. It also enables the council to take full advantage of the opportunity currently available to bid for 100% of the funding required to develop a new site.

3.7 Should the report recommendations be agreed an application for funding will be made to the Department of Communities and Local Government. This will involve the submission of proposals for the site and an indication that planning permission is either obtained or being sought.

3.8 The Government has produced guidance for the design and the management of Gypsy and Traveller sites. The council will ensure that any

new site developed in the city will conform to government guidance, being of an appropriate standard with good facilities and services.

3.9 Site search for preferred site

3.10 Planning Officers have carried out a detailed site search across the city and a “preferred site” has now been identified. Details of the site search exercise are appended to this report. In brief the search exercise adopted a “sequential approach” considering initially sites falling within the city’s defined “built up area” boundary (urban sites) where generally the “principle” of development is accepted; then to the urban fringe where local environment / landscape designations act as constraints to many forms of development and only then to sites falling within nationally protected areas such as AONB or proposed National Park. The search was guided by the following factors:

- To ensure project delivery the search only considered sites in council ownership.
- Any potential sites must be “available” for development (free from leasehold/tenancy/legal constraints etc).
- Potential sites must meet the planning criteria for the location of new Gypsy/traveller sites as set out in adopted local plan policy HO17 and emerging Core Strategy policy CP14.

3.11 No suitable sites were identified within the urban area and the fringe search indicated the “preferred site” to be land forming part of the former BMX track off Wilson Avenue. Part of the site has been successfully used for some time now as a “tolerated/emergency” stopping place for Gypsies and Travellers. The site benefits from good road links and good accessibility to local services.

3.12 The assessment of the site has included an independent contaminated land survey. This has confirmed that although part of the land was previously used for land fill any impact of this use can be made good to a level which would enable it to be suitable for accommodation use. The cost of this work would be included in the bid for funding.

3.13 Because the site is located within designated urban fringe/countryside any development proposal for a permanent Gypsy / Traveller site will need to be of a high quality and be sensitive to the downland character of the surrounding landscape. In procedural terms any application for development will need to be advertised as a “departure” application (because development would be contrary to the adopted local plan policies for the urban fringe / countryside). A robust case to support any such application will be required. See Appendix 1.

4. CONSULTATION

4.1 Consultation was undertaken as part of the SEERA exercise to establish Gypsy and Traveller accommodation needs both locally and across the region. The results of this were reported to Policy & Resources Committee in Sept 2007.

- 4.2 In general terms there has been positive feedback. However some Gypsy and Traveller representative groups believe that the overall assessed requirement for 47 permanent pitches in East Sussex and Brighton & Hove is too low and have queried the methodology used.
- 4.3 A number of respondents stated that what was important was the need to make site provision as soon as possible.
- 4.4 Consultation on the Council's new Travellers Strategy has also been undertaken. This Strategy includes the proposal that the Council will look into the possibility of bringing forward proposals for a permanent site. There were no comments on this in any replies to the consultation.
- 4.5 Specific consultation on the preferred site, if agreed, will commence ahead of the planning application process. This will be in addition to the formal consultation required by the planning application process.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Capital – the future provision of a permanent site would be subject to funding by a grant covering 100% of the cost. A further report would be necessary if the bid was unsuccessful.
- 5.2 Revenue – a fair rent and council tax would be levied for the use of the site. The costs of enforcement and waste clearance on the site would be offset against the rental income received from the site.

Finance Officer Consulted: Karen Brookshaw Date: 18 July 2008

Legal Implications:

- 5.3 Pursuant to the Local Authorities (Functions & responsibilities) (England) Regulations 2000, the proposals set out in the report recommendations are executive functions and are thus proper to be considered and undertaken by Cabinet. This report demonstrates compliance with section 225 of the Housing Act 2004, whose obligations are set out in paragraph 2 of the "Summary" and repeated in paragraph 2 of the "Reasons for Report Recommendations".

Lawyer Consulted: Oliver Dixon

Date: 17 July 2008

Equalities Implications:

- 5.4 Gypsies and Travellers are ethnic groups who are recognised by the Race Relations Act. They have a right to a nomadic lifestyle, to equal access to services (such as education, health, and accommodation) and to protection from discrimination and harassment. The proposals set out in the report are in keeping with the city council's Travellers Strategy.

Sustainability Implications:

- 5.5 SEERA's proposals will be subject to a formal sustainability appraisal process as are the City Council's Local Development Framework documents which will take forward the targets set in the South East Plan.

Crime & Disorder Implications:

- 5.6 The provision of a permanent Traveller site is likely to lead to a reduction in the number of unauthorised encampments in the City.

Risk & Opportunity Management Implications:

- 5.7 The provision of a Traveller site in the City will need to be dealt with in a sensitive way to ensure community cohesion is not adversely affected.

Corporate / Citywide Implications:

- 5.8 The preferred site is within council ownership and has significantly lower land value than the other sites considered. The proposed use would not adversely impact on the value of the preferred site nor the council's adjoining land.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A comprehensive and robust site search exercise has been carried out across the City. The search adopts a "sequential approach" and initially considers sites within the city's defined "built-up area" boundary then sites on the urban fringe and only then sites falling within nationally designated areas of landscape importance such as AONB/Proposed National Park. The search has been guided by 3 main factors; site size, site availability and planning considerations. 42 sites were tested against planning criteria in the adopted local plan policy HO17 and the emerging Core strategy (Revised Preferred Option) policy CP14 "Provision for Gypsies and Travellers". Please see Appendix 1 for details.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Government recognises that there are not enough suitable sites to meet the accommodation needs of Gypsies and Travellers. The lack of authorised sites has led to an increase in unauthorised encampments. Therefore more sites are required in order to meet the need for accommodation for Gypsies and Travellers and to reduce the level of unauthorised encampments.
- 7.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how any identified needs are to be met. Brighton & Hove City Council took part in a sub-regional Gypsy and Traveller Accommodation Assessment (GTAA) in 2005 as part of the Housing Needs survey. The GTAA study looked at the accommodation needs and aspirations of Gypsies and Travellers in East Sussex and Brighton & Hove.
- 7.3 *Circular 01/06: Planning for Gypsy and Traveller Caravan Sites* establishes a new planning framework to help increase site provision to meet the accommodation needs of Gypsies and Travellers, reduce the number of unauthorised sites and promote good relations with the settled community. Regional Spatial strategies, including the South East Plan, will identify the number of pitches required in each local authority area in light of local assessments of Gypsy and Traveller accommodation need.
- 7.4 The South East England Regional Assembly (SEERA) is undertaking a partial review of the South East Plan specifically to consider Gypsy and Traveller pitch requirements for the South East Region. Brighton & Hove City Council has worked closely with its GTAA partners; district and borough councils in East Sussex and East Sussex County Council, and has submitted advice to SEERA regarding additional provision of permanent pitches for Gypsies and Travellers in the GTAA area.
- 7.5 Advice submitted in October 2007 states that there is a need for up to 14 permanent pitches in Brighton & Hove. The final pitch requirements to be included in the South East Plan may be slightly different to this figure. However the recommendation in this report is for a site with up to 14 pitches.
- 7.6 SEERA will develop their Preferred Option(s) for pitch numbers and distribution once negotiations are complete and a formal consultation period is planned for Sept – Nov 2008. Currently options to be consulted on give figures of between 11 to 15 pitches for Brighton & Hove.
- 7.7 Circular 1/2006 requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their Development Plan Documents to meet the pitch requirements for their area as set out in Regional Spatial Strategies. As with all forms of housing / accommodation requirements set out in the Regional Spatial Strategy and Local development Framework, the Council must ensure this is “ deliverable “ (as stated in Planning Policy Document 3).

- 7.8 Circular 1/2006 also states that local authorities should bring forward site provision ahead of the strategic planning process where there is unmet need. The Department for Communities and Local Government has a Gypsy and Traveller Sites Grant which local authorities can bid for to refurbish or build new sites although the continuation of this funding has not been confirmed.

SUPPORTING DOCUMENTATION

Appendices:

1. Site Search Exercise – Planning Availability Assessment

Documents In Members' Rooms

None

Background Documents

None

Gypsy and Traveller Accommodation Project

Site Search Exercise – Planning/Availability Assessment

1. Introduction

A site search exercise has been undertaken with the aim of identifying a ‘preferred site’ considered to be suitable and available for the development of a permanent (as in residential) Gypsy and Traveller site.

2. Search exercise

All sites were considered against three sets of criteria:

1. Site Availability

- Only council owned land was considered. This was to ensure realistic project delivery.
- Sites were also assessed in availability terms to determine the likelihood of development being able to commence within the next two years (by May 2010). Any potential sites must therefore be free from leasehold/tenancy constraints, legal constraints and also free from a clear commitment to alternative forms of development.

2. Site Size

A minimum site size was set of 0.35ha to capture as many sites as possible within the search. This was considered the minimum site size required to accommodate a reasonable number of residential pitches plus basic site facilities. In reality, a larger site area is likely to be required to accommodate appropriate landscaping and screening measures as part of any development.

Government guidance on the size of sites¹ states that ‘there is no one ideal size of site or number of pitches although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage’. However, the guidance also accepts that where a larger site is unavoidable then steps should be taken to create small ‘closes’ within the site for extended families.

3. Planning Considerations

A: Overall Approach:

A robust and comprehensive site search was conducted across the City area including both ‘urban sites’ (those falling within the defined built-up area of the City) and those on the edge of the City referred to as ‘urban fringe sites’.

In terms of planning considerations/constraints tested, the site search adopts a ‘sequential approach’.

In general terms, sites which fall within the city’s defined ‘built-up area boundary’ have an ‘in principle’ acceptance for development (although any development proposal will still have to meet specific policy ‘tests’ across a range of land use issues and criteria). Sites falling outside of the built-up area boundary will generally be much more sensitive in terms of environmental/landscape constraints and much more difficult to justify for certain forms of development. This is especially the case for Brighton and Hove which is tightly constrained by the current Sussex Downs Area of Outstanding Natural Beauty (AONB)

designation and the proposed boundaries for the future South Downs National Park. In addition to these nationally important designations there are local areas designated 'urban fringe' and/or 'countryside' on the edges of the city where development is generally resisted other than that designed to reflect its countryside location and where environmental improvements can be secured.

Following from this, the first 'preference' for suitable sites would ideally be any potential sites which fall within the urban area itself followed by any suitable sites on the urban fringe and lastly (where there were no other suitable options) a consideration of sites falling within designated AONB/National Park areas.

B: Specific Criteria/Considerations:

Site search criteria were drawn from the adopted local plan policy HO17 'Sites for Gypsies and Travellers' and the emerging Core Strategy (Revised Preferred Options) policy CP14 'Provision for Gypsies and Travellers'; the latter of which reflects the most recent government guidance as set out in Circular 1/2006 'Planning for Gypsies and Traveller Caravan Sites'.

3. Results

a. Search within the Urban Area

No suitable sites were identified within the existing built-up area. Many were considered 'not available' either in terms of leasehold/tenancy/legal constraints or 'not available' because there is a clear corporate commitment to achieving alternative forms of development. Several sites were considered 'not suitable' (not suitable for residential development generally or the site was too small or of too difficult a configuration). These results are not surprising given that the city is tightly constrained, already very densely developed and generally lacks development opportunities. Many of the urban sites identified by the search represent significant regeneration opportunities for the city where proposals are already well advanced either in terms of local plan designations and/or involving active negotiations with development interests.

b. Search within Urban Fringe

All urban fringe sites considered in the search have been treated initially in terms of a 'hierarchy' of landscape/environmental designations. Those designated AONB² or Proposed National Park would not be favoured if there were alternative potentially suitable sites with local designations such as NC5/NC6 Urban Fringe/Countryside.

From this site search one urban fringe site was identified as suitable for proposal as a "preferred site" for the development of a permanent Gypsy/Traveller site:

- **Former BMX Track, Wilson Avenue**

The site falls within the urban fringe and is designated NC5/NC6 (Urban fringe/Countryside) in the local plan. The site is suitable for the development of a permanent Gypsy/Traveller site with good road access and accessibility to local services. Early investigative work is required to assess any risks of contamination.

Would require a 'departure' application approach if selected as contrary to NC5/6 policies in the adopted local plan. Any such application would be subject to call-in by Secretary of State. This would require a robust case to be made based on 'need' (immediate unmet need for permanent gypsy/traveller accommodation and the specific nature of need in terms of site requirements) and a 'lack of alternative sites'.

c. Conclusion

The 'preferred site' for the development of a permanent gypsy/traveller site is the former BMX Track site, Wilson Avenue.

Preferred Site	U or UF	Summary of site assessment
Former BMX Track, Wilson Avenue.	Urban Fringe	<ul style="list-style-type: none">• Existing good road links• Good accessibility to local services.• Site access from Wilson Avenue.• Used previously as tolerated gypsy/traveller site.• Requires further investigation for potential contamination issues.• Sufficient scope to redevelop existing emergency site and BMX site to provide large site and required facilities.• Further screening required.• Landscape assessment required.• Any redevelopment would need to be sensitive to adjacent SNCI, proximity of Proposed National Park land and downland character.• Contrary to NC5/NC6 – would require 'departure' application approach.

May 2008.

