

Subject:	Selection of a Location for a Permanent Traveller Site		
Date of Meeting:	15th March 2012		
Report of:	Strategic Director, Place		
Lead Cabinet Member:	Cabinet Member for Environment & Sustainability		
Contact Officer:	Name:	Max Woodford	Tel: 29-3451
	Email:	max.woodford@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No:	CAB 27562
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 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 using money that has been paid to the city council in a grant from central government.
- 1.2 The main proposal is to consider the outcome of a site selection process undertaken to identify a location to provide a permanent Traveller Site for 16 pitches; to endorse Horsdean as the preferred location and to pursue the necessary consents. The proposed site is to be managed by an on-site permanent manager and will be maintained through income from rents paid by the occupants.

2. RECOMMENDATIONS:

- 2.1 That Cabinet consider the outcome of the site selection process, the further assessment of shortlisted sites and formally endorse Horsdean as the preferred location for a new permanent Traveller site.
- 2.2 That Cabinet approve the making of the appropriate planning application.
- 2.3 That, subject to the grant of the necessary planning permission, the Cabinet approves the granting of Landlord's consent for the use of the land at Horsdean for a permanent Travellers Site for 16 pitches.
- 2.4 That Cabinet approve a period of public consultation on the preferred site, to consider the views of both local residents and the needs of Travellers.
- 2.5 That Cabinet authorise officers to contact the Homes and Communities Agency and seek formal confirmation that the capital grant funding from the government for the provision of the site can be used at the new location.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Research has established that the city has a need to find space for 16 permanent traveller pitches to meet the accommodation needs of traveller families who have well established local links. A permanent site will offer those travellers resident in the area greater stability, as well as freeing up space at the transit site at Horsdean.
- 3.2 The site would accommodate 16 pitches. Each pitch consists of a hardstanding for a permanent trailer, a touring caravan and motor vehicle, as well as an amenity block that consists of a kitchen, bathroom and dayroom. There is likely to be soft landscaping between the pitches and around the perimeter of the site to lessen its visual impact. The site will be aimed at gypsies and travellers who have a long standing residency and who can prove a local link to the Brighton & Hove area.
- 3.3 It is proposed that the new site will be built wholly using grant funding administered by the Homes and Communities Agency (HCA). Whilst it will meet the specific housing needs of a certain group, in all other respects, the proposed permanent traveller site is no different than other forms of affordable housing. Residents will have to pay rent and council tax for their pitch, as well as cover their own utility bills.
- 3.4 A previous search in 2008 proposed that a site at Sheepcote Valley was the most appropriate location. Cabinet approval was granted to pursue that site, subject to testing for contamination, and government funding was secured to deliver it. However, the subsequent soil testing revealed much higher than expected levels of contamination. This has led to the requirement for an alternative site to be identified and therefore for the site assessment to be updated.
- 3.5 A detailed report on the updated site assessment is included at Appendix 1. A total of 48 council-owned sites have been tested against a range of criteria. Those criteria are set out in the appendix, but in summary they included:

General criteria:

- Council owned land – to ensure site is ‘available’ for development.
- Site Availability – site must be available for development.
- Site Size – sites must be at least 0.5 ha in size.

Physical and Planning Considerations:

- Topography: The site needs to be relatively flat given the nature of the use.
- Site Access: A safe and convenient means of access to the site access.
- Surrounding highway network – site should have good links.
- Capable of being serviced – capacity to provide necessary physical and social infrastructure (water, drainage, electricity, sanitation, play areas)
- Accessibility – to schools, medical services, local and community services.
- Impact on Local Area – residential amenity impacts and impact upon character of area.
- Planning Designations: A specific planning designation for an alternative use would make planning permission unlikely to be granted.

- Landscape Impact – sites should not compromise essential features of designated areas of landscape including South Downs National Park.
 - Biodiversity – impacts on nature conservation.
 - Heritage – cultural heritage/archaeology considerations.
 - Rights of Way – ensuring no Rights of Way will be blocked off
- 3.6 From the site assessment process, 3 sites emerged as having potential for development as a permanent traveller site. These sites are an extension to the existing transit site at Horsdean (on former playing fields north of the A27), Waterhall Farm (just to the west of the A23 across the road from the RSPCA) and Hangleton Bottom (the corner of land just to the west of the A293 Hangleton Link Road and to the south of the A27). There were clear advantages associated with the site at Horsdean because it is large and flat with good access, on site servicing (provision of water, electricity etc) minimal impact on the neighbouring community while still offering good access to amenities in Patcham and has an established use.
- 3.7 To ensure a full and proper assessment, the city council’s methodology agreed with the South Downs National Park Authority (SDNPA) was to undertake further work to assess the impacts of each shortlisted site. That further assessment has looked at archaeology, biodiversity and landscape impacts of a potential traveller site at each of the three locations. Hangleton Bottom is not in the National Park, as SDNPA wanted the city council to look further at a site that was outside of the park.
- 3.8 The city council has engaged with the SDNPA throughout the assessment process. Many sites included in the assessment process are located around the urban fringes of the city and some of those sites now fall within the boundaries of the National Park. The SDNPA is the Local Planning Authority for all sites in its area, and would therefore determine any eventual planning application for a site falling within the Park area. Because of this, the National Park has to be satisfied that the methodology used in the selection process is robust and a thorough search has been undertaken.
- 3.9 The further assessment of the landscape, biodiversity and archaeological impacts of the three sites has been done using the following methods:
- The biodiversity has been assessed using in-house expertise, based on an assessment of the type of habitats. More detailed seasonal surveys would need to be done as part of any subsequent planning application.
 - The archaeology has been considered by the East Sussex County Archaeologist using desk top processes and site visits. Again, a future planning application would require more in-depth work with an archaeological desk based assessment and evaluation, and in the case of Waterhall Farm and parts of Hangleton Bottom would require geo-technical surveying and/or trial trenching pre-application.
 - Landscape architecture is a specialism the city council does not have in-house and so a consultant has been employed to assess this potential impact and to advise on the mitigation measures that might be required. The consultant used was recommended by SDNPA as the city council wanted somebody whose findings would have credibility with SDNPA officers and members. The mitigation measures suggested would need to be worked up in detail in any final scheme that goes forward for planning permission.

3.8 The three reports are included at appendices 2, 3 and 4. In summary they find:

Horsdean	
Landscape Impacts	<p>It is unlikely that this site could accommodate the proposed development without significant mitigation planting. This is because this site would introduce a type of development which would be visible from significant parts of the South Downs National Park and extent this influence into areas currently devoid of overt development.</p> <p>However the proposed mitigation planting would significantly screen views of the proposed development and the existing transit traveller site from within the National Park. As a result it is likely that significant impacts would be limited to the immediate vicinity of the site and that current impacts of the existing transit site could be lessened as part of the development proposal.</p>
Biodiversity Issues	<p>The majority of the site is likely to be of low nature conservation value. Nevertheless the land is wholly within the South Downs National Park. Additional hedgerow planting, a dew pond and wild flower planting could be integrated into the design of any final scheme.</p>
Archaeology	<p>Falls within the extent of a large 'Celtic' field system and in the base of a dry valley. No recorded finds on the site. May have been impacted during construction of Brighton by-pass and appears from aerial to be partly used. Probably medium potential dependant on past impacts.</p> <p>Archaeological desk-based assessment should be undertaken and submitted with a planning application.</p>
Waterhall Farm	
Landscape Impacts	<p>This site could accommodate the type of development proposed. Any views of the development from the National Park would be contained and limited to immediately adjacent to the site. Mitigation planting would enhance the rural character of Waterhall Road improving this recreational route. Although within the National Park the proposed development would not extend built development character into the wider National Park and is unlikely to significantly adversely affect National Park purposes. The proposed perimeter planting would help visually integrate the proposed development with existing planting associated with the A27, A23 and field enclosures found in this areas of downland.</p>
Biodiversity Issues	<p>The majority of the site is likely to be of low nature conservation value. Nevertheless the land is wholly within the South Downs National Park. There is a Site of Nature Conservation Importance on adjacent land and the site boundary would need to be strengthened through additional planting</p> <p>Additional tree and hedgerow planting could be integrated into the design of any final scheme.</p>
Archaeology	<p>No recorded finds within site or immediately adjacent. Topographically its at the base of a south - east facing slope. There is a prehistoric field system on the top of the hill and a field system on the hill to the east. Considered to be medium to low potential at appraisal stage, but there</p>

	<p>may be colluvial/hill wash deposits masking any earlier prehistoric remains and the site's potential for late prehistoric/Romano-British activity appeared greater following site visit. None of the site appears to have been impacted in the recent past (now under pasture). Recommend geophysical survey and/or trial trenching to provide information to be submitted with a planning application for this site.</p>
Hangleton Bottom	
Landscape Impacts	<p>This site could accommodate the type of development proposed. Views of the development from the National Park would be seen in the context of the urban area and A27. With mitigation planting the development would not extend built development into the wider National Park and is unlikely to significantly adversely affect National Park Purposes. Proposed perimeter and on site planting would help visually integrate the proposed development into areas of existing planting associated with the A27, A293 and urban edge.</p>
Biodiversity Issues	<p>The majority of the site is of low nature conservation value. Small areas of scrub, defunct hedgerow and ephemeral short perennial vegetation exist around the periphery of the site. These could be accommodated within the site design. Nature conservation enhancement, in the form of species-rich grassland creation and hedgerow planting, could be integrated into the design of any final scheme.</p>
Archaeology	<p>Within a wide dry valley. One HER record within site; a Saxon boundary bank. In very close proximity, Saxon inhumations. Wider landscape, large 'Celtic' field systems and typical prehistoric chalk downland archaeology, probable Roman villa site nearby and a number of medieval hamlets. Dependant on past impact this site has a high archaeological potential. Archaeological desk-based assessment should be undertaken and submitted with a planning application.</p> <p>The area of hard standing already terraced and impacted, would not require any pre-determination evaluation but any potentially undisturbed areas to the west of the terraced hard standing might require some form of evaluation (geophysical survey or evaluation trial trenching) to test the archaeological potential</p>

- 3.9 In selecting a preferred site, the findings of the updated site selection process need to be considered alongside this further assessment work as set out above. In addition, there are some other factors that need to be taken into consideration. Officers in Property & Design have looked at the topographical conditions and existing infrastructure provision for each of the three sites to get a more detailed understanding of deliverability and cost:
- Horsdean is a flat site with mains water in the transit site that would be run 200m further to serve a new site. The transit site has an electrical substation that could be easily upgraded. New 'Klargester' type sewage treatment equipment would be required.
 - The Waterhall Farm site is sloping and would require cutting and filling. Fresh water would need to be run from mains 300m away as well as requiring similar

'Klargester' sewage treatment. The site has pylons running across it and these limit the usable space. A new electricity sub-station would be required.

- Hangleton Bottom has mains water and foul water 100m away in Thornbush Crescent that could be linked up to the site. Electricity could also be taken from the supply in Thornbush Crescent, but again a new substation would be required. Parts of the site slope, but there is a relatively level tarmaced plateau in the North East corner of the site.

3.10 As well as the technical and planning considerations above, there are further issues that impact on deliverability of two of the sites.

- The site at Waterhall Farm has an existing tenant and gaining vacant possession of the site would take between 12 and 24 months.
- The site at Hangleton Bottom is formally allocated for waste development in the adopted Waste Local Plan for East Sussex and Brighton & Hove and, as such, is considered 'not available' in the site assessment process. The Waste and Minerals Plan for East Sussex, the South Downs and Brighton & Hove¹ does not change the status of the site and the SDNPA are a signatory to that plan. If Hangleton Bottom were to be proposed for use as a traveller site, then a replacement waste site would be required. Given the lack of suitable development sites within the city itself, it is quite likely that a site within the National Park would be proposed for waste use and that may have considerably more of a negative impact on the amenity of the park than the traveller site.

3.11 Given all of the considerations, it is the view of council officers that an extension to the transit site at Horsdean is the best option for a new permanent site. The design of the permanent site, as well as the successful management and operation of the two combined sites, might require the loss of 3 to 4 transit pitches. This would not directly affect existing occupiers, as some occupiers of the transit site are expected to take permanent pitches. However, this need to make the combined site more manageable does have to be weighed up against the requirement to keep adequate transit provision across the city as a whole. The council will seek specialist design advice, combined with the results of consultation with travellers groups, to help inform a design and layout that both makes best use of space and meets the needs of future residents.

3.12 The capital cost for the site is to be funded by a grant of £1.73m that the Department for Communities and Local Government has given to the city council specifically to deliver the site in whole – no capital funding is coming from the city council itself. The grant is now administered by the HCA and the money is already with the city council. The money was bid for in 2008 to deliver the Sheepcote Valley site, so there is a risk that HCA will decide the money cannot be used to deliver an alternative site. However, the way to mitigate this risk is to run a robust process to select a new site that is deliverable before applying for the funding to be transferred as there is a shortfall nationally in permanent sites. Recommendation 2.4 therefore seeks permission for officers to open this dialogue with the HCA once the preferred site has been selected.

3.13 The grant of £1.73m was based on the estimated cost of delivering a similar number of pitches at Sheepcote Valley. A Quantity Surveyor has provided an

¹ Publication stage, Regulation 27, endorsed for submission by all three authorities.

estimate of the cost for building a 16 pitch site. The estimated cost for Horsdean is £1.700m, including contingency and fees (see Appendix 5). This is within the identified budget.

- 3.14 Following the agreement of Cabinet to a preferred site at Horsdean, there will be a period of consultation of the public and traveller groups and the start of more detailed design work. This will lead to the submission of a planning application in late summer. This may be pushed back slightly if the SDNPA give a screening opinion that a full Environmental Statement (“ES”) needs to be supplied with the planning application. If there is an ES then the application may take 16 weeks to consider. Given the controversial nature of traveller sites in the planning process, the full period of three months during which an application for judicial review could be made will need to have passed once any planning consent is granted before work could start on site. This report seeks authority to both grant landowner consent to the development and to submit the necessary planning application.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The process to date has been a technical assessment exercise. It is proposed that if Cabinet agree to pursue a preferred location at Horsdean there will follow consultation with both the settled and travelling community, to take into account the views of both communities and to also give officers a chance to better assess the needs of the travelling community and how this might affect the design of the site. This consultation will be guided by a consultation strategy to be agreed with the Cabinet Member for Environment & Sustainability. This will form part of the pre-planning application consultation. There would be further consultation through the planning application itself.
- 4.2 There has been consultation on the permanent site as part of the production of the emerging Traveller Strategy. A question on council’s Consultation Portal asked if respondents supported the strategic goal of providing a permanent site. Of the 35 responses, 23 (66%) were supportive and 12 (34%) objected. In addition to this, there has also been focus groups and interviews with Travellers. All 23 Travellers from 17 households agreed with the creation of a permanent site. The feedback from these discussions was very much that Horsdean should be the permanent site, given its location (good access to facilities, but not too close to the settled community) and the fact that people are used to there being a Traveller site at Horsdean, albeit a transit site.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of the site selection process outlined in this report have been met from current revenue resources as well as £0.020 million included within the 2011/12 capital programme for Housing (General Fund) for this purpose. The capital cost for the site is to be funded by a grant of £1.730 million from the Department for Communities and Local Government (DCLG) to deliver a permanent traveller site. The grant is now administered by the Homes and Communities Agency (HCA). The estimated costs of a permanent site at Horsdean is £1.700 million, which is within the current grant limit. However, the grant was awarded in

2008/09 to deliver the Sheepcote Valley site, so there is a risk that the HCA will decide the money cannot be used to deliver an alternative site. Recommendation 2.5 therefore seeks permission for officers to open this dialogue with the HCA once the preferred site has been selected. No financial commitments to build the permanent site will be made until funding is secured.

Finance Officer Consulted: Monica Brooks

Date: 27/02/2012

Legal Implications:

- 5.2 The legislation in relation to provision of sites has changed emphasis over many years. The current situation is that while there is no duty to provide a site (this was removed by legislation in 1994) , there is a duty to survey needs and based on that assessment to make a decision as to meeting those needs in a reasonable manner.

The legislation which applies can be differentiated according to the definition applied to any of the sub sets of the more generic term traveller. For instance at this time the Equalities duties under legislation apply only to ethnic gypsies and Irish travellers, whereas what constitutes a traveller is as a consequence of their lifestyle (nomadism being a key element).

The Human Rights Act does apply across the board and this includes Articles which contain elements relating to the right to a home. So far this does not place a duty to find housing but does extend to the protection of those housed.

Recent legislation will give greater parity to those resident on sites, as to those who live in bricks and mortar accommodation.

The general power of competence that has been granted under the Localism Act allows a large range of discretion of decision making, but that decision has to be reasonable.

The Town and Country Planning Act 1990 (“the 1990 Act”) provides that planning permission is required for, inter alia, material changes of use of land and building operations : the planning application for the permanent site is likely to cover both these elements. The planning application will be determined by the South Downs National Park (“SDNP”) as local planning authority for the area in which the traveller site is proposed to be located.

Section 70(2) of the 1990 Act requires that local planning authorities, in determining planning applications, shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Moreover, section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination must be in accordance with the development plan unless material planning considerations indicate otherwise. Until such time as the SDNP had adopted its own development plan the development plan for the purposes of determining the application will be the Brighton and Hove Local Plan 2005. Other material considerations that may be taken into include government guidance and in this respect Circular 01/2006: “Planning for Gypsy and Traveller Caravan Sites” will be relevant.

It is fully within the power of the Council to approve the recommendations.

There has been considerable and appropriate consultation, which makes the decision reasonable.

Lawyers Consulted: Simon Court and Hilary Woodward *Date: 24/02/12*

Equalities Implications:

- 5.3 Gypsies and Travellers are ethnic groups who are recognised by the Equality Act 2010. 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 emerging Travellers Strategy.

Sustainability Implications:

- 5.4 As part of initial site selection process and the further evaluation of the three shortlisted sites, consideration has been given to the sustainability of the locations and issues such as bio-diversity and landscape impact on the National Park. The full planning application will consider all these issues further and, subject to the views of the SDNPA, a full Environmental Statement might have to be submitted with the planning application.

Crime & Disorder Implications:

- 5.5 The plan is to provide a well-managed permanent traveller site with a permanent on-site manager providing security. It is also the case that the freeing up of transit provision in the city should have a small impact in reducing the incidences of unauthorised encampments.

Risk and Opportunity Management Implications:

- 5.6 As with all projects managed by the Major Projects and Regeneration Team, a Risk and Opportunity Management Register has been kept. There are a number of key risks that remain as the project moves forward. Specifically:
- The planning risk: The city council is not the Local Planning Authority for the Horsdean site, the SDNPA is. There is a risk that the SDNPA may not grant planning consent for the permanent site. This risk has been managed by engaging with the SDNPA officers and members and seeking their agreement to the methodology for the site selection process. However, due to reasons of not prejudging an application they have refrained from endorsing any site as being their preferred site and this remains as a risk.
 - The grant funding from the HCA: As mentioned elsewhere, this grant was made in 2008 for the provision of a site in Sheepcote Valley. There is therefore a risk around transferring that grant from Sheepcote Valley to a replacement site. This risk has been managed by getting to this point without incurring considerable costs and fees, and the city council is now in a position to reconfirm the grant on the basis of having a viable alternative site chosen.
 - Costs: As with all Capital projects, there is always the risk of cost over-runs during construction of the site resulting in insufficient funds to meet the

required specification of the site. This risk has been and will be managed by working with Property & Design on managing the specification and build costs throughout the project.

Public Health Implications:

- 5.7 The provision of a permanent traveller site will ensure that the residents of the new site are settled in one location and so will have better access to healthcare facilities and will be able to stay registered with a single GP practice ensuring consistency of care.

Corporate / Citywide Implications:

- 5.8 As outlined above, the permanent site will help the city council to meet its requirements under the Housing Acts.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This report summarises the outcome of a site selection process that involved the consideration of a number of different options for locating a new permanent traveller site. The main body of the report describes the evaluation of all alternative options.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Government and the city council recognise 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 the city council is in receipt of a government grant to fund the site in whole.
- 7.2 The Housing Acts require 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.
- 7.3 For the reasons outlined in this report, an extension to the existing transit site at Horsdean is considered to be the most appropriate position in planning and housing terms to locate the proposed permanent traveller site and so work to meet this need in the city. This is still subject to planning consent being granted and there remain planning and funding risks to be carefully managed in the delivery of the site.

SUPPORTING DOCUMENTATION

Appendices:

1. Site Selection Process Report from City Planning
2. Landscape Report
3. Summary of Initial Ecological Assessments
4. Summary of Initial Archaeological Assessments
5. Build Costs Estimate

Background Documents

1. Brighton & Hove City Council's emerging Traveller Strategy.

