WARWICK DISTRICT COUNCIL	**Executive** **6 April 2016**	**Agenda Item No.** **5**

Title	Gypsy and Traveller Site Identification Update
For further information about this report please contact	Lorna Coldicott, Senior Planner, lorna.coldicott@warwickdc.gov.uk Tel: 456505
Wards of the District directly affected	All
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	Executive: 29.07.15 Minute no: 23
Background Papers	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive	16.03.16	Chris Elliott, Bill Hunt, Andy Jones
Head of Service	16.03.16	Tracy Darke
CMT	16.03.16	Chris Elliott, Bill Hunt, Andy Jones
Section 151 Officer	16.03.16	Mike Snow
Monitoring Officer	16.03.16	Andy Jones
Finance	16.03.16	Mike Snow
Portfolio Holder(s)		Cllr Stephen Cross
Consultation & Community Engagement		
Public consultation has been carried out on previous stages of the DPD		
Final Decision?		No
Suggested next steps (if not final decision please set out below) Public consultation		

1. Summary

1.1 This report seeks to update members on the progress made with regard to the identification of sustainable sites for the accommodation of the Gypsy and Traveller community in this district.

1.2 It also sets out the details of a site at Campion Hills (Appendix 1), which is within the Council's ownership and which could be brought forward to meet part of this need. In doing so, the site could be available and deliverable within the first five years as required to accord with the Gypsy and Traveller Accommodation Assessment (GTAA), 2012 as updated in 2015 to align with the dates of the Local Plan for consistency, the numbers remaining at 31 permanent pitches and a transit site for 6-8 pitches.

1.3 It also requests that Executive approve a period of public consultation on proposals to allocate land at Campion Hills as a Gypsy and Traveller site.

2 Recommendation

2.1 That the Executive notes progress made on the sites being considered to accommodate the needs of the Gypsy and Traveller community.

2.2 That the Executive approves a 6 week period of consultation commencing on Friday 29 April 2016 on proposals to use land at Campion Hills (as shown in the map in Appendix 2) as a permanent Gypsy and Traveller site.

3. Reasons for the Recommendation

3.1 **Recommendation 2.1**: Policies in the submitted Local Plan confirm the Council's commitment to providing pitches for Gypsies and Travellers to meet our evidenced need (Policy H7). Policies also set out the criteria for the choice of suitable sites (Policy H8). In addition the modifications to the Local Plan published on 11 March this year, set out a policy in relation to new strategic housing sites which states that should further land be needed to accommodate Gypsies and Travellers to meet an under-provision or future need, the Council will expect these sites to form the 'area of search' and provide the necessary land required.

3.2 The Council has committed to providing land for a total of 31 permanent pitches and 6-8 transit pitches during the Local Plan period with 25 of the permanent pitches to be delivered within the first five years. This is in line with the recommendations of the GTAA. The figures have been recently reassessed in light of the changes to national policy, however they remain unchanged, but now extend over the life of the Local Plan rather than running for 15 years from 2012 when the GTAA was first published. These figures take account of historic under provision, current need and the need projected forward to the end of the Plan period.

3.3 There has been a considerable amount of work undertaken in identifying sufficient land to accommodate the recognised need within the district. Previous reports have detailed a number of potential sites which have either been promoted to us, or have been considered for compulsory purchase in the event that no land is made available for this use. The Council's own land holdings were considered at an early stage as these would provide a way of bringing forward sites within the time limits and would give assured deliverability.

3.4 The majority of privately owned sites have proved to be unsuitable or unavailable. Sites need to be suitable, available and deliverable to be allocated in the DPD which forms part of the Local Plan. Some sites that have been discounted are as a result of landowners not wishing to co-operate with us through this process.

3.5 The sites that were still under consideration when the last update was issued can now be updated as follows:

- Leamington Football Club, Harbury Lane (potential for up to 15 pitches): Although the site is still potentially suitable and available, the football club does need to relocate before the land will be made available and we have committed to not invoking powers of compulsory purchase to acquire this site. Work in acquiring the restrictive covenant continues and is progressing. This will need to be completed at such time as the football club moves. Rooftop, the social housing provider which provides and manages sites for Gypsies and Travellers, retains an interest in doing so at this site. A report is likely to come to the Full Council regarding this site on 20th April 2016, which may help to bring this site forward although it will not be within the first 5 years from 2012,

- Oaklands Farm, Birmingham Road, Budbrooke (potential for up to 15 permanent pitches): The land is in the green belt, but is a previously developed site. It is currently for sale on the open market. The site was discounted at the last consultation due to its green belt location, but has since been reconsidered as a potential site when it became clear that all non-green belt possibilities had been exhausted and very special circumstances required to take the land out of the green belt could be identified. Since that time, negotiations have been taking place to establish whether the site is viable. It has become clear that, following discussions with the land owner, the cost of the site is not viable due to the prohibitive costs of bringing it forward and is no longer being considered for this use.

- Land off the Fosse Way (potential for up to 15 permanent pitches): This site was considered in earlier consultations. It was excluded due to opposition regarding the impact on the adjacent businesses and in particular, the Warwickshire Exhibition Centre. This site is however, not in the green belt and access is suitable according to the Highway Authority. The landowner is however, not interested in promoting the land for this use and to progress it would mean using the Council's powers of compulsory purchase which would be unpopular, time

consuming and expensive, since the landowner would undoubtedly object. Even if this action were to be successful, it would not make the site available within the first five years of the plan.

- Europa Way (potential for 6-8 transit pitches and 1 permanent): The land to the west of Europa Way which is currently owned by Warwickshire County Council and was identified as a potential transit site, looks to now be required for the intended widening of Europa Way in spite of previous reassurances to the contrary. This longstanding site has been part of our portfolio of potential sites since the first consultation on the options for sites and has been broadly supported through each consultation stage. It was intended to allocate the site within the DPD, so this is very disappointing. A final decision as to whether this is needed or not will be taken in March. If the site cannot be progressed, another site will need to be found to meet the transit need. Transit sites tend to be more difficult to locate and manage than the permanent sites.

- Strategic Housing sites: In order to meet any future need and to provide for any unmet need during the Local Plan period, the policy for the new strategic housing sites through the modifications states that there may be a need for the developments to include provision of a Gypsy and Traveller site.

3.6 **Recommendation 2.2**: Potential site at Campion Hills (Appendix 1): Since the previous update report, officers have been working to identify any possible sites that could be more certain in terms of deliverability. This has meant reviewing the work carried out on our own land holdings at the beginning of this process. The site which we now wish to be considered further is at Campion Hills. It is one which we hadn't considered suitable before as it is located within the Green Belt and is more centrally based within Leamington Spa. At the time, it was also being considered as a potential residential site for those displaced by the regeneration scheme in Lillington. This requirement will now be met without the need for a new site and the land was in any case determined as being too far removed from the current housing to be suitable.

3.7 This generally flat, green field and Green Belt site forms a small and underutilised part of the Campion Hills public open space. It is generally well enclosed by mature woodland and screened from residential neighbours to the north and north-west and from the Newbold Comyn Park to the south east. It is situated on high ground south of Lillington residential estate and development may to be partially visible from parts of Leamington, Whitnash and Heathcote, although less so than the originally proposed houses as the Traveller site would only feature single storey dwellings. It is considered that careful landscaping of the site would reduce any impact on views from beyond the site in this direction.

3.8 The potential site has an area of some 2.1ha. This is more than adequate space to accommodate 15 pitches and a lower area of land take can be considered. A high level assessment has been made of the site and the views of other officers obtained. In view of the location on Leicester

Street, a speed survey was undertaken to assess the safety of the access in this location and measurements have been taken for visibility splays. These are acceptable although some work will need to be undertaken to improve the current access arrangements to meet with the approval of the highway authority.

3.9 The land is used as public open space and events are held there on a regular basis; the funfair and circus and the 4X/BMX track championships for example. It is accepted that a new venue would need to be found for the fair and circus, but it is not envisaged that the BMX cycle facility or public access to the footpaths across the site to the remaining land would be closed. The footpaths could be diverted to the eastern edge of the site retaining access for pedestrians and cyclists and the many dog walkers believed to use the wider area of open space beyond.

3.10 The view of the Green Space Officer is that in terms of the loss of open space, "the whole of Campion Hills is within the Clarendon ward and is 7.06Ha in area in total. It adjoins the largest publically accessible WDC owned green space of Newbold Comyn at 122Ha. It could be argued that the loss of part or all of Campion Hills is a small proportional loss of green space in that area". The neighbouring Crown ward however has less open space available and that which is does have is of lesser quality.

3.11 In terms of meeting the criteria in the Local Plan policy H8, for the location of Gypsy and Traveller sites, this land offers:

- Easy access to the road system
- Public transport by way of bus services 67 and 69 which pass along Leicester Street at the potential entrance to the site
- St Paul's Primary School at a walking distance of 300m (600m by road)
- Crown Way shops/PO at less than a mile away
- Library less than a mile away
- GP surgeries at 0.3 miles and 0.4 miles away
- The Leisure Centre at 800m distant, and
- NHS Dentist at 400m distant
- The site is of a suitable size to accommodate up to 15 pitches
- It could be adequately screened
- Infrastructure requirements can be adequately met

3.12 In addition, the site is of interest to Rooftop, the social housing provider, who would be willing to develop and manage the site for 15 permanent pitches. There is also interest in the purchase of a suitable site for this use from Gypsy and Traveller families who would purchase and develop the site to accommodate their own extended family.

3.13 Once a final set of suitable sites has been agreed for consultation by Executive, a period of public consultation will follow to gain views on the proposed sites.

4. Policy Framework

4.1 Submitted Local Plan - The site choices will need to conform to the Gypsy and Traveller Site Provision Criteria policy H8 within the Submitted Local Plan. It will also need to align with the plans of our partners' documents, including the Warwickshire Local Transport Plan

4.2 Fit for the Future – The final version of the DPD will need to align with and help deliver the Sustainable Community Strategy (SCS) and the Council's Fit for the Future programme where appropriate.

4.3 Impact Assessments – During the preparation of the Local Plan an Equalities Impact Assessment was undertaken. This looked at a wide range of potential impacts and concluded that three areas needed to be focussed on in addressing potential negative impacts: consultation; housing mix/affordable housing and Gypsies and Travellers. The preparation of the Plan has addressed these three issues, with further extensive consultations in line with the Statement of Community Involvement; a clear and strong approach to affordable housing (see policy H2) and housing mix (see Policies H4, H5 and H6); and ongoing work to identify suitable sites to provide for the accommodation needs of Gypsies and Travellers (see policies H7 and H8)

5. Budgetary Framework

5.1 The cost of carrying out the consultation will be funded by the resources set aside for the Local Plan process, but this does not include any consideration of the future value of the land involved or of any land purchase that may be required.

6. Risks

6.1 There are a number of risks connected with elements of this strategy. By not progressing this work, principally the risk of not meeting the required need for the provision of Gypsy and Traveller sites impacting on the progress and soundness of the submitted Local Plan.

6.2 There is also a significant risk that we could lose planning appeals on illegal sites, because we have not made progress in the allocation of sites specifically for this sector of our community.

6.3 There is also a risk that by allocating land within the Green Belt that the DPD will be found unsound unless we can clearly demonstrate exceptional circumstances. This would result in the Council still not fulfilling its responsibilities to accommodate Gypsies and Travellers.

6.4 Additionally there is a risk that if the Council used its CPO powers to acquire a site outside the Green Belt and the landowner was unwilling to sell or use the site for this purpose, subsequent time and considerable expense could be wasted if the Secretary of State then failed to confirm the CPO, as experienced elsewhere in the country. This would result in the Council still not fulfilling its responsibilities to accommodate Gypsies and Travellers.

6.5. As the relocation of the football club will be outside the current HCA funding programme, it is not yet known whether any funding will be available for the construction of the site. There is a meeting with HCA representatives shortly that might reveal some up-to-date information. There may be pressure therefore for the Council to construct the site which is £1m+ if a landlord such as Rooftop is involved.

7. Alternative Option(s) considered

7.1 An option would be to not allocate sites for Gypsies and Travellers, but this would be contrary to national policy and the DPD would be found unsound without a commitment to meeting the need demonstrated by the GTAA.

7.2 Another option would be to not consider using CPO powers to purchase land. There is a high risk of failure with this strategy but it may also be the only way to deliver acceptable sites outside the Green Belt.

Appendix 1

This is the area of land originally considered for bricks and mortar housing to relocate those displaced through the Lillington regeneration project. The site area required to locate 15 permanent pitches for Gypsies and Travellers would be less than half of the area outlined in red and would be restricted to the northern part of the site where the land is flat and hidden from adjacent housing by a belt of trees and vegetation. Access to the remainder of the land for pedestrians and cyclists would be maintained by diverting foot and cycle paths to the eastern boundary and the BMX track would remain in its current location.