

Committee: Local Plan Working Group

Agenda Item

Date: 13 March 2013

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Title: Duty to Cooperate: Basildon Council:
Gypsy and Traveller Policy

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Summary

1. Basildon Council has published their Core Strategy Revised Preferred Options Report for consultation. Representations need to be made by 5pm on 18 March 2013. The Core Strategy will be accompanied by two other development plan documents covering Site Allocations and Development Management Policies and a Gypsy, Traveller and Travelling Showpeople Policies
2. Basildon Council are proposing a Gypsy and Traveller Policy in the Core Strategy which only meets part of their need with the remainder to be provided outside of the Borough through continued cross boundary working with the local planning authorities within Essex over the plan period.

Recommendations

3. That a representation is made in response to the Core Strategy Revised Preferred Options Report **objecting** to Core Policy 5: Gypsy, Traveller and Travelling Showpeople Needs on the grounds that the Council must undertake an assessment of land to demonstrate that there is no capacity within the Borough to meet this need. Furthermore there is no evidence of effective joint working on a cross boundary strategy to meet these unmet requirements and therefore the Duty to Cooperate has not been met.

Financial Implications

4. None

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 6.

Communication/Consultation	The plan is subject to consultation in
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	accordance with Basildon's own Statement of Community Involvement
Community Safety	N/A
Equalities	The plan will be subject to equalities impact assessment in accordance with Basildon's normal practice
Health and Safety	NA/
Human Rights/Legal Implications	N/A
Sustainability	The Plan will be subject to a sustainability appraisal
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

7. As well as being part of the countywide Gypsy and Traveller Accommodation Assessment, the Basildon Borough Council commissioned an independent Gypsy and Traveller Local Needs Accommodation Assessment (GTLNAA) to be undertaken between 2012 and 2013. At the present time, this has concluded that there are a total of 115 authorised pitches and a further 13 pitches which do not have planning permission, but are 'tolerated' by the Council.
8. The GTLNAA has calculated that the growth arising from the traveller families residing on authorised sites in the Borough over the 20 year plan period equates to a need for a further 121 pitches over the plan period. This is based on a growth rate of 2.5% per annum and is equivalent to 6 pitches per annum, or 30 pitches every 5 years.
9. The GTLNAA also discusses the position of the families who had been living at Dale Farm at the time the site was cleared in 2011. The GTLNAA reports the evidence of stakeholders interviewed for the study who say that there were 86 families living on the site at the time. However this information is challenged by the Council who consider that in any event a number of those families have now left the borough, and the evidence from the study is that there are 30 households still in the borough seeking pitch provision.
10. If Basildon Council had to make provision for all of the 86 families and their natural growth, this would require an additional 155 pitches, on top of the 121 identified above, over the plan period. Basildon Council has consistently argued that it is unreasonable to expect any one Local Planning Authority to provide sites for every Traveller household that decides to relocate to its area, regardless of the overall Traveller households already accommodated, or

whether the authority has sufficient land outside of the Green Belt to accommodate the households in line with the Planning Policy for Traveller Sites.

11. The Core Strategy is therefore proposing that the Council will seek to provide a minimum of 30 pitches up to 2016 to provide a 5 year pitch supply. The identification of locations for the remaining 91 pitches will be deferred to the Gypsy, Traveller and Travelling Showpeople Local Plan.
12. Of relevance to other Essex authorities including Uttlesford is that the policy proposes that the provision of the additional 155 pitches arising from the projected growth of unauthorised households from Dale Farm, Crays Hill is to be provided outside of the Borough through continued cross boundary working with the local planning authorities within Essex over the plan period.
13. This raises two issues of concern to the Council. Firstly Basildon BC needs to demonstrate through a land availability assessment that they cannot accommodate any part of this need within the Borough. Secondly that there is no evidence that Basildon is working on a strategy to ensure this unmet need will be met through cooperation with other authorities.

Risk Analysis

14.

Risk	Likelihood	Impact	Mitigating actions
That this Council's views are not taken into account in relation to this issue which has cross border implications	Low – providing comments are made in relation to material planning issues	Failure in Duty to Cooperate	Respond to consultation in a timely manner and in format requested

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.