



Cabinet 1 February 2012

Gypsy and Traveller Site: Kelly's Meadows, Depden

1. Summary and Reasons for Recommendations

- 1.1 The proposed scheme to develop the site at Kelly's Meadows, Depden has now received planning permission following the appeal to the Planning Inspectorate.
- 1.2 Cabinet approved the development of the scheme at their meeting on 21 January 2009, (minute 125 refers) and gave delegated authority to the Corporate Director for Community in consultation with the Portfolio Holders of both Community and Economy and Asset Management to enter into the purchase of the land and the lease with the occupiers. However, the scheme has undergone some changes following mediation, further consultation with the community and the application for planning permission. It is, therefore, recommended that Cabinet formally approve the implementation of the scheme in accordance with the planning permission granted by the Inspector on appeal.
- 1.3 Some of the funding approved and granted to the Borough Council by the Department for Communities and Local Government (DCLG) has been spent on preparing plans and carrying out surveys as part of the development costs. The budget remaining is £642,000, a shortfall which equates to 12% of the build costs of the scheme. It is, therefore, necessary to 'value engineer' the scheme to be implemented within the available budget of £642,000.

2. Recommendations

- 2.1 Cabinet approve the implementation of the scheme in accordance with the planning permission granted by the Inspector on appeal;
- 2.2 Cabinet approve the delivery of the scheme in accordance with the remaining budget of £642,000 including the land purchase and capital development costs;
- 2.3 Delegated authority be given to the Corporate Director for Community, in consultation with the Portfolio Holder for Housing, Licensing and Environmental Health and the Chairman of the Gypsy and Traveller Steering Group, to take all necessary steps to:-
 - (a) implement the scheme;
 - (b) acquire the land necessary for the development of the Kelly's Meadows site at agricultural value; and
 - (c) enter into a lease with the occupiers in respect of this land.

3. Corporate Objectives

3.1 The recommendations meet the following objectives, as contained within the Corporate Plan:-

(a) Corporate Priorities:

(i) *'To improve the safety and well-being of the community';*

(ii) *'To secure a sustainable and attractive environment';*

(b) Cabinet Commitments:

'Managing the future development of the Borough; and

(c) Vision 2025: St Edmundsbury will be a place:-

V:H1: which has an affordable range of housing to meet the needs and demographic profile of the community.

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4. Key Issues

- 4.1 The Borough Council is required to ensure that provision is made to meet the needs of Gypsies and Travellers within St Edmundsbury. Previously, on 21 January 2009 (Paper Z481 attached as Appendix A) Cabinet approved proceeding with a scheme to extend an existing site on the boundary of Depden and Wickhambrook.
- 4.2 The Government made funding available for councils to bid for to develop new sites, and the Borough Council was successful in its bid for £737,000 funding to develop this site. Following extensive consultation and mediation with the community of Wickhambrook, a scheme was submitted for planning consent, which was a change to the original scheme approved by Cabinet.
- 4.3 The original planning permission granted in 2005 was for the stationing of 3 caravans for residential use, and included restrictions of their occupation. The proposed site would be in two main parts, one either side of an existing hedge between the two fields that make up Kelly's Meadows. Each site will include permission for 5 caravans (4 static for residential occupancy, and 1 tourer for visitors) making a maximum of 10 caravans permitted on the site (of which no more than 8 shall be static caravans). This number of caravans is a reduction from the original proposal which included 6 pitches for up to 3 caravans per pitch ie. a maximum of 18 caravans. Through the mediation process and public consultation, it was apparent that the number of caravans caused concern among the local settled community. The planning application took this into account and permission was subsequently sought for a maximum of 10 caravans, thereby taking into account the considerations of local people. There are currently 7 caravans on the site which accommodate the members of the family who will reside there permanently. The planning appeal decision allows for a maximum of 10 caravans.
- 4.4 The number of caravans on the site will be monitored through the 'Site Management Plan' and will be enforceable through the lease agreement.
- 4.5 Planning consent was refused by the Borough Council's Development Control Committee at the meeting held on 17 February 2011, but was granted on appeal by the Planning Inspectorate on 12 December 2011. The planning appeal decision is as follows:-

'The appeal is allowed and planning permission is granted for the enlargement of family gypsy site from 3 to 10 residential caravans (7 of which are already on site), the provision of 2 amenity buildings with 3 day units in each; formation of a new access onto the A143 with a track from the access point to the amenity buildings; provision of storage areas; construction of hard-standings for caravans and car parking related to each of the amenity buildings, together with associated ground engineering works and site landscaping including woodland planting, and the construction of a reed-bed and balancing pond and foul water treatment plant, and supported by letter dated 17th January 2011 with accompanying documentation at Kelly's Meadows, Wickham Street, Newmarket, Suffolk, CB8 8PD in accordance with the terms of the application, Ref. SE/10/1401, dated 11 November 2010, subject to the conditions set out in the schedule at the end of this decision.'

- 4.6 There are many conditions which have to be satisfied as part of the planning permission, which are outlined in a schedule of conditions, including some which must be satisfied before any development is started. This development will need to be carried out entirely in accordance with the submitted plans, as to vary the plans would require amendments to the planning permission, and could necessitate the submission of a further application. It would, however, be possible to do a 'partial' implementation provided the works carried out are entirely in accordance with the approved plans. This would enable the permission to remain extant and the works capable of completion at a later stage.

4.7	It is recommended, therefore, that the scheme is implemented in its entirety in accordance with the permission granted by the Inspector.
5.	Other Options considered
5.1	To not go ahead with the scheme would increase the overall need for additional pitches across the Borough, as the latest needs assessment takes into account the additional caravans at Kelly's Meadows. This would result in the Borough Council having to search for additional appropriate sites and deliver them.
5.2	The scheme now has approval from the Planning Inspectorate on appeal, and has the necessary funding available from the government to deliver the development.
6.	Community impact <i>(including Section 17 of the Crime and Disorder Act 1998 and diversity issues)</i>
6.1	<u>General</u>
6.1.1	Gypsies and Travellers are a recognised ethnic group under the Race Relations Amendment Act 2000, and local authorities are required to take their needs into account when carrying out housing needs assessments, and to make provision for their needs. This scheme will be a small family run site, which is nationally recognised as the preferred option for the management and size of sites and will go some way to meeting the identified needs of the Gypsy and Traveller Accommodation Needs Assessment.
6.2	<u>Diversity and Equality Impact</u> <i>(including the findings of the Equality Impact Assessment)</i>
6.2.1	An Equality Impact Assessment (EqIA) was completed on the project to develop an existing Gypsy and Traveller site in Depden. The EqIA found no negative impacts in terms of the development. Whilst some people in the community objected to the development of the site, consultation and mediation work has been undertaken in order to alleviate some of their concerns. The EqIA found a number of positive benefits, particularly to some of the disabled members of the site residents. No changes are proposed to the development as a result of the EqIA.
7.	Sustainability Impact <i>(including environmental or social impact on the local area or beyond the Borough)</i>
7.1	The planning application and the appeal decision considered the sustainability of the site. The Planning Inspectorate considered the scheme is in a 'sustainable location' and made the following comments:- <i>'I conclude on this issue that, though lacking useful public transport and leading to additional car use, the site for the proposed development would be in an acceptably sustainable location in terms of access to local services and facilities. It would accord with the advice of Circular 01/2006, and it would not conflict with relevant aims of Core Strategy policy CS6'</i>
7.2	The planning appeal decision also sets out conditions that have to be met to minimise the effects on the area's character and appearance which will ensure the removal of the existing structures along with conditions relating to lighting, landscaping, tree retention, siting of caravans, and the external finishes of the amenity buildings.
8.	Consultation
8.1	As part of the original bid proposal, and subsequent planning application, significant consultation with the community and stakeholders (including the Parish Councils of Depden and Wickhambrook) has been undertaken, including work with a planning mediation service, which offered an independent service and worked with the Borough Council, the Gypsy and Traveller family and the community group of objectors.

9. Resource implications *(including asset management implications)*

9.1 The grant received from DCLG to deliver the development, and a small contribution for planning consultant fees and planning mediation fees from the Borough Council, totalled £768,000 (of which £642,000 remains.) It is estimated that the full cost of completing the scheme to its original specification is in the region of £840,000, as costs have risen since the original proposal was submitted and the costs of fees for the preparation of plans was more than originally estimated. Therefore, there is a shortfall of £72,000 and the scheme will have to be reduced from the original proposal to complete it within the budget remaining and to meet the conditions laid out in the planning permission. However, if the scheme design is altered **significantly** a new planning application would be required. There would have to be careful justification of this course of action if the Borough Council is to meet its legal obligation to act reasonably, and to avoid the risk of challenge, so a major redesign is not recommended. Also, most of the design cannot be altered as it will contravene the planning conditions, for example, the amenity buildings' appearance and materials need to resemble traditional farm buildings and it is specified the timber boarding on the outside of the buildings shall be coloured black.

9.2 It is estimated that the cost of the scheme could be brought within the available budget by value engineering throughout the processes of detailed design and specification, procurement and project management. The costs of the implementation of services to the site are a major expense of the scheme and, therefore, are unlikely to be able to be reduced.

10. Risk Assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

10.1

Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
Scheme does not proceed which would increase overall need for pitches across the Borough.	Medium	Proceed with the scheme as soon as possible.	Low
Funding available insufficient to develop the scheme.	Medium	Value engineer the scheme to be implemented within the available budget of £642,000.	Low
Legal challenge from Gypsy and Traveller family if scheme not implemented following their successful appeal.	High	Proceed and implement the scheme in accordance with the planning permission granted by the Inspector on appeal.	Low

11. Legal or policy implications

11.1 Any decision made by the Borough Council to diverge from the scheme that has received funding and been granted planning consent on appeal would need to be backed up with strong justification and accord with the findings of the Equalities Impact Assessment. There is a risk of legal challenge if it does not. It is recommended therefore that the Council adhere to existing proposals.

Ward affected	Wickhambrook	Portfolio Holder	Housing, Licensing and Environmental Health
Background Papers	Z481 Cabinet 21 January 2009	Subject Area	Housing



St Edmundsbury
BOROUGH COUNCIL

Z481

Cabinet 21 January 2009

Gypsy and Traveller site at Kelly's Meadows, Depden

1. Summary and Reasons for Recommendations

- 1.1 The Council is required to ensure that provision is made to meet the needs of Gypsies and Travellers within St Edmundsbury. This report proposes the approval of a scheme to extend an existing site on the boundary of Depden and Wickhambrook to help meet the assessed need.

2. Recommendations

- 2.1 It is **RECOMMENDED** that:-

- (1) the Council proceeds with the scheme to develop an extension to the Gypsy and Traveller site at Kelly's Meadows, Depden as detailed in Report Z481;
- (2) the appointment of a suitable planning consultant and planning mediation service to assist with the planning application process be approved;
- (3) subject to (2) above, the cost of these services should they be required, be approved up to a maximum of £25,000 and be met from the affordable housing capital budget allocation;
- (4) delegated authority be given to the Corporate Director for Community, in consultation with the Portfolio Holders for Community and Economy and Asset Management to:-
 - (a) enter into a contract to acquire land necessary for the development of the Kelly's Meadows site at agricultural value; and
 - (b) to enter into a lease with the occupiers in respect of this land; and
- (5) the land purchase and capital development costs be met from the Government grant for this purpose.

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3. Corporate Objectives

3.1 The recommendations meet the following objectives, as contained within the Corporate Plan:-

- (a) Corporate Priorities:
 - (i) *'To improve the safety and well-being of the community';*
 - (ii) *'To secure a sustainable and attractive environment';*
- (b) Cabinet Commitments:
'Managing the future development of the Borough; and
- (c) Vision 2025: St Edmundsbury will be a place:-
V:H1: which has an affordable range of housing to meet the needs and demographic profile of the community.

4. Key Issues

4.1 Background

4.1.1 Members will be aware that the Government requires councils to make provision for the needs of Gypsies and Travellers in their areas, and that the requirement for St Edmundsbury is to provide between 15 and 20 pitches from a regional needs assessment undertaken.

4.1.2 Cabinet approved the setting up of a sub-group, chaired by Councillor Mrs Mildmay-White, to ascertain where these pitches could be provided within the Borough, and to access available Central Government funding to meet the development costs of providing these pitches.

4.2 The Proposed Scheme

4.2.1 The group identified the site at Kelly's Meadows, Depden as suitable, and would facilitate a small extension to an existing Gypsy and Traveller site. The proposal to extend the site to accommodate 6 pitches in total will improve the facilities on the site for the existing residents and provide good facilities for the small number of additional family members who will use the site. There will be a total of six families who will reside on the site, which will be a permanent, residential site, and **not** a 'transit' site for other travelling families to use.

4.2.2 The proposed scheme includes the construction of hardstandings for the caravans, amenity blocks for bathroom and washing facilities, landscaping, fencing and a new road onto the site. As the land is a greenfield site, and the only service onto the site at present is electricity, it is necessary to install services to the site, including water and sewage. An indicative proposal of how the site might look is attached as Appendix A to the Report, but the final boundaries and layout will not be decided until after the planning issues are resolved.

4.2.3 The Government has made funding available for councils to bid to develop new sites. To access this funding, there are criteria that councils have to meet and the facilities as described in paragraph 4.2.2 above are required to be constructed.

4.2.4 On 18 December 2008, the officers received telephone confirmation that the bid for £737,000 to develop this new site had been successful. Written confirmation of the exact conditions of the grant is still awaited from the Government Office.

4.2.5 The funding is a capital grant to fund 100% of the cost of the site's development, thereby not incurring capital costs to Council Tax payers of St Edmundsbury. Once developed, the running costs of the site will be met by the tenants, and no on-going revenue costs will be incurred by the Borough Council for its management or maintenance. The funding and the scheme itself are subject to planning permission being granted for the development. If approved, it will be a small, family-run site which nationally is recognised as being good practice.

4.2.6 The officers are still awaiting guidance on how the grant will be paid, but understand it is likely to be in a lump sum once planning permission is granted, with a requirement for regular monitoring of progress of the scheme, and spending of the funding. No funding will be available until planning permission has been granted.

4.3 Planning issues

4.3.1 It is hoped that a planning application can be submitted as soon as possible. The work to deal with the planning issues associated with the site is extensive and will include surveys and the preparation of applications and other documents. It is proposed that a suitable planning consultant be engaged to carry out this work.

4.3.2 There will be a cost associated with employing the consultant, estimated at about £10,000. The officers are exploring with the Government Office whether this cost can be met from the grant funding. As the capital grant will not be available until planning permission has been granted, the Borough Council would, in any event, need to cover these costs initially, and this could be met from the capital allocation for affordable housing.

4.4 Planning mediation

4.4.1 Members will be aware that there has been opposition to the proposal from local residents and, in some cases, residents of surrounding villages. There is also some local support for the scheme.

4.4.2 Investigations have been made by the officers into using a planning mediation service, which would offer an independent service to work with the community and the Council to deal with issues raised as the planning application is developed. The maximum costs of the service are estimated at £15,000.

4.4.3 The officers are also exploring whether the costs of this service can be met from the grant funding, or whether additional government grant funding may be available for this service as a 'pilot'. In the event this is not possible the cost can be met from the capital allocation for affordable housing.

4.5 Lease with the Gypsy family

4.5.1 The Council will enter into a lease with the resident Gypsy family who currently own the site. They have confirmed that they will sign the Heads of Terms and officers will be contacting the family's solicitor to progress this. The Council will need to purchase the land to be developed from the family at agricultural value and the family will repay this cost on a monthly basis as part of the conditions of the lease. The purchase cost will be met from the Government capital grant.

5.	Other Options considered
5.1	In considering potential sites, letters were sent to over 80 Parish Councils, landowners, estate agents, housing providers, and others, to see if there was potentially suitable land that they were aware of. If suggestions were received they would have been subject to formal public consultation. If no suggestions were forthcoming, the sub-group would have to identify potential sites.
5.2	There were no suggestions for potential sites, and the only feedback received was from a couple of Parish Councils who advised they would prefer smaller sites.
5.3	The sub-group also considered the option of extending existing sites within the Borough. The sub-group concluded that only the Kelly's Meadows site located at Depden would potentially be suitable and discussions with the family who owned the site were undertaken.
5.4	Nationally it is recognised that small family-run sites are the preferred option, rather than larger sites. The sub-group therefore, preferred to seek smaller family run sites to accommodate the 15 to 20 pitches required, rather than develop one large site.
5.5	Further sites will still have to be identified in the Borough to meet the requirements and the Local Development Framework will be one way of identifying further sites.
6.	Community impact <i>(including Section 17 of the Crime and Disorder Act 1998 and diversity issues)</i>
6.1	Gypsies and Travellers are recognised ethnic groups under the Race Relations Amendment Act 2000, and local authorities are required to take their needs into account when carrying out housing needs assessments, and to make provision for their needs
7.	Consultation
7.1	In June 2008, an initial meeting was held with representatives of Depden and Wickhambrook Parish Councils where they were advised of the proposals.
7.2	On 21 July 2008, a drop-in session was held for residents of Depden and Wickhambrook between 2.30pm and 7.30pm, which was to inform residents about the plans to enlarge the family site at Kelly's Meadows. The drop-in session included briefing sheets for residents, picture displays, a box for written comments, and staff and councillors were available to advise and answer questions. Approximately 140 residents attended the drop-in session.
7.3	The main issues from the drop-in session were recorded and a 'Frequently Asked Questions' leaflet was developed from these issues, which has been sent to some residents and the Parish Councils. A meeting was also held with the Parish Councils representing some of the surrounding parishes to Depden and Wickhambrook. Dialogue between the Council, the Parish Councils and residents has continued through letter and email.
7.4	A Steering Group of residents in Wickhambrook opposed to the development has been established. The Chief Executive and the Head of Environmental Health and Housing Services have met with representatives of the group and Richard Spring MP.
7.5	It is proposed that future consultation will be led by the planning mediation service.

- 8. Resource implications** *(including asset management implications)*
- 8.1 There will be no capital cost to the Council arising from the development of this site, as this is being met fully by the Government grant.
- 8.2 There will be no cost to the Council in the future management and maintenance of the site, as this will be the full responsibility of the family and tenants who will live on the site. This is clearly outlined in the lease.
- 8.3 Costs incurred for the employment of a planning consultant and planning mediators will not exceed £25,000. If this cannot be met by the Government grant, it is proposed that this be met from the capital allocation for affordable housing.

9. Risk Assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

9.1

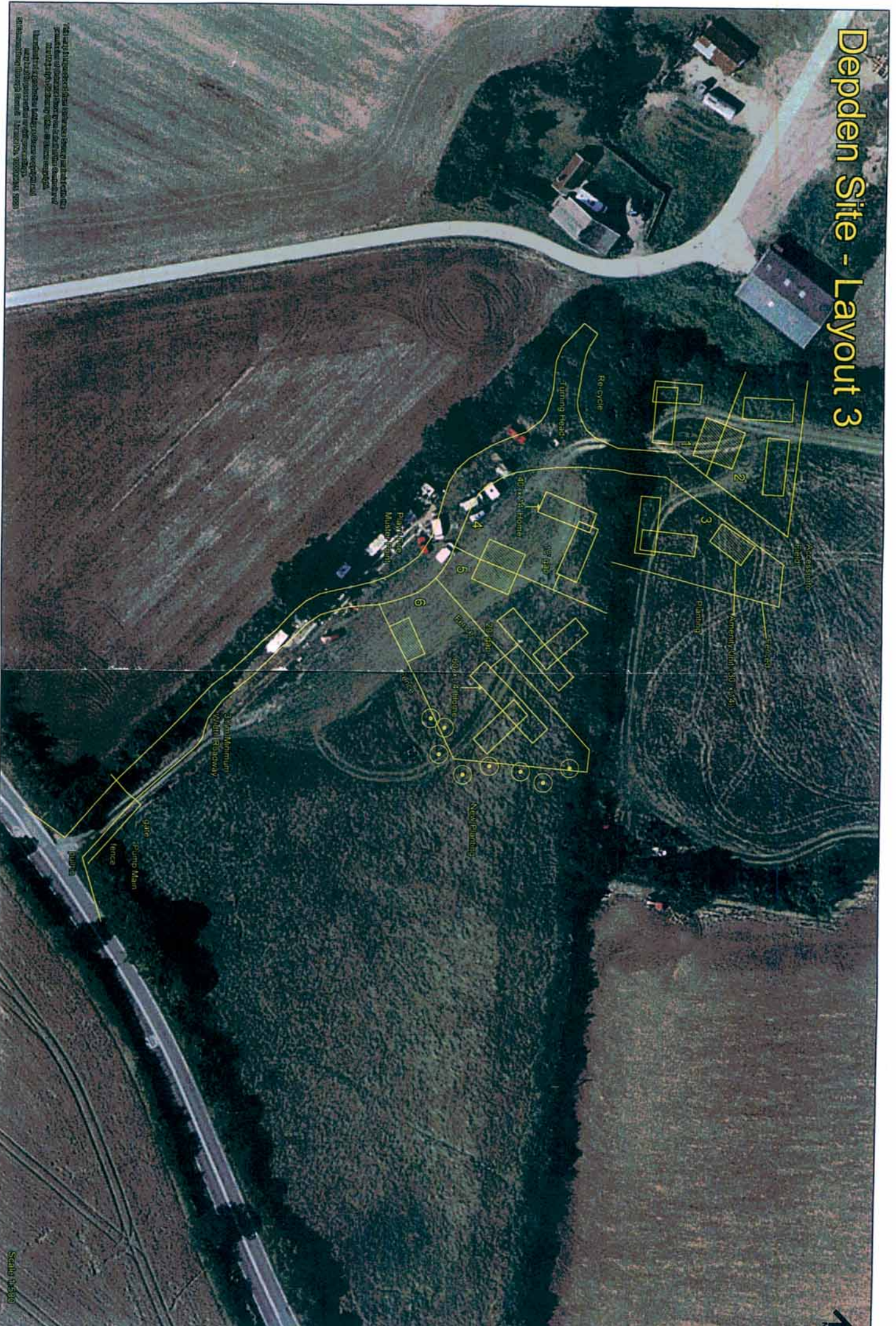
Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
Failure to meet Gypsies and Travellers needs assessment site provision requirements	High	i) identifying sites through Local Development Framework; ii) working with Gypsies and Travellers community to identify sites; iii) consulting with communities; and iv) accessing government funding to develop sites.	High
Failure to deliver the site at Kelly's Meadows would result in the loss of government funding and the loss of the contribution to the assessed need	High	i) planning mediators and planning consultant engaged; and ii) project management system to be implemented.	Medium

- 10. Legal or policy implications**
- 10.1 Local authorities are required to consider the needs of Gypsies and Travellers as part of their housing needs assessments and to make provision for them. The Traveller Needs Assessment has identified the requirement to provide 15 to 20 pitches within the Borough.

Wards affected	Wickhambrook	Portfolio Holders	Community, Economy and Asset Management
Background Papers		Subject Area	Housing

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Depden Site - Layout 3



1. This layout is a proposed site plan for the Depden Site. It is based on the aerial photograph and the site plan provided. It is not a final plan and should not be used for construction purposes without the approval of the relevant authorities.

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