

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

29 July 2009

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 PARTIAL REVIEW OF SOUTH EAST PLAN - GYPSIES TRAVELLERS AND TRAVELLING SHOWPEOPLE - PREFERRED OPTION

Summary

The Regional Planning Body is now in the process of consulting on the Preferred Option for the distribution of Gypsy and Traveller site provision throughout the region. Following consultation on the Issues and Options in October last year, the Regional Planning Body has decided on Option D which would require the provision of 19 new pitches in the Borough (including a Travelling Showmen pitch) which compares with the Council's previous position which was to promote an Option which would have required 10 or 11 pitches. It is recommended that the Borough Council adheres to its previous position and objects to the proposal.

1.1 Previous Position

- 1.1.1** The Regional Planning Body (formerly SEERA) is in the process of preparing a partial review of the South East Plan with the aim of providing strategic planning advice on the level and distribution of Gypsy and Traveller accommodation across the South East. This is in accordance with Government Guidance in Circular 01/2006. It is now at the stage of publicly consulting on the Preferred Option for the distribution of pitch requirements throughout the region. The formal consultation period commenced on 8 June 2009 with a deadline for comments of 1 September 2009. This is an important document because, once finally approved by the Secretary of State, the Council will be statutorily obliged to meet the identified pitch requirement through allocating a site or sites in its LDF if the identified need cannot be met in any other way.
- 1.1.2** I last reported on this subject to the meeting of the Board on 20 October 2008 when Members considered their response to consultation on the Issues and Options. At that time four options were put forward:

- **Option A** – new spaces should be provided as close as possible to where Gypsies and Travellers currently live.

Kent – 320 pitches **T&MBC – 14 pitches** (24 caravans)

- **Option B** – new spaces should be provided in the same general area as where Gypsies and Travellers currently live but with neighbouring Councils sharing the duty to provide new spaces

Kent – 320 pitches **T&MBC – 20 pitches** (34 caravans)

- **Option C** – was based upon half of all new spaces being in the same general areas where Gypsies and Travellers currently live, but with the other half spread across the region.

Kent – 241 pitches **T&MBC – 14 pitches** (24 caravans)

- **Option D** – sought to redistribute a quarter of pitches around the region.

Kent - 281 pitches **T&MBC – 17 pitches** (29 caravans)

Notes: Options C and D are based on a redistribution of Option B. Each pitch is intended to accommodate one household (households have on average 1.7 caravans).

- 1.1.3 The Council's response (as set out under **Annex A**) was to support none of the four options but it did agree that there was a strong case for there to be a redistribution of regional need away from Kent. It therefore supported the principle of **Option C**, which seeks to redistribute 50% of requirements across the region but argued that this should be based on a redistribution of Option A and not Option B. The net result would have been that the figure for Tonbridge and Malling would have been about 10 or 11 pitches. The County Council took a very similar view and put forward its own hybrid Option, which it called Option E. This would have resulted in a figure of 12 pitches for Tonbridge and Malling.

1.2 Consultation on the Preferred Option

- 1.2.1 In response to consultation on the Issues and Options, Option C received the greatest overall level of support, particularly from the Gypsy and Traveller community, but the majority of councils in the region preferred either Option A or B. The Regional Planning Body has therefore taken a middle road and opted for Option D "as a deliverable compromise". Under the Preferred Option, Tonbridge and Malling is now allocated 18 pitches. The increase of one pitch is due the regional total having been revised in the light of more up-to-date information. The Preferred Option also proposes one addition pitch for a **Travelling Showperson** in the Borough.

- 1.2.2 On the issue of **Transit Sites** the evidence currently available at regional level is insufficiently robust to provide transit allocations for individual planning authorities. The Preferred Option therefore recommends that Councils, working together on a county-group basis, should take immediate steps to compile and assess all available local indicators of transit need, having regard to available regional evidence, with a view to providing the appropriate quantity, form and distribution of transit and emergency stopping places across the region. The indicative advice submitted by the County Council was that 7 sites were needed in Kent and that there might be a need for one small one in Tonbridge and Malling.
- 1.2.3 The latest information would indicate that this is an overestimate and that there might not need to be one at all in the Borough. Work at the regional level is currently under way which is intended to refine the advice and further inform the local decision on transit site provision. However, it remains to be seen whether the Secretary of State will be prepared to sanction the delegated approach suggested in the draft plan.

1.3 County-wide Joint Member Steering Group

- 1.3.1 The Preferred Options consultation was considered by a meeting of the County-wide Joint Members Steering Group (JMSG) on 13 July 2009. The JMSG had before it 4 alternative options to those consulted upon by the Regional Planning Body:

- **Option C1** - which was the option previously promoted by the Council – ie 50% of the requirement redistributed around the region but on the basis of Option A rather than Option B.

Kent – 262 pitches

T&MBC – 12 pitches

- **Option E (revised)** - The option previously promoted by KCC but updated to reflect the higher regional total.

Kent – 262 pitches

T&MBC – 13 pitches

- **Option D1** - This takes the Regional Planning Body's Preferred Option but distributes it around the County on the basis of Option A rather than Option B.

Kent – 290 pitches

T&MBC – 13 pitches

- **Option F** – This takes the Regional Planning Body's Preferred Option but distributes it around the County on the basis of Option E rather than Option B.

Kent – 290 pitches

T&MBC – 14 pitches

The situation County-wide is summarised for all of the Options under **Annex B**.

- 1.3.2 Whilst there was understandably no unanimity of view, the majority of Council's in Kent were in favour of this Council's suggested approach (Option C1).

1.4 Recommended Response

- 1.4.1 On the basis that the Council will wish to adhere to the previously established principles at the Issues and Options stage there is a good argument now for promoting Option C1 which is supported by the majority of Council's in Kent, though the arguments in favour of Kent County Council's Option E are also robust and credible. On the other hand, the Regional Planning Body's justification that Option D is a "deliverable compromise" is a weak position to adopt, particularly in the face of overwhelming support for Option C which redistributes 50% of need around the region. Options C and E likewise redistribute 50% of need around the region. The main difference lies in the way that need is then distributed within the County.
- 1.4.2 With regard to **Travelling Showpeople** I believe the Council should adhere to its previous position as set out in **Annex A** which is that a general distribution of pitches widely across the region is not a credible solution when Travelling Showpeople normally travel and settle in groups rather than individually. The actual need for a travelling showmen's site relates to their performing circuit and the adequacy and location of their existing facilities (if any) rather than any form of demographic projection. There needs to be a much better understanding of the specific needs of this particular group before a sensible distribution of sites can be proposed. The currently proposed distribution has no logical basis.
- 1.4.3 On the issue of **Transit Sites** the suggested delegated approach seems the only practicable way forward in the absence of any robust data and should be supported.
- 1.4.4 In considering this matter, Members should bear in mind the significance of the emerging proposals for redeveloping and enlarging the public gypsy site at Coldharbour since this could make provision for 10 pitches which would go a long way towards meeting the requirement if we can get it as low as 12 pitches. A shortfall of 2 could be met through housing strategy measures through transfer to permanent accommodation and could not possibly justify the preparation of a dedicated DPD. On the other hand, if the figure ends up as being 18 or higher and/or the Coldharbour site does not proceed, the Council will undoubtedly have to address allocating a gypsy site or sites as part of the LDF process.

1.5 Legal Implications

- 1.5.1 Under the Housing Act 2004 the Council as Housing Authority has to undertake a GTAA and to prepare a strategy for meeting any need that might be so identified. As Planning Authority the Council has to prepare site allocations DPD to meet the pitch requirements identified in the South East Plan once it is approved.

1.6 Financial and Value for Money Considerations

- 1.6.1 The viability of the Coldharbour proposal is dependent on a partnership approach led by Kent County Council with grant funding from Government being secured during the next round of funding bids.

1.7 Risk Assessment

- 1.7.1 In the absence of firm proposals to meet the identified need there is a risk that ad hoc appeal decisions will continue to be lost and that permanent permissions will be granted in locations which may not necessarily be the best in planning terms.

1.8 Recommendations

- 1.8.1 With regard to the Partial Review of the South East Plan:

- 1) Objection be raised to the allocation of 18 pitches to Tonbridge and Malling and that Option C1 (10 pitches) should be promoted as an alternative;
- 2) Objection be raised to the Travelling Showmen pitch requirement for the Borough for the reasons given in the report;
- 3) The approach to dealing with Transit Site provision be supported.

- 1.8.2 Efforts continue to be made to secure a satisfactory and viable solution for enlarging the public Gypsy site at Coldharbour with a view specifically to meeting as much as possible of the locally identified need within the Borough.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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Director of Planning Transport and Leisure