

SSDC Gypsy and Traveller Land Acquisition Strategy and Process

Background

1. Across the country Local Authorities are struggling with the identification and allocation of land upon which planning permission can be obtained to meet the needs of the gypsy and traveler community. A failure to allocate also directly leads to inappropriate encampments and unauthorised developments with the attendant legal costs of dealing with this recurring problem.
2. South Somerset District Council has a shortfall in provision for Gypsies and Travellers as identified through a county-wide Gypsy & Traveller Accommodation Assessment (GTAA) and modified by the draft Regional Spatial Strategy (RSS).
3. The shortfall as identified in the RSS is for a total of 30 pitches, of which 20 are to be residential. It follows that the other 10 are either transit or emergency stopping place provision. Meeting this shortfall has been identified as a key action within the new Corporate Plan, and is also an action identified in the relevant Services Plans and the Housing & Accommodation Strategy (update 2008).
4. The shortfall should be met through planning provision, i.e. the allocation of land for use as Gypsy & Traveller sites through the Local Development Framework (LDF) Core Strategy or through supporting Development Plan Documents (DPD). However the LDF process is unlikely to complete before the deadline for meeting the shortfall as identified in the RSS (2011). Whilst no specific provision remains in terms of allocated land through Plan processes, the Council is vulnerable to appeal against refusal to grant planning permission on inappropriate sites. Planning Inspectors handling Gypsy and Traveller appeals have been directed to err on the side of appellants where the Local Authority is failing to allocate sufficient land to meet the identified need.
5. The Council has successfully bid for central government grants to provide sufficient money to develop a Gypsy & Traveller site acquisition fund, and so achieve provision through the purchase of suitable sites. In 2008/09 central government allocated £5m to the South West Region for the refurbishment and provision of new sites and pitches. £4m was returned unallocated and of the remaining £1m, £970k was allocated to South Somerset following a detailed grant submission. Part of this successful bid was for £150k specifically requested to acquire an existing site with planning permission [Pitney Hill] and a further £100k was awarded (subject to

an additional £50k being made available from SSDC) as a land acquisition fund.

6. On acquiring suitable sites, the Council will then seek to obtain planning permission. Once suitable permission has been obtained, the Council may sell on or lease the site for private provision or may make pitches on the site available as a landlord. Transit and emergency stopping point provision will fall into this latter category, but the preferred option for residential provision is the former category.
7. If a residential site is leased on a long term basis, the occupants are then responsible for the cost of creating the necessary infrastructure to support them. Direct control can be exercised over the development of a site and safeguards over activities on the land can be regulated. It is likely that these safeguards will find favour with the local settled communities and will not be resisted by the Gypsy and Traveller families. Subsequent sale can be considered at any stage.
8. Whether through direct provision, sale or lease, the Council wishes to meet the identified shortfall within the timescale dictated by the RSS (i.e. by 2011) by making use of suitable sites it has identified. In turn this will increase the Council's ability to defend any appeal against refusal to grant planning permission on a private site which is deemed unsuitable or inappropriate for legitimate planning reasons.
9. External consultants have been engaged to identify and assess land in public and similar ownership for potential affordable housing provision, through a project co-sponsored by the South Somerset Local Strategic Partnership (LSP) and Somerset County Council. Using information gleaned from this process, the Council commissioned further work to identify sites within such ownership suitable for consideration as gypsy and traveller provision.
10. From time to time the Council also becomes aware of other small land holdings in private ownership, which may also be worthy of consideration for such provision.

Level of Provision Required

11. It should also be noted that in conjunction with the other four housing authorities in Somerset and the County Council, the Council has begun a project to revise the GTAA. Results from the revised GTAA are not expected until later in 2010. In the event that the revised GTAA identifies a greater shortfall than that already identified and set out in the RSS, further site acquisition may become necessary. However, at this stage, the Council's purpose is to meet the shortfall identified in the RSS.

12. It should further be noted that the residential element within the RSS target has been reduced through the granting of permission for at least one further private site.
13. It is likely that the Council will need to identify:
 - o One site as an emergency stopping point
 - o Two sites for transit provision, preferably not closely located to each other
 - o At least two sites for residential use (preferably no more than three pitches on each).

Authority to acquire land

14. Authorisation is required to enable the procurement of land as this represents acquisition of a new asset, which may carry related liabilities. In the case of land acquired for Gypsy and Traveller accommodation purposes the costs are being borne from an existing capital budget (funded both internally and externally, see para 5 above) and possession of the asset may be relatively short term (as described above).
15. It is therefore suggested that acquisition of land for these purposes is delegated to a smaller group of Executive Members and relevant officers, where the parcel of land in question is valued below £50,000 and a budget has been allocated by the District Executive/Council for this purpose. For larger sites valued at £50,000 or more a full report to the District Executive would still be required. This approach provides greater flexibility (for example where the Council has a short deadline to meet in response to land being placed at auction) and prevents a proliferation of such reports at District Executive - given the principle of site acquisitions has already been agreed.
16. It is proposed that the group of Executive Members and relevant officers consist of:
 - o Leader of the Council
 - o Portfolio Holder: Health, Housing, Revenues and Benefits
 - o Portfolio Holder: Finance and Support Services
 - o Head of Finance
 - o Head of Environmental Health and Community Protection
 - o Corporate Strategic Housing Manager
 - o Corporate Director: Health & Wellbeing
17. It is further proposed that the authority take the form of a Portfolio Holder report, subject to the unanimous agreement of the other Members and officers cited in para 16 above. As with any other Portfolio Holder report, any decision to acquire will be subject to a potential call-in to Scrutiny.

Process for Gypsy and Traveller Accommodation Land Acquisition

18. The Council will use consultants to provide professional advice on suitability and to engage with relevant development control, conservation and highways teams, to review, evaluate and identify any technical issues that may need to be addressed in order to bring a site forward.
19. The consultants will make the initial evaluation of sites identified through the process described in paras 9 & 10 above. Their work shall include developing site plans and design of necessary works (in terms of access, landscaping, required services, surface and foul drainage etc).
20. Additional potential privately owned land identified through sale or auction advertisements would initially be investigated by the Community Liaison Officer, to confirm suitability for use as provision for gypsy and traveller community. The Community Liaison Officer shall discuss the site on a preliminary basis with a relevant officer within Development Control to determine if there are any obvious fundamental and overriding policy reasons that would lead to a refusal of permission. The Community Liaison Officer may make other preliminary enquiries to check that the site will not fall outside of the requirements of circular 1/2006 (or any subsequent relevant circular).
21. Subject to this initial evaluation, the Corporate Strategic Housing Manager may then refer the site to consultants for fuller investigation. The Senior Land and Property Officer shall be informed of this referral. The Corporate Strategic Housing Manager (in consultation with the Portfolio Holder) may, alternatively, decide not to pursue the site or incur any further preliminary costs if, in his judgement, other sites currently under consideration when taken together are likely to fulfill the outstanding pitch requirement for the district.
22. After an initial check by the Council's consultants, the Corporate Strategic Housing Manager shall seek a formal valuation from the District Valuer.
23. It is proposed that consultants be retained to handle all such land acquisitions. Following the initial assessment by the Community Liaison Officer, the consultants shall take responsibility for making contact and dealing with the vendor or land agent direct and arranging site visits.
24. The Consultants shall report back to the Corporate Strategic Housing Manager with their full assessment of the site including the likelihood of obtaining planning permission and an assessment of infrastructure costs.

25. Taking into consideration the status of other potential sites and the shortfall in overall pitches across the district at the time, the Corporate Strategic Housing Manager shall decide whether to recommend acquisition or not. Authority to acquire shall be sought as per paras 14-17 above. The formal valuation obtained from the District Valuer shall be used to determine whether the site should follow the Portfolio Holder report route or the full District Executive report route, and will provide the upper limit for any price offered or optioned by the Council. The advice in terms of any checks and conditions set out by the District Valuer must be incorporated into the report and any offer made to the landowner.
26. Where authority is confirmed, the Corporate Strategic Housing Manager shall instruct Legal Services.
27. On successful acquisition Legal Services shall provide confirmation both to the Corporate Strategic Housing Manager (to then initiate seeking any necessary planning permission) and the Senior Land & Property Officer (to maintain the asset database), the Corporate Accountant in Financial Services (to maintain the asset register) and the Accounting Technician and Insurance Officer.
28. Once the Council has procured land with permission for sufficient pitches to meet the shortfall, the process described above shall remain dormant until such time as a new GTAA or a new or refreshed RSS identifies a new shortfall in overall provision which cannot be met through allocation of land through the LDF.

Consultation

29. Consultation with the gypsy and traveller community shall be achieved primarily through the involvement of a representative as part of the client group liaising with the engaged consultants or through a council officer taking up that role with the specific remit of acting as advocate. Engaging with a representative of the gypsy and traveller community will minimise the possibility of sites being investigated with a view to acquisition only to find that there is a significant factor throwing doubt over its suitability, for example for cultural reasons.
30. The appropriate point to consult the democratic representatives of the locality is during the process of seeking relevant planning permission. It is, therefore, not intended to consult ward members (district or county) or Parish Councils until after the technical evaluation of the site in question. However, in light of the sensitivities involved, it is proposed that, on a strictly confidential basis, the relevant ward members (district and county) and Chairs of the relevant Joint Area Committees are alerted to the proposal after the technical evaluation proves positive (even though they have no formal influence over the decision to acquire).

31. Consultation with local communities will be an extremely sensitive issue. Inevitably any planning application or land acquisition that involves Gypsy or Traveller accommodation use is likely to be met with local opposition. The Council and it's agents shall provide all the necessary information to the public that is required of any planning applicant, but may also supplement this with information on the wider context and the overall strategy to meet the gap in provision as required by the RSS.

Explanatory Chart

