

Council – 11th January 2016

Petition against Darlaston Multi-Purpose Centre site being used as a site for travellers

1. Introduction

- 1.1. This report is in response to a petition which has been submitted by Mrs. C. Leadbetter of 18 Fallings Heath Close, Wednesbury. The petition is in three sections as follows:

(a) A copy of a petition submitted to the “change.org” web site headed “*stop the travellers site being granted at the old darlaston multi purpose centre*”.

This contains a printed list of 859 names, however no address details have been provided to the Council. The introduction on the change.org web site states “*Walsall MBC want to allow the old Darlaston multi purpose centre to be used as a site for 40 units for travellers to occupy*”. The web site also includes comments written by petitioners, but these have not been forwarded to the Council.

(b) A handwritten petition with 360 signatures, names and addresses headed “*we the undersigned are opposed to the Darlaston Multi Purpose Centre site being used as a site for travellers.*”

(c) A handwritten petition with 1,385 signatures, names and addresses headed “*we the undersigned want the Darlaston Multi Purpose Centre site to be used for housing only*”

- 1.2. The Council's petition scheme provides for the following.

“If a petition contains at least 1,500 signatures it will be debated at a meeting of the Council. This means that the issues raised in the petition will be discussed at a meeting to which all Councillors can attend and speak. The Council will endeavour to consider the petition at its next meeting although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting.

“They may decide to take the action that the petition requests; not to take the action requested for reasons put forward in the debate, or to ask for further information. Where the issue is one where the Cabinet are required to make the final decision the Council will decide to make recommendations to the Cabinet. The petition organiser will receive written confirmation of this decision and this will be published on our website.”

- 1.3 The proposals for the Darlaston Multi-Purpose Centre site are contained in the draft Site Allocation Document which will, once adopted, form part of Walsall's local plan. Consultation about the Preferred Options version of the Document took place between September and November 2015. It should be noted that nearly all the names on the chang.org petition are dated in August 2015. It is therefore likely that the petition was prompted by press reports following Cabinet in July.

2. Recommendations

That Council note:

- 2.1. the content of the petitions.
- 2.2. that Cabinet will take the petitions and other representations made about the draft Site Allocation Document into account when it considers the Publication version of the Site Allocation Document (SAD) at a future date.
- 2.3. that, subject to the outcome of consultation on the Publication version of the SAD, Council will at a future date consider the Submission version of the SAD.

3. Report detail

3.1 Overview

The Council has a range of duties under the Housing Act 2004 and under Section 225 of the Act, the Council as local housing authority, is required to prepare a strategy in respect of the *“meeting of accommodation needs of gypsies and travellers residing in or resorting to their district”*. Accommodation needs include needs with respect to the provision of sites on which caravans can be stationed whether these be public or private sites.

The Government's Planning Policy for Traveller Sites states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Local planning authorities should plan for sites, and increase the number of sites where necessary in appropriate locations. Plan-making and decision-taking should protect the Green Belt from inappropriate development. Suitable accommodation should be enabled from which travellers can access education, health, welfare and employment infrastructure.

The Council, jointly with the other Black Country authorities, commissioned in 2008 a Gypsy and Traveller Accommodation Assessment to identify need in the area. The results of this assessment formed the basis of the requirements for additional sites set out in the Black Country Core Strategy (BCCS), which was adopted by the Council in 2011.

Gypsies and travellers have a long association with Walsall, but only comprise a very small part of the total population. In the 2011 Census, only 287 residents (out of a total population of 269,323) described their ethnic origin as Gypsy or Irish Traveller.

The majority of people of traveller origin in the borough live in conventional “bricks and mortar” homes. It should also be noted that where a household approaches the council under Homelessness legislation that the council can legally discharge its homelessness duty by making an offer of accommodation in “bricks and mortar” homes and there is no requirement for the offer of accommodation to be on a caravan plot / pitch.

The council is required to count for government, every six months the number of caravans on authorised and unauthorised sites for gypsies and travellers, and show-people. In recent years the count has recorded an average of 50 caravans on gypsy and traveller sites. The council has a separate and distinct requirement for provision of sites for travelling show people.

The BCCS sets targets for the number of additional traveller sites to be provided, as well as general housing, employment land and other land uses within the plan period. 39 permanent residential pitches (a “pitch” is a family unit, equivalent to a single dwelling, and typically contains two caravans plus an amenity block) are required in Walsall over the period 2008-2018. For comparison, a total of 11,973 new “bricks and mortar” homes are required over the period 2006-2026. The two dates are different because the low numbers involved mean that it is difficult to make accurate projections of traveller site requirements over the longer term. However, the BCCS does not identify specific sites either for traveller sites or for general housing. The Council's officers are therefore preparing a Site Allocation Document (SAD) that will allocate land for these uses.

Cabinet on 22 July 2015 approved the Preferred Options version of the SAD to form the basis of public consultation. This consultation took place in September and October 2015. A large number of representations have been received, including from members of the public, statutory bodies and landowners. These are currently being assessed and will be taken into account in the next draft of the SAD, the Publication version, which it is intended to report to Cabinet on 3rd February. Cabinet will be asked to approve the Publication version as the basis for further public consultation.

The Publication version will also have to take account of the Government's revised Planning policy for traveller sites, which was published shortly before consultation began about the Preferred Options SAD, as well as a potential change in the definition of site need arising from the Housing and Planning Bill. These recent and emerging changes in national policy and legislation could affect the total number of pitches that need to be provided.

As a result of new pitches that have been provided since 2008, and a re-calculation of the capacity of existing sites, the SAD states that only 28 additional pitches are still required, and these will be sufficient to meet needs up to 2026. This time period

has been extended compared with that in the SAD because national policy (introduced in 2012) now requires local authorities to identify and maintain a 5/10 year supply of sites. However, the SAD identifies 11 potential sites with a total capacity of at least 120 pitches. This is to provide a choice of potential sites for public consultation. The estimated capacity of individual sites was based on the former Government Good Practice Guide on Designing Gypsy and Traveller Sites (which was cancelled at the beginning of September 2015 after the SAD Preferred Option Document was prepared but before the start of the consultation), which stated that no more than 15 pitches should be provided on any one site. There is currently no replacement guidance as to the number of pitches on any one site, and the Government has announced that it proposes to replace the 2007 guidance on assessing accommodation need. It is noted that some of the potential 11 sites identified in the SAD would be physically capable of accommodating more than 15 pitches each.

The potential sites were identified using the criteria in the BCCS, with the addition of a requirement that they should be in a location that would also be suitable for general housing. This means, for example, that they should not be in the Green Belt (except for safeguarded existing sites), or be prone to flooding, poor air quality or excessive noise levels. The criteria also state that former factories and similar sites that were formerly used for employment purposes but which are no longer required for this may be particularly suitable for traveller sites that are to include an area for work or storage purposes.

The SAD has to demonstrate that sites to be allocated, whether for traveller sites or any other use, are deliverable and developable. This normally means that the landowner has to be supportive of the proposal. However, the allocation of land as a traveller site is likely to result in a substantial loss of value compared to an allocation for general housing. No private landowners have come forward with suitable sites for travellers (although the SAD proposes to safeguard existing private sites in the borough), so it is likely that the only sites that will be capable of allocation will be those that are owned by the public sector. The majority of the potential traveller sites identified in the SAD are therefore ones owned by the Council.

There is no requirement within either Housing legislation, or planning legislation for the site to be either owned or managed by the Council .

3.2 Observations

The SAD has to balance conflicts over the potential land use allocation of many sites across the borough. As well as representations about the allocation of site for travellers, representations have been received about many other issues, including the potential use of employment land for housing or retail development, and the development of land in the Green Belt for housing or industry. Council and Cabinet will consider the SAD in full at future meetings.

Discussion about the issues raised by the SAD is a valuable and welcome part of the statutory consultation process. All consultation responses and comments must be taken into account in the review stage following consultation and the implications

be considered and balanced in relation to the borough as a whole, across the whole range of land uses which the SAD has to consider. This process will take place in the next stage of the SAD, leading to Publication Version.

It is vitally important, to avoid the potential for legal challenge, and to provide a SAD that gives all sections of the community a valid policy document that developments can be judged against that this process is carried out in accordance with the statutory regime and openly and transparently. As a result, Members who will have responsibility for making the final decisions about the SAD are encouraged to not make statements at this stage that might prejudice the consideration of a full report at a later stage.

3.3 Legal Implications

There are no legal implications arising from the recommendations. It is important that Council does not fetter its plan-making by making a resolution about any individual site outside the formal process.

It is intended that the report to Cabinet in February 2016 will address all of the issues raised by the Preferred Options consultation on the Site Allocation Document, including in respect of the possible allocation of sites for gypsies and travellers. This will include a recommendation that an amended version of the Document should be published for a further round of public consultation.

Simon Neilson
Executive Director Economy and Environment
22 December 2015