

Economy and Growth Committee

10 September 2024

Addressing the need for permanent Gypsy and Traveller sites

**Report of: Peter Skates, Acting Executive Director – Place and
Director of Growth and Enterprise**

Report Reference No: EG/15/24-25

Ward(s) Affected: Crewe East

Purpose of Report

- 1 This report provides Members of the Economy and Growth Committee with details of a site which is in the ownership of Cheshire East and has been identified within the Site Allocations and Development Policies Document (SADPD) as suitable for a Gypsy and Traveller residential site and the options to bring it forward for development.

Executive Summary

- 2 The need for adequate pitches to meet the housing need of both the Gypsy and Traveller and Travelling Showpeople has been established through the Gypsy and Traveller Accommodation Assessment (GTAA), most recently updated in 2018.
- 3 The identification of land to assist in meeting Traveller accommodation needs was undertaken through the SADPD process and, following a call for sites and a robust assessment, a number of sites which were assessed as being suitable and available for development were formally allocated for this purpose.
- 4 One of the sites allocated to provide permanent residential Gypsy and Traveller pitches is located at Coppenhall Moss, Crewe and is within the ownership of Cheshire East – Appendix one.

- 5 The options for the delivery of the site are set out in Appendix two and Members are asked to consider these along with the recommended option which is option two – conditional sale of the site. This would be the quickest route for disposal whilst still enabling the Council to determine the end use for the site.

RECOMMENDATIONS

The Economy and Growth Committee is recommended to:

1. Consider the options to bring forward the development of the Coppenhall Moss site in Crewe.
2. Approve the progression of option two which is to proceed with a conditional sale of the land for the provision of a permanent residential Gypsy and Traveller site.

Background

- 6 National Planning Policy for Traveller Sites says that Councils should assess the need for traveller sites and develop fair and effective strategies to meet need through the identification of sites.
- 7 The need for adequate pitches to meet the housing need of both the Gypsy and Traveller and Travelling Showpeople has been established through the Gypsy and Traveller Accommodation Assessment, which was most recently updated in 2018. The updated Assessment informed policies in the SADPD, adopted in 2022, which identifies the following level of need up to 2030 (policies HOU 5 and 6):
- (a) 5 to 10 transit pitches for Gypsies and Travellers
 - (b) 32 permanent pitches for Gypsies and Travellers
 - (c) 5 plots for Travelling Showpeople.
- 8 The identification of land to assist in meeting Traveller accommodation needs was undertaken through the SADPD process and, following a call for sites and a robust assessment, a number of sites which would be suitable for development were formally allocated to ensure a deliverable supply of pitches.

- 9 One of the sites identified and subsequently allocated through the SADPD is land at Coppenhall Moss, Crewe (Appendix one) for seven permanent Gypsy and Traveller pitches. The site is situated on the junction of Kents Lane and Parkers Road, Crewe. Whilst the land has previously been used for grazing, there is no occupation currently shown on the land.
- 10 There is an expectation that sites allocated within the SADPD will be developed for the purposes identified within the timeframe of the plan. Therefore, a number of options have been considered to bring the site forward to provide seven residential pitches and are outlined with Appendix two.
- 11 It is also important to note that since the GTAA was updated in 2018, the government has changed the definition of Gypsies and Travellers for planning purposes. This took place in December last year and was in response to a judgement in the Court of Appeal (Smith-v- Secretary of State for levelling up, Housing and Communities and others [2021] EWHC 1650 (Admin)) that found that the previous definition, which excluded those who had ceased travelling because of their age or a disability, was discriminatory. The effect of this definition change is that the level of pitch needs is now likely to be higher than was identified in the 2018 GTAA update. This adds to the importance of bringing the sites allocated in the SADPD forward for development.

Consultation and Engagement

- 12 Consultation and engagement formed part of the SADPD process when selecting suitable sites to meet the needs identified within the GTAA. The SADPD was also the subject of a public examination carried out by an independent Planning Inspector. There is no further requirement to consult on the proposed use of the land at this stage. To carry out development on the site, in line with the allocation in the SADPD, planning permission would first have to be sought and granted. There would be public consultation under the requirements of the planning application process.

Reasons for Recommendations

- 13 Appendix Two outlines the options for delivery and following consideration at Cheshire East Assets Board it was agreed that option two should be the recommended option to bring forward the site.
- 14 Undertaking a conditional sale would be the quickest route to development and would enable the Council to determine the end use for the site, without undertaking a resource intensive procurement exercise or having to borrow capital funding to enable development.

- 15 The sale of the site would demonstrate that the site is deliverable and reduce the risk of other sites being brought forward through the planning process which are not currently allocated sites.

Other Options Considered

- 16 All other options considered are outlined within Appendix Two and include:
- (a) Direct disposal to the market – without condition.
 - (b) Open procurement – Council retain ownership and develop and manage the site.
 - (c) Open procurement – Council procures a partner to develop and manage the site.
 - (d) Procurement through the Housing Development Framework.

Option	Impact	Risk
Do nothing	The site remains vacant and is retained in the ownership of Cheshire East.	The Council would fail to bring forward a site which it has assessed and allocated in the SADPD to meet the identified need for permanent Gypsy and Traveller pitches.
Direct disposal to the market	No control over the end use of the site	The site could be purchased and land banked or taken forward through planning for an alternative use
Open procurement – Council develops and manages the site	Total control and management of the site	Requirement to borrow to fund the development. Revenue funding required to resource the management of the site.
Open procurement – Council procures a partner to develop and deliver the site	Control over the end use of the site.	Resource intensive process with no guarantee of any bids. Small site and there could be very low interest.

Procurement through the Housing Development Framework	Control over the end use of the site.	Not in the scope of the framework. Limited interest as not within area of business.
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Implications and Comments

Monitoring Officer/Legal

- 17 There is a requirement for the Council to identify sites to meet the needs identified within the Gypsy and Traveller Accommodation Assessment, which includes permanent residential pitches.
- 18 Under section 123 of the Local Government Act 1972, a local authority has the power to dispose of land. The main caveat to this power is that the Council must not do so for “a consideration less than the best that can be reasonably obtained”. This is interpreted as being the best price achievable in the open market.
- 19 The duty to obtain best consideration does not require the highest offer to be accepted, but it needs to take into account other factors such as any terms or conditions attached to the disposal which may identify a special commercial benefit to the vendor for eg covenants requiring the land to be used for a particular purpose. Each transaction should be assessed on its facts.
- 20 The General Disposal Consent (England) 2003 allows the Council to dispose of land at an undervalue provided that the disposal contributes to the achievement of:-
- The promotion or improvement of economic wellbeing
 - The promotion or improvement of social well-being.
 - The promotion or improvement of environmental well-being and
 - That the best price reasonably obtainable does not exceed £2m
- 21 A conditional sale of the Coppenhall Moss site due to restricted use of the land could be considered as a disposal at less than best consideration. It is possible for Local Authorities to dispose of land at less than best consideration where the unrestricted value of the land is less than £2million, and to do this the Council must demonstrate that value is being received in other ways that justify the monies foregone to the public purse.

- 22 The land can be sold open on the open market, but the sale would need to be subject to a number of conditions and restrictions to ensure that the land can only be used for the purpose as already set out in this report. If the land did not to sell, the Council could offer a long lease with similar constraints to ensure that the land is developed in accordance with the required use and subject to any necessary planning permissions. The Council will need to ensure that it provides sufficient restrictions to prevent the land from being purchased and not used for its intended purpose.
- 23 All disposals must comply with the Subsidy Control rules. When disposing of land at less than best consideration the Council is providing a subsidy to the occupier of the land.

Section 151 Officer/Finance

- 24 The development and management of a new residential Gypsy and Traveller site by the Council does not form part of the current Medium Term Financial Strategy and would therefore require the submission of a detailed business case. This is unlikely to be supported due to the requirement for unsupported borrowing, for example a £2 million project would require average revenue funding of £135,848 over a 25-year period to cover the borrowing. There would be the opportunity to apply for Homes England funding towards a percentage of the development costs.
- 25 There would also be the revenue required for the continued ongoing maintenance of the site and site management, which is not available within existing budget and would cost approximately £60,000 - £80,000 per annum (maintenance and staff costs – Grade 7 post).
- 26 There would be rental income to offset these costs for example taking an average weekly rent of £118.00 (including service charge) for seven pitches would equate to an annual income of £42,952 but this would not cover all costs.
- 27 There other options considered whilst no placing a pressure on the Medium-Term Financial Strategy would require resources from Legal, Finance, Procurement and Housing with the inability to reclaim costs against a budget to cover the services. This also does not currently form part of their work plans and could not be undertaken immediately.
- 28 The recommended option would not place a financial pressure on the Council and has the potential to bring forward a capital receipt, therefore resulting in a positive impact on the Medium-Term Financial Strategy.

Policy

- 29 The Site Allocations and Development Policies Document (SADPD) provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy (LPS) and was adopted on 22nd December 2022.
- 30 In line with LPS Policy SC7 Gypsies and Travellers and Travelling Showpeople, sites have been allocated or approved to meet the needs set out in the Gypsy and Traveller Accommodation Assessment 2018. The need for additional permanent residential pitches was identified as 32 pitches. Sites were identified both within private and Council ownership and includes Land at Coppenhall Moss, Crewe. Following assessment, it was established that this site had the capacity to provide 7 permanent pitches.
- 31 Providing opportunities for permanent residential sites for our Gypsy and Traveller community is in line with the Corporate Plan priorities to protect and support our communities and safeguard children, adults at risk and families from abuse, neglect and exploitation, reduce health inequalities across the borough, promoting fairness and providing equality for all and enable access to well designed, affordable and safe homes for all our residents.

Equality, Diversity and Inclusion

- 32 The Council has a duty under Section 149 of the Equalities Act 2010 to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it.

Human Resources

- 33 For the recommended option, no additional human resources would be required.

Risk Management

- 34 If the recommended option was approved there is a risk that the sale of the land would not result in the development of the land, however this would be mitigated by a long lease, which would restrict the use of the land for the purposes outlined in the sale and the incorporation of long stop development dates, giving the Council the ability to terminate the lease.

- 35 The ability to be granted planning permission has been mitigated by the allocation of the site through the SADPD, however there is still the risk that the submitted plans may not be acceptable to the Planning Committee.

Rural Communities

- 36 No implications to rural communities have been identified.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 37 The provision of a permanent residential site will provide a safe and secure environment in which young people and children can reside. It enables other services to make contact and provide necessary services to safeguard the welfare of the young people and children who are part of the Travelling communities.

Public Health

- 38 The Office for National Statistics (ONS) commissioned Derbyshire Gypsy Liaison Group in November 2021 to collaborate on a research project into the experiences, priorities and needs of Gypsy and Traveller communities in England and Wales. The report highlighted the preference of the Travelling Community to live somewhere they felt safe, with access to basic amenities like electricity, water and showers and where these are lacking the impact that this had on their mental and physical well-being.
- 39 The report also highlighted a range of health conditions and delayed healthcare seeking and barriers to accessing healthcare, which could create vulnerability to negative health outcomes among the Gypsy and Traveller community.
- 40 The provision of a permanent residential site would provide a safe and secure environment for the Gypsy and Traveller Community and offer the ability to register with local GP's and access healthcare facilities.

Climate Change

- 41 The land purchaser would be required to submit a full planning application outlining any amenity building which are to be developed and the energy efficiency of these.

Access to Information	
Contact Officer:	Karen Carsberg – Head of Housing Karen.carsberg@cheshireeast.gov.uk
Appendices:	Appendix One – Site Plan Appendix Two - Options
Background Papers:	Gypsy and Traveller Accommodation Assessment 2018 https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/gypsy_accommodation_assessment.aspx Site Allocations and Development Policies Document (SADPD) https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/site_allocations_and_policies.aspx