

## EAST LINDSEY DISTRICT COUNCIL

Report of: Councillor Tom Ashton  
Executive Member for Planning

Report to:	<b>Leader (for Decision)</b>
Date:	<b>29<sup>th</sup> April 2020</b>
Subject:	<b>The acquisition and delivery of the site on the Burgh By Pass, Burgh Le Marsh (site GYP/TRA2) as a stopping place for Gypsies and Travellers</b>

<b>Decision Proposal:</b>	<i>Leader Non Key decision</i>
<b>Relevant Executive Member:</b>	<i>Cllr Tom Ashton, Executive Member for Planning</i>
<b>Report author:</b>	Tim Leader, Executive Director for Economic Growth Date: 16 <sup>th</sup> April 2020
<b>Reviewed by:</b>	Robert Barlow, Chief Executive Date: 16 <sup>th</sup> April 2020
<b>Signed off by:</b>	Robert Barlow, Chief Executive Date: 16 <sup>th</sup> April 2020
<b>Approved for publication</b>	Councillor Tom Ashton Date: 16 <sup>th</sup> April 2020
<b>Does the report identify information that is exempt from publication</b>	This report is publicly available on the Council's website.  The Appendix of this report is exempt by virtue of paragraph 3 of Schedule 12A Local Government Act 1972 because it contains information relating to the possible terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the supply of goods or services.

### SUMMARY

This report provides an update regarding the acquisition and delivery of the site on the Burgh By Pass, Burgh Le Marsh (site GYP/TRA2) as a stopping place for Gypsies and Travellers as set out in the Adopted Local Plan July 2018. The report sets out the associated delivery costs of the site at confidential **Appendix A**.

## **RECOMMENDATION**

### **That the following be approved;**

1. To give authority to the Assistant Director – Growth (Neil Cucksey) to purchase the site for no more than £100,000 in accordance with paragraph 8.1 of the report;
2. To give authority to the Assistant Director – Growth (Neil Cucksey) to procure the laying out of the site out in accordance with the costs specified in confidential **Appendix A** to the report;
3. Upon the acquisition of the site by the Council being completed, the Executive Director - Growth (Tim Leader) be authorised to amend the planning permission for the development of a gypsy site on the land by varying any condition of it to the extent he considers necessary and/or to rely upon permitted development rights or take such other action as may be necessary to secure expeditiously the development of the site to meet the urgent need for further accommodation for gypsies and travellers.

### **REASON:**

The delivery of Gypsy and Traveller sites is set out in the Adopted Local Plan (July 2018) and it is considered a priority to bring relevant sites forward not only to fulfil the obligations set out in the plan but to assist in the reduction in the number of unauthorised encampment incidents in the District.

## **1. BACKGROUND TO REPORT**

- 1.1 Policy SP DPD3 in the Adopted Settlement Proposals Development Plan Document sets out that the Council will allocate land for both permanent and transit Gypsy and Traveller provision.
- 1.2 This report deals with one of those sites, GYP/TRA2 Burgh by Pass, Burgh le Marsh. Members may recall this matter came before the Executive Board on the 19<sup>th</sup> December 2018. The Council had obtained a valuation of the site, circa £95,000 and after discussions at the time with the Councils Principal Valuer, it was determined to submit a tender for the site for £100,000 subject to Council approval and subject to the fact that service connections to the site should not exceed £35,000.
- 1.3 The present owner of the site accepted the tender, subject to Council approval and the Council carrying out the necessary investigations as to the cost of the service connections to the site. That work was done as an in-house estimate and was circa £28,591, which was under the £35,000 as set out in the tender letter. The owner of the site therefore accepted the offer of £100,000 subject to Council approval. Officers made a successful bid to acquire the site as set out above.

- 1.4 In order to confirm costings and prior to finalising the acquisition of the site, further investigation work was carried out, this was to establish what the final service connection and development costs would be to bring the site successfully forward. The Council contracted a consultant to carry out this work and these costs are attached at confidential **Appendix A** of this report.
- 1.5 Given the initial level of cost, officers met with the County Council's Gypsy Liaison Officer, who advised that a more basic site provision with minimum facilities would be suitable for the site, making it into a stopping site rather than a more formal transit site. This would still meet the cultural requirements of Gypsies and Travellers visiting the District. Therefore new costs were obtained for minimum works on site (mains water, septic tank, hedging, fencing, and hard-standing). This has significantly reduced the cost of bringing forward the site. These new costs are set out in confidential **Appendix A**, appended to this report. This has also ensured that the service connections are now under the £35k set out in the first Executive Report on the 19th December 2018.
- 1.6 Whilst the site does have the benefit of planning permission it will be necessary to submit a further application because of the changes proposed to the level of provision and the original permission had a number of conditions attached to it that required works to be carried out within 28 days of that permission. Given the time that has now elapsed it is not possible to discharge those conditions.
- 1.7 The timetable for bringing the site forward is set out below.

<b>Project Milestones</b>	<b>Target date</b>
<i>Report to Executive Briefing</i>	<i>11<sup>th</sup> March 2020</i>
<i>Report to Leader of the Council</i>	<i>29<sup>th</sup> April 2020</i>
<i>Submit a planning application</i>	<i>1<sup>st</sup> June 2020</i>
<i>Obtain permission (earliest date)</i>	<i>31<sup>st</sup> August 2020</i>
<i>Purchase the land</i>	<i>Sept/Oct 2020</i>
<i>On site</i>	<i>30<sup>th</sup> November 2020</i>
<i>Completion</i>	<i>31<sup>st</sup> March 2021</i>

## 2. OTHER OPTIONS CONSIDERED

- 2.1 The Council could choose to not bring the site forward. This option would however would mean that the Council would not fulfil its duty to deliver the actions set out in the Local plan, the result will be that the review of the Local Plan could be found unsound as this information will have to be passed to the Secretary of State.
- 2.2 The other implication would be that an alternative site would have to be located in order to provide the necessary number of transit pitches as set out in the Local Plan.

## 3. RESOURCE IMPLICATIONS

- 3.1 As set out in confidential **Appendix A**

#### 4. RISK AND MITIGATION

Risk has been considered as part of this report and any specific risks are included in the table below:

Category Risk – State if high medium or low	Action / Controls
Low	This site will have to go to the Planning Committee for a decision, there may be objections and the change in the details of the site may evoke a move toward a refusal of permission; however, the principle of the use has already been established through the local plan process and a successful planning application.

#### 5. ISSUES AND MATTERS TO TAKE INTO ACCOUNT ARISING FROM KEY CORPORATE CONSIDERATIONS (EQUALITY, SAFEGUARDING, CARBON REDUCTION, DEPRIVATION, HEALTH & SAFETY etc.)

- 5.1 FOI/Human Rights/Data Protection – The Council has a duty to set out and provide Gypsy and Traveller pitches and that requirement is set out in the Adopted Local Plan, Chapter 5. The Council is seeking to address the deficit.

#### 6. COUNCILLOR COMMENTS

- 6.1 Cllr Tom Ashton supports the proposal as set out in this report

#### 7. CRIME AND DISORDER IMPLICATIONS

- 7.1 Bringing forward stopping pitches for Gypsies and Travellers assists in the prevention of unauthorised encampments in the District because authorities have an authorised site to which they can direct those travelling to. This assists in the prevention/perception of anti-social behaviour.

#### 8. FINANCIAL CONSIDERATIONS/IMPLICATIONS

- 8.1 The purchase of the site is £100,000. The costs of bringing the site forward are set out in confidential **Appendix A**.

#### 9. LEGAL CONSIDERATIONS/IMPLICATIONS

- 9.1 N/A

#### 10. APPENDICES

- 10.1 Confidential **Appendix A** – Costs of bringing the site forward.

#### 11. BACKGROUND PAPERS

11.1 Council report dated 19<sup>th</sup> December 2018.