

## **REPLY FROM THE COUNCIL – 14<sup>th</sup> November 2017**

### **Letter from the Inspectors to East Lindsey District Council – 8 November 2017.**

#### **Examination of East Lindsey Core Strategy and Settlement Proposals DPD.**

##### **Gypsy Transit Site, Burgh Le Marsh.**

The Council considered a number of sites for the provision of the 20 transit Gypsy pitches. These were considered at a Planning Policy Committee meeting on the 13<sup>th</sup> October 2016 and were the following;

- Hallgarth, Marshchapel (Council owned)
- Land on Skegness Industrial Estate (privately owned)
- Land on Mablethorpe Industrial Estate (Council owned)
- Land in Trusthorpe (owned by Lincolnshire County Council)
- Land of the Burgh le Marsh bypass (privately owned)

Sites came from both the private sector and the public sector. All the sites went out for public consultation and a sustainability assessment was carried out for each site in the same way as it had been for the housing assessments.

The Council then weighed up the comments from consultees, the sustainability appraisal results, comments from statutory consultees and came to a final selection. Site selection for Gypsies and Travellers was also constrained by the type of site required and this limited the area of search to a degree. Therefore the transit sites were needed in the coastal area or as near to as possible because that is where the Gypsies and Travellers go in the mainly summer months.

The site on the Burgh Bypass has been used informally for a number of years for transit use. The owner of the site submitted a planning application to regularise that use in June 2016. The application had during its determination two rounds of public consultation because it was amended during the determination period.

The Burgh le Marsh site was not one which was put forward for overall consideration in the local plan consultation in the summer of 2016 because it was subject to a planning application and the expectation was it was moving toward an approval. In fact the recommendation to Members of the Planning Committee by officers was approval; however Members of the Planning Committee decided to defer the application for a site visit, so when the matter of Gypsy and Traveller sites came up for discussion at the Policy Committee on the 13<sup>th</sup> October, the matter had been deferred at Planning Committee and no decision had been reached but the officer recommendation was for an approval.

Members of the Policy Committee wanted to include the site because they considered that it provided for a good portion of the transit need, which was a high priority, as set out in the evidence of the Gypsy and Traveller Needs Assessment, also given the District did not have any authorised provision.

The Members of the Policy Committee resolved that the site was suitable in principle and acceptable in terms of sustainability. The details of the site would be resolved at application stage and through the imposition of conditions on any planning approval.

The Local Plan including the Burgh le Marsh site then went forward to full Council for approval on the 2<sup>nd</sup> November 2016 for its pre submission consultation. The Planning Committee then determined to refuse the planning application on the 22<sup>nd</sup> November 2016 and then again on the 13<sup>th</sup> March 2017 against officer recommendation. The Planning Committee did not have before it the wider information about the other site assessments that had taken place with regard to this issue.

However, in terms of the suitability of the site weighed against the other sites that the Council assessed and that were available for transit provision, the site at the Burgh by Pass was the most suitable available option. The Council also went through all its own land looking for suitable sites. Taking each site in turn;

**HALL GARTH, MARSHCHAPEL** - Overall the majority of the respondent's comments and objections did not raise valid evidenced reasons to withdraw the sites from consideration. There were no objections from any of the statutory bodies. However, the issue of the access to the site was raised in numerous consultation responses. The access along Hallgarth goes past residential properties and is quite narrow, though there is some grass in front of those properties. The issue is whether the use of the access road by vehicles towing caravans would cause harm to the occupants, irrespective of who those occupants are. The Lincolnshire County Council Highway Authority have not objected on road safety grounds and therefore the matter is down to a consideration in planning terms of material harm. If the site was developed for

5 houses then the use of the access road would be considered as residential and given that there are on average 2.2 people per household in the District, the average daily vehicle movements off the site if everyone had two vehicles could be at a conservative estimate approximately 20 movements. Some of those residents could own vans or caravans. However the site is proposed for a transit site of 5 pitches. A pitch could accommodate 3 vehicles so the average daily vehicle movements as an estimate could be if the site was full and everyone came and went 30 movements. The turnaround in the number of residents could be quite high during the summer months though the site would be closed during the winter because of high flood risk also all the residents would own caravans and a high proportion would own commercial vehicles. The Council would concur that there would be harm by virtue of noise and disturbance caused by an increased in use of the access road by vehicles towing caravans and that the harm would cause a detriment to the amenities of the residents of Hallgarth. Given the above issues with the access, the site was withdrawn.

**SKEGNESS INDUSTRIAL ESTATE**– This site was located on the Skegness Industrial Estate and put forward by the Councils` Gypsy and Traveller GTAA consultants. It was privately owned. Overall the consultee`s comments and objections did not raise valid evidenced reasons to withdraw the site from consideration. Objections focused around the effect of the site on the businesses of the estate and the County Council objected on the grounds that it would damage the investment of the LEP in the estate. There is no evidence that in the long term locating a Gypsy and Traveller site in an industrial estate has a detrimental effect on the economic viability of that estate. In the short term there could be some impact but as the site is used and managed that should subside. Not providing a site in the coast could have more of a detrimental impact because the Travelling Community come to the coast and park illegally, often in places which impact on local business. The land owner however clearly indicated during the consultation that the site was not available and they had no intention of making it so. Unlike the site at Brackenborough Road the Council would not only have to exercise its compulsory purchase powers to obtain the site it would also have to submit a planning application to obtain the necessary permission. The County Council had objected with others on the impact it would have on the industrial estate. The site was therefore withdrawn.

**MABLETHORPE INDUSTRIAL ESTATE AND LAND IN TRUSTHORPE** - This left the sites in Mablethorpe and Trusthorpe both of which at the time had no material planning reason not to be put forward for an allocation in the Local Plan. In terms of sustainability the Mablethorpe Industrial Estate site is much better located being within walking distance of the town`s main shops and facilities. The site provision could also be larger taking up the identified need.

With regard to ownership. The Mablethorpe site is in the Council`s ownership having been developed as an extension to the industrial estate in 2000. The gross site area is 2.87 Hectares and forms 6 serviced plots for employment use. The development was a partnership between ELDC and the East Midlands Development Agency (EMDA) together with funding from the ERDF objective 5b programme. An Agreement is still in place that provides for 50% of any sale proceeds or deemed disposals (which must be at Market Value) to be paid back to EMDA (now the Department for Business, Energy & Industrial Strategy). This agreement is not time limited. Express approval would also need to be sought to amend the permitted uses of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) for 20 pitches. The area required for the pitches would not take up the whole vacant portion of the industrial estate, a transit pitch is estimated to be 250m<sup>2</sup> per pitch with an amenity block. However, in 2017 anti-social behaviour on the site from larger groups of Gypsies led to a number of complaints and evictions. This is most likely as explained at the Examination Hearing because there is a public footpath running into the estate and there are residential dwellings on two sides. The County Council objected to the use of this site because of the loss of employment land.

The Trusthorpe site is in the ownership of Lincolnshire County Council who had put it forward for consideration. They did offer the site to the Council for a

nominal sum, though subsequently they put the site on the open market for sale and the Council was outbid; the site was large enough for 3 to 5 pitches only.

The Council recognises that the situation is unusual with respect to the planning appeal. The Council recognise that it is for the Inspectors to assess the soundness of the Local Plan and the allocations within it, notwithstanding any implications that might arise from the planning appeal decision. In the event that an alternative site must be found as explained at the Examination Hearing the Mablethorpe Industrial Estate could accommodate all the transit provision but as set out above there have been issues with anti-social behaviour when larger groups of Gypsies stay on the estate, this does not appear to be the case when they are smaller in number as in the proposed allocation. It would therefore be a reluctant temporary measure for the Council while it sought a more suitable alternative which would more than likely include, given the low number of sites which came forward, compulsory purchase of land somewhere in the vicinity of Skegness/Burgh le Marsh.

The Council is mindful of the contentious nature of sites of this type and any site which would be located adjacent or in a settlement is going to raise numerous objections, any alternative site if the appeal was upheld would have to consider placing a site adjacent or in either Skegness or Burgh le Marsh which would then inevitably raise objections on grounds other than sustainability. This is a challenge for the Council.