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Gypsy and Traveller Site Provision

Report summary:

This report is intended to update Members on work that is on-going to develop a strategy for delivering the necessary sites and pitches to meet identified needs for gypsy and traveller accommodation in the district. This has been an on-going and challenging area of work for some time as detailed in the main body of the report but a number of opportunities currently exist to secure the long term provision of existing pitches at Broadclyst and to deliver additional pitches in locations around the district through working with Devon County Council and potentially with developers at Cranbrook. The report seeks to summarise the current position and make recommendations about how the current opportunities should be pursued by the Council for Members to consider.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

Members are asked to:

1. Note the historic issues associated with gypsy and traveller site provision in the district and note the current position.
2. Recommend to Cabinet that the Council agree in principle to taking over the lease arrangements for the Elbury Close site at Broadclyst and progress discussions with Devon County Council and the National Trust over these arrangements as well as to discuss opportunities to continue the current management arrangements with Elim Housing. A detailed proposal for the new lease and management arrangements to then be brought to Cabinet for Members consideration.
3. Consider the 3 options for the delivery of gypsy and traveller pitches as part of the Cranbrook expansion areas as set out at paragraph 3.11 and recommend their preferred option to Cabinet for them to consider.
4. Note the emerging opportunity to work with Devon County Council to deliver a gypsy and traveller site in the east of the district in-lieu of provision at Baxters Farm, Musbury and to address the long running unauthorised encampment at Shute Woods.

Reason for recommendation:

To secure the retention of existing gypsy and traveller pitches and to help to ensure the delivery of planned provision of pitches in the district.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

1. Background

- 1.1 Government policy requires that we seek to address the housing needs of all groups in society through our work as a local planning authority. This includes the provision of specific housing types for the gypsy and traveller community whether that be permanent or transit pitches.
- 1.2 To provide detailed guidance with regard to the travelling community the government produced a guidance document called “Planning Policy For Traveller Sites” which is available at: [Title \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611216/PPF-TS-2019-2023.pdf).
- 1.3 The Government’s overarching aim as set out in this document 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”.

“To help achieve this, Government’s aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c. to encourage local planning authorities to plan for sites over a reasonable timescale

- d. that plan-making and decision-taking should protect Green Belt from inappropriate development
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k. for local planning authorities to have due regard to the protection of local amenity and local environment”.

1.4 With regard to the first aim the Council previously jointly commissioned a needs assessment with other Devon authorities. This considered how many Gypsy, Traveller and Travelling Showpeople pitches are required in East Devon and the wider study area. The [Devon Partnership Gypsy and Traveller Accommodation Assessment 2015](#) was completed at the beginning of 2015 and forms the basis for the figures in our adopted Local Plan. The study concluded that, between 2014 and 2034 there is a need for:

- 37 additional permanent Gypsy and Traveller pitches with 22 of these needed in the first 5 years (Note- Since the study was undertaken, six permanent pitches, and one temporary pitch, have been granted planning permission so there is now a need for 31 permanent pitches and 16 of these were required by 2019);
- 3 new permanent travelling showpeople pitches, with 1 of these needed in the first 5 years (Note- the existing site at Clyst St Mary is only partially developed and there is capacity to accommodate all of the projected need);
- 4-5 temporary/emergency stopping places, each 4-5 pitches in the first 5 years (this applies across the study area as a whole. East Devon is not specifically mentioned, although Devon County Council state that East Devon has the highest level of unauthorised stops in the County, so it could be concluded that at least one of these temporary/emergency sites should be in East Devon); and
- 23 houses for Gypsies and Travellers (this would be met through the general housing stock).

1.5 Most of the immediate need arises from overcrowding of existing sites and from newly formed families on existing sites (usually children reaching maturity and having their own children) who wish to stay close to extended family. Most of the need is on the western side of the District, around the M5/A30.

- 1.6 In 2017 the Council adopted a supplementary planning document which forms a gypsy and traveller site design and layout guidance note. This is based on best practice and seeks to guide the size, layout and design of pitches coming forward in the district. The guidance can be found at: [final-doc-gypsy-and-traveller-site-design-and-layout.pdf](http://eastdevon.gov.uk/final-doc-gypsy-and-traveller-site-design-and-layout.pdf) (eastdevon.gov.uk).
- 1.7 Following this work the Council started to develop a development plan document (DPD) to allocate specific sites for gypsy and traveller site provision. It had previously been decided to pursue this as a separate development plan document from the local plan partly due to the timing of evidence of need which came through quite late in the plan making process but also because of the difficulty of identifying sites. In starting production of the DPD a call for sites was carried out in 2015/16. Unfortunately only 2 sites were put forward. These were:
- Land at Hawkwell Park, Hawkchurch – There is an existing large authorised gypsy and traveller site in this location and the owner put this forward for expansion. However there were a number of enforcement issues at the time due to the occupation of the pitches by parties which were not of gypsy and traveller origin. In addition the evidence of need identified that need was mainly concentrated in the western part of the district and as such there were concerns as to whether further pitches in this location which is to the far east of the district would meet the identified need. There were also concerns about the overall size and scale of the site if further pitches were added with best practice suggesting that sites should not exceed 15 pitches and this would have been the case here. As a result expansion of the site was considered not to be appropriate at the time.
- Subsequently an enforcement notice was served against the site for non-compliance with planning conditions that secured the pitches for the use of gypsies and travellers only. A subsequent appeal against this notice was dismissed. Officers are now working to secure compliance with this notice and ensure that the site is only used for its intended purposes.
- Land at Greendale Lane, Clyst St Mary – A planning application came through in early 2016 for 4 additional pitches and was granted thereby negating the need for an allocation to be made here through a DPD.
- 1.8 As a result there were no sites that could be allocated through the DPD and so this work could not progress. This position was reported back to Strategic Planning Committee at 21st July 2016 meeting and Members discussed whether the Council should acquire sites itself to make provision. Given that many sites come through auctions and would require swift action to secure them Members recommended that “the Chief Executive be authorised to purchase a site or sites up to the previously agreed budget of £500k on terms and conditions to be agreed, in consultation with the Leader, the Chairman of the Strategic Planning Committee, the Strategic Lead (Finance) and Strategic Lead (Legal, Licensing and Democratic Services)”. This was subsequently agreed by Council.
- 1.9 Over the subsequent years a number of attempts have been made to try and acquire suitable sites to deliver gypsy and traveller pitches as they have come to market, however generally land owners with a continuing interest in the area are unwilling to sell to us knowing of the likely use we would put the land to or we have been outbid by other parties. As a result the agreed budget remains unspent.
- 1.10 The Cranbrook plan made provision for gypsy and traveller for 15 pitches as part of the expansion areas of the new town. These are now coming forward as part of outline planning applications for the expansion areas.

2. The Current Position

- 2.1 Clearly there is an on-going requirement to address the needs of the gypsy and traveller community through the emerging Local Plan. Call for sites exercises carried out in support of both the Greater Exeter Strategic Plan (GESP) and the new Local Plan have sought sites for gypsy and traveller pitches. The only identified site with significant potential was land at Langaton Lane, north of Exeter Science Park and the Mosshayne development. This was shown as a potential allocation for these purposes in the draft Local Plan under Strategic Policy 18 which was consulted on earlier this year. There was however little support for the site from those who commented on the policy through the consultation.
- 2.2 Shortly after the consultation the land was put up for sale, however the Council was not successful in acquiring it and it is understood to be in the process of being sold to another party. It could be that the site could still be allocated and come forward for these purposes, however the intentions of the new owner will need to be determined first.
- 2.3 The draft Local Plan also noted a requirement for at least 15 gypsy and traveller pitches as part of any second new community in order to help to meet the likely needs of this group within the district and to ensure that the new community represents a genuinely mixed community meeting the housing needs of all groups in the community.
- 2.4 Work on a new gypsy and traveller accommodation needs assessment is coming to a conclusion and we hope to be able to report its findings to the Committee later in the Autumn. It is however likely to show an on-going and fairly significant need for pitches particularly in the western part of the district. Preliminary work suggests that there may be a need for around 20 pitches for families who meet the 'planning definition' (this has changed since the last needs assessment, and now excludes those who have permanently ceased travelling, for example due to age or ill health), as well as a further 10 or so pitches for those who are culturally Gypsies or Travellers but have ceased travelling. It should also be noted that a further undetermined need may arise from those who couldn't be surveyed (either they were away, were under 18 or refused to participate).

Options for delivering pitches

- 2.5 As previously concluded in 2016 in the absence of willing land owners to bring forward sites options are limited. Allocating gypsy and traveller pitches as part of large scale residential led developments, as has been done at Cranbrook, has become more common in other areas albeit this does often raise concerns from developers who would not usually seek to deliver such accommodation and will raise concerns about the costs of doing so. Alternative options remain to either acquire land on the open market for the Council to deliver sites or to seek to allocate sites and acquire these through compulsory purchase powers, however this can be costly, time consuming and has no certainty of success.
- 2.6 A couple of opportunities have however presented themselves recently both to secure the long term retention of existing pitches, to deliver further pitches and to be proactive in delivering pitches at Cranbrook. These options are set out below:

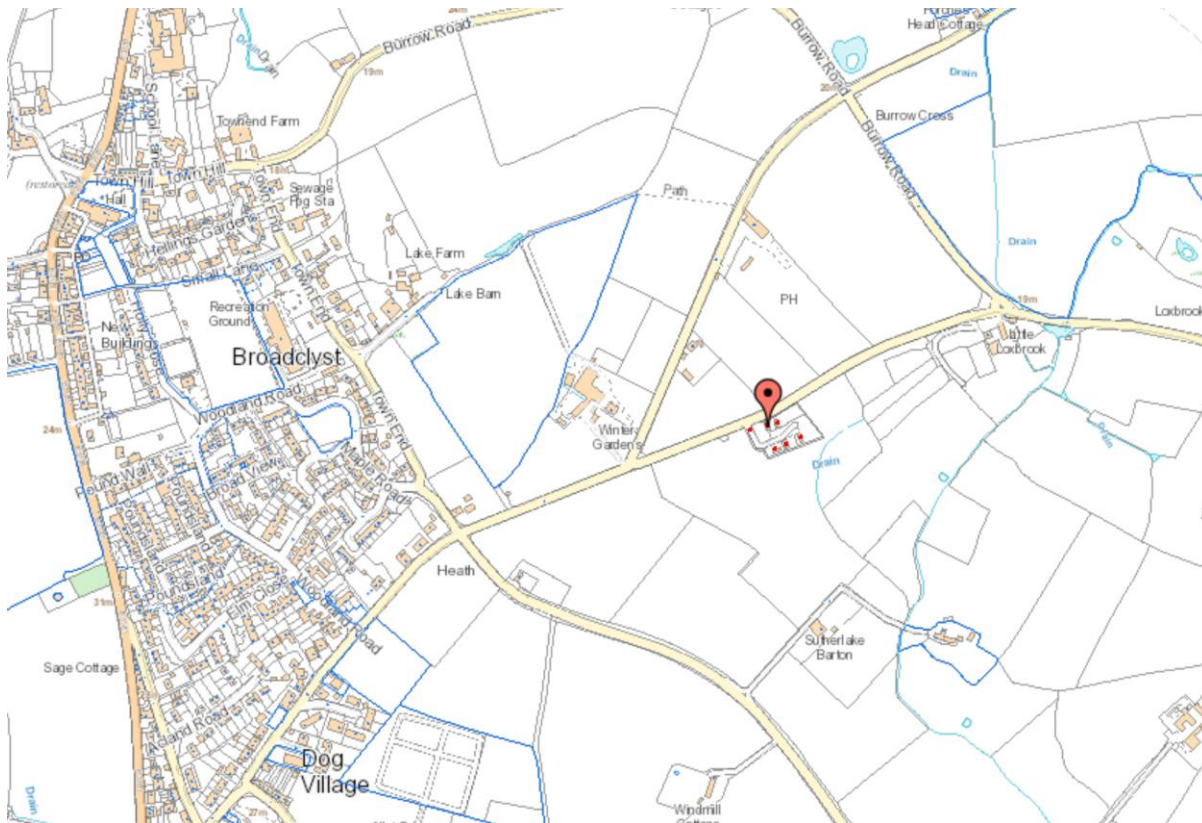
Elbury Close, Broadclyst – Gypsy and Traveller Site

- 2.7 Elbury Close in East Devon is a long-established traveller site with residential pitches. It is only one of three DCC run sites in the county. Elbury Close Traveller site has been a site

for Travellers for over 50 years. The land is leased from the National Trust to DCC who have contracted Elim Housing Association to run it on their behalf. The site has potential capacity for nine pitches but for some time only five pitches have been in use. The site has been in a poor condition for some time with urgent repairs needed.

- 2.8 The site currently has 5 pitches that are in use and 3 unused pitches that have become overgrown with vegetation. Pitches range in size from 143m² to 289m² and tend to be occupied by extended families. Each pitch has a hard standing area and its own amenity block. The total site measures 3,750m² (0.4 hectare).

Site Location Plan:



- 2.9 The long-term sustainability of the Elbury Close site is not secure under current arrangements. Due to a long-standing anomaly, Devon County Council holds responsibility for the site, which is located on land leased from the National Trust. The County Council has no remit or funding to provide traveller accommodation and has been assessing options for the future of the site, which include the closure of the site. They are asking whether EDDC would take on the lease for the site to ensure its future provision.

Potential to Increase Capacity

- 2.10 Elbury Close has been a site for Travellers for over 50 years and is believed to have originated in an unauthorised encampment. The planning status of the site is confirmed as lawful under the 10 year rule (whereby uses can become lawful due to the passage of time without enforcement action being taken), with no restriction on the number of pitches. The terms of the current lease from the National Trust have tightly constrained the pitch allocation policy of the site to those already residing on the site (i.e. when children become adults, they can become eligible for allocation). The Trust has however indicated that it is prepared to change this policy under a new lease, thereby potentially extending the reach of the allocation policy in future.

- 2.11 Originally the site had 11 pitches (9 pitches within this site and 2 further pitches across a road). The 4 unused pitches are currently overgrown with vegetation and amenity blocks removed. DCC's intention was to re-instate 3 of the unused pitches increasing the site capacity from 5 to 8 pitches. They consulted with site residents who were very apprehensive about this proposal as was Elim Housing Association who manage the site on behalf of DCC. Proposals to increase capacity were not taken forward but there remains scope to do this. It may be that if the right group were found to occupy the site that residents may be more receptive to this.
- 2.12 Aerial photographs of the current arrangements and previous arrangements are shown below with the first image being the latest aerial photograph and the second image the aerial photo from 1999:





- 2.13 It should be noted that while we can evidence the previous pitches it is unlikely that they could be provided to the standards that we would now expect under our adopted pitch design guidance nor do the current pitches. However given their history there may well be a case to depart from the guidance (especially if smaller pitches were occupied by single residents or adjoining pitches were occupied by members of the same family) or a smaller number of larger pitches could be provided instead.
- 2.14 The history of the site and its rural location make it fully accepted by the local settled community. While some changing needs of residents are inevitable (eg school age children, health needs), the capacity of the site means that none of these needs are of a scale that cannot be met by local infrastructure.

Upgrade Works Required

- 2.15 DCC made an application last year for the governments Traveller Site Fund 22/23 for the site to be improved. The proposed works included in that bid were in summary:
- The site is in a Flood Zone 1. Flood defence works will be undertaken to improve SUDS (Sustainable Drainage System) by clearing perimeter ditches to improve the flow of water away from the site
 - Improving site security by replacing all boundary and pitch fencing with a high-quality replacement with a 25-year life span.
 - Site lighting – the site currently has no lighting which in a very rural setting without any light pollution from streetlights and neighbouring properties means that the site is very dark at night. New solar light columns will be installed in key locations.
 - Site clearance – the site is littered with old rubbish mainly from previous residents. The site will be cleared.
 - Site conditions – the access road is in poor condition and requires re-surfacing. In addition, the old barrier at the site entrance will be removed. The site is overgrown with vegetation that will be removed. The site is surrounded by mature trees that have overhanging branches. These branches damage the perimeter fencing and nearby caravans during storms and pose a risk to safety. These branches will be cut back.

- Site drainage – adequate drainage to the access road will be installed. The main car park floods when it rains and has over the years been patched up though several big potholes do exist. Drainage to the car park will be re-instated and potholes repaired.
- Pitch conditions – all pitches on site have dangerous trip hazards due to different and uneven surfaces. All old slab paving will be removed and level gravel walkways installed.
- Amenity conditions – all amenity blocks will be re-roofed and new fascia boards installed including insulation. The condition of each amenity block is different so working with residents each amenity block will be refurbished to the necessary standard.
- Playground facility – the playground will be power washed, the safety fence repaired, safety check carried out on all apparatus and any disused / unsafe apparatus removed.
- Electricity supply – currently residents pay for their electricity via meters. The current site managers are investigating a change to the supply to remove the additional cost disadvantage the inevitably affects consumers with metered power.

2.16 Unfortunately the bid was not successful.

Current Position

- 2.17 Since the Traveller Fund bid, which we supported and were party to, DCC have kept us informed of progress they have been making to improve the site and understand the potential future lease arrangements with the National Trust with a view to developing a package that could be presented to other parties for them to consider taking on the site. DCC acknowledge that in its current condition with the above stated issues it is not an attractive proposition. DCC have advised the following as the current position:
- 2.18 **Current lease arrangements:** DCC's lease with the NT ended in December 2022. The tenancy continues under the Landlord and Tenant Act while details of a new lease are negotiated. The convention for business tenancies is that the landlord will usually provide the first draft of a new lease and that new agreements will usually be on similar terms to any previous agreement. DCC's estates management provider has requested a new lease from the NT and suggested a number of amendments. The land agent of the National Trust has verbally agreed to a new 10-year lease for the Broadclyst site. The ground rent will remain at its current level (with a rent review after 5 years). They are comfortable with removing the constraints on pitch allocation and allowing the number of pitches to be increased up to 9 in total. They are also comfortable with retaining the ability for DCC (if we are the tenant) to assign the lease to another local authority or social housing provider.
- 2.19 **Works and future liabilities:** DCC has committed to carry out all the works included in the DLUHC bid from their own funding. Some seasonally-sensitive preparation work has already been completed and they hope the remaining works will begin shortly. The works were based on condition assessments carried out by DCC and Elim Housing Association at the beginning of 2021. These planned works address all of the identified issues and include works to the amenity blocks.
- 2.20 DCC have also provided details of the costs associated with running the site and the income received.

The figures are as follows:

Item	Amount	Notes
Ground rent to National Trust	£5,460	The rent has not increased since 2012. The National Trust is likely to request an increase to market value in imminent discussions of a new lease.
Reactive maintenance	£2,500	Average over past 6 years has been £5,750 but current planned renovation works are expected to reduce future cost
Refurbishment saving budget	£5,000	Accumulating budget to allow refurbishment of amenity blocks on 8-year cycle
Site management fee to Elim Housing Association	£7,500	£1,500 per pitch (5 pitches in use)
Total annual running costs	£20,460	

- 2.21 The nominal annual income from residents' pitch fees is £18,550, rising to £19,850 in 2023-24.
- 2.22 Water and electricity costs are budgeted as cost neutral through cost recovery from residents.
- 2.23 The estimated cost of bringing 3 additional pitches into use is £44,000. The estimated cost of returning the land to agricultural use is £60,000. The obligation to return the land to agricultural use is a condition of the lease, if the land is handed back to the National Trust at the end of the lease. The National Trust have previously indicated informally that they might not insist on this condition, but it is likely to remain in some form in any future lease.

Proposal

- 2.24 Ultimately DCC would like us to take on the lease arrangements for the site. This could potentially be done whilst retaining Elim Housing to run the site and the cost burden of this would seem to be quite small while giving us the opportunity to explore expanding the site to provide the additional pitches to meet extant needs for pitches.
- 2.25 We cannot afford to lose the existing pitches in terms of traveller needs in the district and we have struggled to find opportunities to deliver extra pitches so from a planning perspective taking on the lease for this site and securing its long term future makes a lot of sense. Member's views on this proposal are sought.

3. Cranbrook

- 3.1 The adopted Cranbrook Plan DPD allocates land for a total of 15 permanent pitches for gypsies and travellers across two sites. Five pitches are included as part of the Treasbeare expansion area, which through an application made by the Carden Group, obtained a resolution to approve outline planning permission in February 2023. A further ten pitches are identified in the Cobdens expansion area and were included as part of Persimmon Homes outline application that received a resolution to approve outline planning permission

in April 2023. For both applications, Officers are now in the process of negotiating the relevant section 106 agreements which once successfully concluded will allow the respective permissions to be issued. One element of the section 106 considers the mechanism and triggers for the delivery of the Gypsy and Traveller Pitches which the developers remain willing to support.

3.2 As part of the Cranbrook Plan DPD, a comprehensive viability assessment was prepared to inform its production. This was undertaken by Three Dragons supported by Ward Williams, (independent Viability Consultants and Cost Consultants respectively) who were working on behalf of and commissioned by the Council. Their work included the production of a capital cost estimate for the delivery of the gypsy and traveller sites and an identification of the potential receipt from the sale of each pitch. While this assessment demonstrated a net loss for the developer in delivering the pitches, the pitch provision is important as it helps the Council to fulfil its legal obligation in meeting the needs of the whole community as well as ensuring compliance with the adopted plan and evidence base that underpinned the Cranbrook Plan's preparation.

3.3 The requirements for the pitches (and their respective costs) as well as the predicted receipt values are set out in the supporting documents that were presented to the Examination in Public (EiP) of the plan. Key documents comprise:

<https://eastdevon.gov.uk/media/3720808/psd21a-cranbrook-updated-viability-report-july-2020.pdf>

<https://eastdevon.gov.uk/media/3720809/psd21b-cranbrook-updated-viability-appendices.pdf>

<https://eastdevon.gov.uk/media/3723166/psd-36-viability-report-addendum-2021.pdf>

3.4 The following forms a summary of the information set out within the examination documents:

Specific delivery cost for 15 pitches spread over the 2 sites:

£1.47m (based on 1Q2020 figures) which provides amongst other things the following specification:

- Site wide preparation including topsoil stripping, levelling etc
- Provision of tarmac bellmouth to site entrance, entrance gate and 3.5m wide access road* and turning circle
- Landscaping including the provision of a Devon Bank to site perimeters; turfed recreation areas on imported topsoil with boundary knee rails; planting; and close boarded fencing between plots
- Provision of parking areas/patios for each plot
- 1 no. communal Toilet/Amenity Block per Site
- Bin Stores
- Mains Water and Electricity
- Lighting Provision
- Services Connection Charges
- Allowance for septic tanks, manholes and communal connections
- Main Contractor's Preliminaries
- Main Contractor's Overheads & Profit
- Contingencies @ 10%

- 3.5 In addition to this direct cost figure the viability appraisal also recognised costs associated with enhanced road access if this was needed (this was in addition to the costs allowed for within the above specification marked *) and importantly the cost of the land, which was ascribed the benchmark land value similarly used for other uses within the expansion areas including housing, community facilities, sports, employment and general mixed-use development. Based on a policy compliant combined minimum site area of 1.5ha, this would therefore amount to a land cost of at least £450,000 (based on 1Q2020 values).
- 3.6 Within the viability appraisal and based on market evidence of the private sale of pitches, a value of £55,000 per pitch was ascribed. This recognised the average sale price of a range of pitches that were identified and was considered a reasonable and realistic value to set out within the viability modelling that took place. It also forms one of the realistic options that is available to developers for the disposal of such sites – like any other infrastructure element, house builders will not normally want to retain a long term controlling interest in such an asset. For completeness, the other means by which site disposal can take place is to
- sell/transfer the sites to a Registered Provider either as un-serviced land or in accordance with an agreed design/spec
 - sell/transfer to a Local Authority again either as land or as a serviced site in accordance with an agreed spec
- 3.7 In this instance while the section 106 agreements are yet to be completed and no formal marketing has taken place, developers are nervous about committing to deliver the pitches as serviced and laid pitches both in advance of marketing and particularly with no identified/guaranteed end sale and occupier in place. Essentially they are nervous about committing significant sums of money to the delivery of the sites (and therefore pitches) without some assurance that they can recover some of the expenditure.
- 3.8 At this stage Officers are structuring that Section 106's such that there is a cascade mechanism that expects developers to
- i) market the site in accordance with agreed particulars and then deliver in accordance with a reasonable offer should one be received
 - ii) deliver and lay out the pitches in accordance with the baseline specification identified within the Cranbrook Plan viability schedule (outlined above); market and transfer via private sale
 - iii) deliver and lay out the pitches in accordance with the baseline specification identified within the Cranbrook Plan viability schedule (outlined above); market and transfer to an interested Registered Provider or Local Authority
 - iv) Explore the sale of the delivered pitches to East Devon DC (for direct management or onward transfer)
- 3.9 With regard to point i) above there are pros and cons to marketing the site before and after it is laid out. In some respects interested parties may like the freedom of being involved in the layout of the site and pitches to meet their needs. On the other hand parties may rather see what they would potentially be getting and have clarity at the time of making an offer. Clearly the developers would rather not take the risk of laying out pitches with no certainty of an end user/purchaser. This is a potentially significant risk as much of the identified need coming from the gypsy and traveller community is for pitches to rent as many simply do not have the income to buy a plot. If developers deliver the plots themselves they will be reliant on purchasers coming forward when this may not be the case. There is also a question if this is the case as to whether purchasers will be genuine gypsies or travellers or whether we will be left needing to enforce planning conditions that will secure the occupation of the

site for this group after purchasers have moved on. In order to avoid these risks the question being raised is whether the Council would be willing to purchase the site/pitches in the event that the pitches are not disposed of under the previous points listed above.

Options for delivery

3.10 In order to resolve this issue and ensure that the pitches are delivered for their intended purpose and retained as such there are considered to be three distinct options set out in bold below with commentary beneath:

- 1. The developers market the pitches as serviced sites having first laid out the site as per the agreed and costed specification set out above. Where possible pitches are sold to interested parties from the gypsy and traveller community with the Council committing to purchase the remaining pitches at a value of £55k per plot (index linked) once a reasonable marketing exercise has taken place. The council then makes the remaining plots available either directly or through a registered provider.**

This option potentially leads to the developers incurring the cost of laying and serving plots to a standard specification without knowing what there is demand for in the market. In order to offset the risk arising from this the Council would need to commit to taking any unsold plots on itself and paying the developer the expected income so that the overall expected viability of the scheme is maintained. This option is considered to lead to potential wasted expense on both the part of the developer and the Council on pitches that may not meet the needs of the gypsy and traveller community and so is not favoured.

- 2. The developers market the pitches without services and without first laying them out. Where possible pitches are sold to interested parties from the gypsy and traveller community with the Council committing to take the free transfer of the serviced land and a financial contribution (equivalent to the expected developer cost estimated in the Cranbrook plan viability work) towards the delivery of the remaining pitches. The council then makes the remaining plots available either directly or through a registered provider.**

This option minimises any wasted expense and would enable any interested party to have the pitch laid out to meet their needs. It also means that the Council would only be taking on any unsold plots with a financial contribution to deliver them. However it potentially leaves the Council as part owner of a wider site with issues associated with bringing forward pitches next to existing occupiers of other pitches, shared management arrangements etc.

- 3. The Council agrees to take the free transfer of all of the pitches (as serviced land) and a financial contribution from the developers to enable their delivery (equivalent to the expected developer cost estimated in the Cranbrook plan viability work). The council then makes the plots available either directly or through a registered provider.**

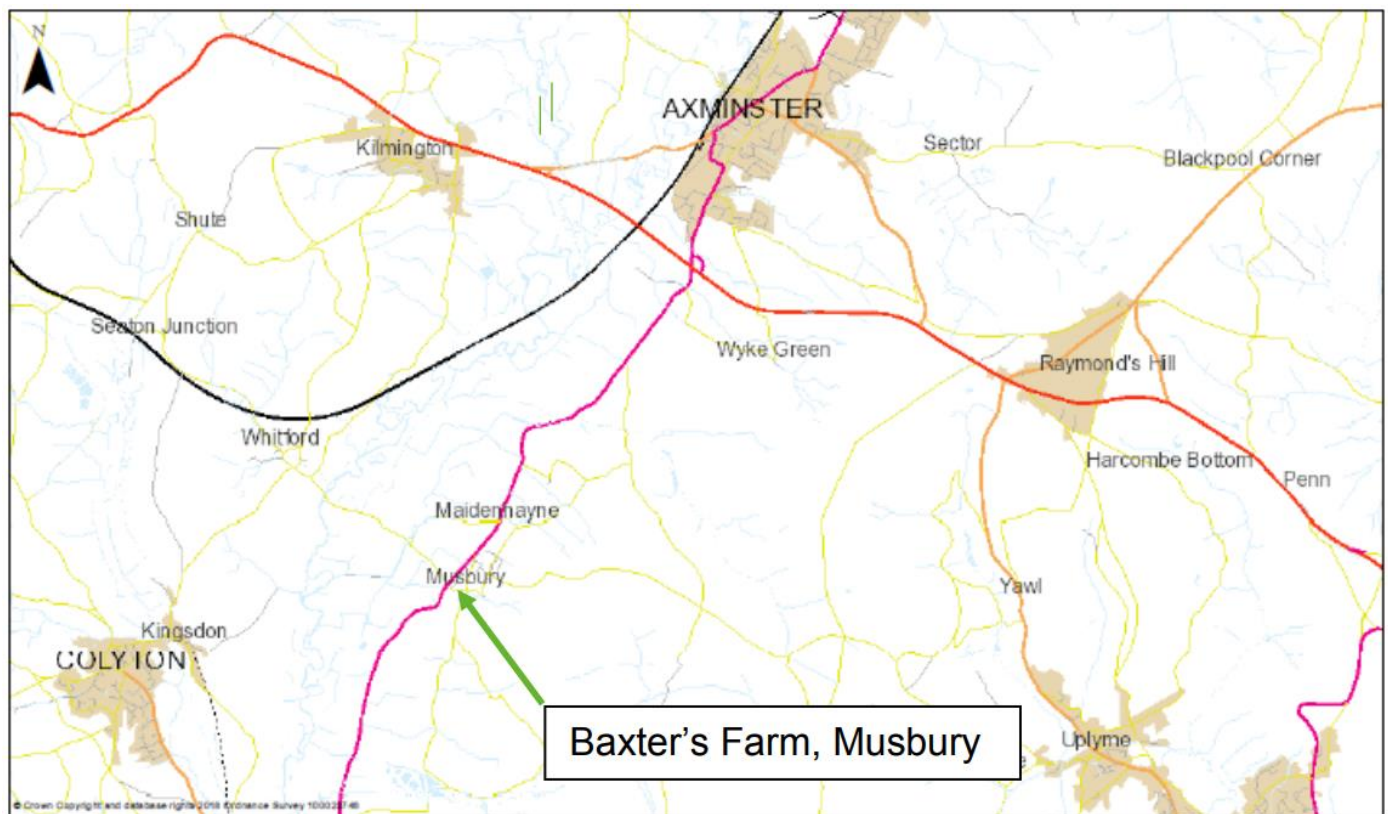
This option removes all risk to the developers and for that reason it should be possible to negotiate a financial contribution in excess of the actual cost of laying out the pitches due to the reduced risk and resource implications of having to market and potentially deliver the plots themselves. This option is most likely to secure the best outcome in terms of meeting the needs of the gypsy and traveller community and ensures that the Council has control over all of the pitches which would help to ensure that the site is well maintained and managed even if this is contracted out to a registered provider. It

does however expose the Council to greatest risk both in terms of the potential overrun in costs of delivering plots and the long term ownership and management of the sites.

- 3.11 Members views are sought on these options so that suitable wording can be included in the Section 106 agreements for the Cranbrook expansion areas and the future of the gypsy and traveller pitches secured.

4. Baxters Farm, Musbury

- 4.1 During the course of production of the now adopted Villages Plan a site in the village of Musbury was identified as a development opportunity which in principle had local support. The site is part of a Devon County Owned farm part of which sits within the built up area boundary of the village and part sits outside of the boundary. Due to the site having a number of constraints including being located within an area of outstanding natural beauty, adjacent to and including a number of listed buildings and the Musbury Conservation Area it was decided to produce a development brief for the site.
- 4.2 A consultation was carried out on a draft brief for the site in 2018 and included references to opportunities for gypsy and traveller pitches to be formed on the part of the site that lies outside but adjacent to the built up area boundary of the village. The village has a good range of services and facilities and so this was considered to be a sustainable location where provision could be made on Devon County Council land.



- 4.3 The County Council acknowledge the need for more gypsy and traveller pitches but would rather not accommodate them on this site which they are potentially looking to dispose of for residential values. The value of the site would be maximised without a requirements for gypsy and traveller pitches on part of it.

- 4.4 It should also be noted that there is an unauthorised encampment of travellers on DCC land within Shute Woods which is the subject of an enforcement notice which has not been complied with and so there is an onus on DCC to find a solution to this situation as well. As a result since 2019 DCC have been investigating options to make provision for gypsy and traveller pitches in the area close to these sites as an alternative to the unauthorised encampment in Shute Woods and the potential proposed provision on the Baxters Farm site at Musbury. The development brief for Baxters Farm has been on hold while this work was undertaken.
- 4.5 Progress has been slow but DCC have identified a site and have been producing information to try and demonstrate how gypsy and traveller pitches could be brought forward on the site including how it would be accessed, services and facilities provided etc. DCC would not want to manage the site themselves and would be seeking to reach an agreement with EDDC to transfer the land. Officers are working with DCC to understand what would be involved in delivering the site and the cost implications of doing so. It is hoped that we will be able to present a proposal to Members shortly for their consideration, however this is another opportunity to potentially deliver new pitches to meet an identified need within the community.

5. Conclusions

- 5.1 It has been a struggle to find opportunities to deliver gypsy and traveller pitches for some years now, however there are a couple of current opportunities on which Members views are sought.
- 5.2 Once the current work on an up to date gypsy and traveller needs assessment has been completed this will be reported to Members, however there will be an on-going need for pitches that the opportunities set out in this report could help to address. Further consideration will need to be given to a wider strategy for the delivery of the remaining pitches to meet the identified needs as work progresses on the Local Plan in the coming months.

Financial implications:

All direct financial implications of the various options have been considered within the body of the report.

Legal implications:

There are no legal implications requiring comment.