

Report to: Cabinet



Date of Meeting 31 January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

---

## Gypsy and Traveller Site Provision at Cranbrook

### Report summary:

At the start of the month and in response to the Cabinet Paper that was considered as an urgent item on 3<sup>rd</sup> January, Members resolved to endorse the proposed approach whereby the Council would take the transfer of the 10 Gypsy and Traveller pitches at Cobdens (which forms one of the expansion areas within Cranbrook) as fully laid out and serviced pitches but with a delayed trigger for offsite financial contributions from excess housing (that is housing over the number allocated).

The endorsed approach will see developers undertake the on-site works to deliver pitches including day rooms etc with the cost of this partially compensated through adjustments to financial contributions sought elsewhere in the associated Section 106 agreement. The funding mechanism does not affect contributions towards schools, open spaces and habitat regulations. In addition it is based on funding that would be generated by housing over and above the respective allocations and therefore the funding receipt is not currently allocated with the Cranbrook Infrastructure Delivery Plan – importantly it does not make any already identified shortfalls worse.

The remaining 5 pitches within the total Cranbrook allocation of 15, and which were not addressed in the earlier paper fall within the Treasbeare expansion area. The applicants for this site have now indicated their agreement to the same principles being applied and therefore Members endorsement for the approach to be taken across these remaining 5 pitches is now sought. This approach would give consistency to all 15 pitches within the Cranbrook Allocations and in the same way as at Cobdens, fairly share cost, risk and value. It is considered that the approach represents good value for money and would secure the delivery of affordable gypsy and traveller pitches in a timely and appropriate way.

### Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

### Recommendation:

**That Members endorse the proposed approach to the delivery of the remaining 5 gypsy and traveller pitches at Cranbrook and give delegated authority to the Assistant Director – Planning Strategy and Development Management to agree the detailed wording of the S106 agreement in relation to this issue in line with the heads of terms set out in this report.**

### Reason for recommendation:

To ensure the timely delivery of gypsy and traveller pitches and the future operation of them by the Council for the benefit of the gypsy and traveller community.

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** Medium Impact

The delivery of gypsy and traveller pitches within Cranbrook will help to meet the unmet housing needs of the community in the area and ensure a diverse and mixed community.

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** Strategic Planning Committee Report to 5<sup>th</sup> September Meeting: <https://democracy.eastdevon.gov.uk/documents/s21217/4.%20Gypsy%20and%20Traveller%20Report%20SPC%20Sept%202023.pdf> ; Minutes of Cabinet 10<sup>th</sup> October: [Agenda for Cabinet on Tuesday, 10th October, 2023, 6.00 pm - East Devon](#); Agenda of Cabinet 3<sup>rd</sup> January 2024: [Gypsy and Traveller Site Provision at Cranbrook.pdf \(eastdevon.gov.uk\)](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

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

---

An application for 1035 homes, under planning application reference 22/1532/MOUT and which forms the entirety of the Treasbeare expansion area at Cranbrook, was considered and received a resolution to grant permission by the Planning Committee on the 28th February 2023. Since that time, Officers have been in negotiation with the applicants (Carden Group), to secure the range of infrastructure and facilities that were required by policy and the associated resolution.

One component of this is the gypsy and traveller pitches of which the site includes 5 of the 15 pitches that were allocated in the expansion areas (the remaining 10 being at Cobdens). As part of those negotiations, Members views were previously sought on options for the delivery of gypsy and traveller pitches as part of a report to Strategic Planning Committee on the 5<sup>th</sup> September 2023 with a recommendation from the committee then considered by Cabinet at its meeting on the 10<sup>th</sup> October. Members resolution was that their preferred approach was that described as option 3 which proposed the:

“...free transfer of all of the pitches (as serviced land) and a financial contribution from the developers to enable their delivery. The council then makes the plots available either directly or through a registered provider.”

On the 3<sup>rd</sup> January 2024, Members were provided with an update in respect of negotiations to deliver 10 gypsy and traveller pitches at Cobdens (application 22/0406/MOUT) and which form part of the 15 pitches allocated across Cranbrook. At that meeting Members endorsed an alternative model for delivery whereby the developers service, layout and deliver the pitches in accordance with an agreed specification and then transfer the pitches to the Council with a delayed trigger for off site contributions.

By way of background, the evidence base for the Cranbrook Plan, recognises that the headline cost for pitch delivery was £1.47m (this equates to ca £0.98m for the 10 pitches at Cobdens and ca £0.49m for the 5 pitches at Treasbeare). The evidence also recognised an open market sales value of £55k per plot (or £275k for the 5 pitches at Treasbeare). This means that if option 3 was pursued, whereby the developers provided a full financial contribution but with no value being returned, the developers would be substantially worse off than allowed for in the Cranbrook Plan and its supporting evidence base.

The funding gap can however be narrowed so that it more closely aligns with the principles set out in the Cranbrook Plan and its evidence base by requiring the developers to lay out and deliver the pitches themselves, transfer the delivered pitches to the Council at a peppercorn rate, and as a result of reduced risk and cost, take a lower value for the delivered pitches in the form of a delayed payment of off site contributions.

In the same way as was applied at Cobdens, the delayed payment can be brought into effect, by using the additional homes that the application proposes over the numbers that were allocated. Under the Cranbrook Plan, these additional homes would be required to pay a contribution of £8,003 (index linked) per dwelling towards infrastructure. Importantly this contribution relates to infrastructure other than education, habitat regulations, open space, play areas etc all of which are ring fenced and would still be secured in full.

The applicants at Treasbeare are now willing to follow these principles and Members are being asked to endorse this delivery model for the remaining pitches. The approach would ensure consistency across all 15 pitches at Cranbrook, allow for earlier delivery than might otherwise have been the case, provide certainty to the developers and reduce the financial risk around the costs of delivery for the Council.

As such the draft Heads of Terms which are being proposed for Treasbeare (and which reflect the principles previously set out for Cobdens) comprise:

- Prior to the commencement of 100<sup>th</sup> dwelling to have agreed a specification for 5 gypsy and traveller pitches having regard to the adopted East Devon Gypsy and Traveller Site Design and Layout SPD
- Prior to the commencement of the 300<sup>th</sup> dwelling, for the applicants to have laid out the 5 pitches in accordance with the agreed specification
- Prior to the commencement of the 400<sup>th</sup> dwelling to have transferred the pitches to the District Council for £1

- To push back the trigger for the payment of the Excess Housing contribution from 956 to 968 dwellings (proportionately this is the same value generation as for the Cobdens proposal).

Based on the above draft Heads of Terms a delay of 12 dwellings would amount to around £96,036 of monies that would otherwise have come to the Council for other infrastructure at Cranbrook but would instead be in effect funding the delivery of the gypsy and traveller pitches.

While this reduces the future S106 receipts for infrastructure in the town, it only affects receipts from the additional housing and would in any event not have materialised until developers reached 956 homes (a milestone that is many years away). Shortfalls in the funding of some infrastructure are already identified and therefore, external funding bids are likely to be needed in any event.

The alternative to this solution from Cardens's perspective is that they retain the gypsy and traveller pitches and market them in the hope of maximising the value from them. This would significantly delay their delivery and would mean that the council would not have control over their delivery and operation which it was hoped to achieve through Members' previous resolution.

---

### **Financial implications:**

The financial implications are laid out within the report.

### **Legal implications:**

There are no substantive legal issues to be added to this report.