



**CABINET**  
**10 April 2014 at 7.00 pm**  
**Conference Room, Argyle Road, Sevenoaks**

**AGENDA**


**Membership:**

Chairman: Cllr. Fleming Vice-Chairman: Cllr. Ms. Lowe  
Cllrs. Bosley, Hogarth and Ramsay

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence</b>		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 6 March 2014, as a correct record.	(Pages 1 - 6)	
2. <b>Declarations of interest</b> Any interests not already registered		
3. <b>Questions from Members (maximum 15 minutes)</b>		
4. <b>Matters referred from Council (if any)</b> None		
5. <b>Matters referred from the Audit Committee and Scrutiny Committee (Paragraph 5.20 of Part 4 (Executive) of the Constitution)</b>		
a) Risk Management Strategy ( <i>Audit Committee – 18 March 2014</i> )	To follow	
6. <b>Recommendations from the Cabinet Advisory Committees</b>	All to follow	
a) <i>Gypsies and Traveller Plan Consultation (Local Planning &amp; Environment Advisory Committee – 25 March 2014)</i>		
b) <i>Establishment of a Local Authority Trading Company Structure (Finance &amp; Resources Advisory Committee – 26 March 2014)</i>		
c) <i>Rural Broadband (Economic &amp; Community Development Advisory Committee – 26 February 2014, and Finance &amp; Resources</i>		

- Advisory Committee – 26 March 2014)*
- d) White Oak Leisure Centre Asset Maintenance – Update (Economic & Community Development Advisory Committee – 26 February 2014, and Finance & Resources Advisory Committee – 26 March 2014)
  - e) Asset Management Plan - Update (*Finance & Resources Advisory Committee – 26 March 2014*)
  - f) Investment Strategy (Finance & Resources Advisory Committee – 26 March 2014)
- |     |  |                   |  |
|-----|--|-------------------|--|
| 7.  | <b>Risk Management Strategy</b>  | (Pages 7 - 20)    | Bami Cole<br>Tel: 01732 227236         |
| 8.  | <b>Gypsy and Traveller Plan - Site Options Consultation</b>                        | (Pages 21 - 158)  | Richard Morris<br>Tel: 01732 227430    |
| 9.  | <b>Establishment of a Local Authority Trading Company Structure</b>                | (Pages 159 - 170) | Christine Nuttall<br>Tel: 01732 227245 |
|     |   |                   |  |
| 10. | <b>Rural Broadband</b>   | (Pages 171 - 184) | Lesley Bowles<br>Tel: 01732 227335     |
|     |  |                   |  |




 Indicates a Key Decision

 indicates a matter to be referred to Council

### **EXEMPT ITEMS**

#### **Consideration of Exempt Information**

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that the likely disclosure of exempt information is involved as defined by paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) as identified in Schedule 12A to the Local Government Act 1972.

- |     |   |                   |  |
|-----|---|-------------------|--|
| 11. | <b>White Oak Leisure Centre Asset Maintenance - Update</b>                          | (Pages 185 - 200) | Lesley Bowles<br>Tel: 01732 227335                   |
|     |  |                   |  |
| 12. | <b>Asset Management Plan Update</b>   | (Pages 201 - 218) | Andrew Robson, Adrian Rowbotham<br>Tel: 01732 227153 |
|     |  |                   |  |
| 13. | <b>Investment Strategy</b>  | (Pages 219 - 228) | Andrew Robson, Adrian Rowbotham<br>Tel: 01732 227153 |
|     |  |                   |  |

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

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**CABINET**

Minutes of the meeting held on 6 March 2014 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Hogarth, Ms. Lowe and Ramsay

Apologies for absence were received from Cllrs. Bosley

Cllrs. Dickins, Firth, Mrs. Hunter, Scholey, Searles and Walshe were also present.

78. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 6 February 2014, be approved and signed as a correct record.

79. Declarations of interest

There were no additional declarations of interest.

80. Questions from Members (maximum 15 minutes)

There were none.

81. Ruling by the Chairman regarding Urgent Matters

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman advised the Committee he had agreed to accept an urgent matter - 'Flood Support Schemes'.

The matter was urgent because the Council was only notified of the Government grant for the Business Support Scheme the previous week and the instructions were to make funding available on an urgent basis. Therefore a decision on the report could not wait another month.

The urgent matter was taken as Agenda Item 11.

82. Matters referred from Council

There were no matters referred from Council.

83. Matter referred from the Scrutiny Committee (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

Scrutiny Committee – Car Parking Review Working Group

The Chairman advised that the Chairman of the Working Group had sent his apologies and that the Portfolio Holder would speak to the item on his behalf. The Portfolio Holder for Economic and Community Development thanked the Scrutiny Working Group for all their work and commented that it had been interesting and helpful and would be factoring it into the long term strategy and commended the report to Cabinet.

84. Recommendations from the Cabinet Advisory Committees

- a) Proposed Joint Working project between Sevenoaks District Council and Tonbridge & Malling Borough Council on Building Control Services (*Finance & Resources Advisory Committee 21 January 2014 – Minute 40, Economic and Community Development Advisory Committee, 26 February 2014 – Minute 31*)

This was considered under Minute 84.

- b) Sevenoaks Town Centre Parking Review (*Economic and Community Development Advisory Committee, 26 February 2014 – Minute 32*)

This was considered under Minute 86.

- c) Allocation of Grants (*Economic and Community Development Advisory Committee, 26 February 2014 – Minute 33*)

This was considered under Minute 87.

85. Proposed Joint working project between Sevenoaks District Council and Tonbridge and Malling Borough Council on Building Control Services

The Portfolio Holder for Economic and Community Development presented a report which proposed an operating model for joint working with Tonbridge and Malling Borough Council (T&MBC) for Building Control Services and that a joint working arrangement be entered into. Members considered the reference and recommendations received from the Finance & Resources Advisory Committee and the Economic & Community Development Advisory Committee. The Chief Officer Environmental and Operational Services advised that until last September this Council's Building Control Manager had also managed the Building Control Service at T&MBC. Once this came to an end T&MBC had explored alternatives and concluded that they would like to explore shared working with this Council which would increase capacity and resilience, fulfilling obligations and service standards and bring efficiency savings for both councils. It would result in a staff reduction of 3.5 FTE which was subject to staff consultation but would not result in compulsory redundancies. It was not possible to put an exact figure on the savings but it was estimated that it would realise £100,000 (£50,000 for each authority). In response to a question he explained that the £10,000 was required for I.T. equipment to ensure that all Officers could access data from several sites and remotely. The Chief Officer Corporate Support confirmed that the PSN code of connection requirements would need to be met.

The Chairman commended the project.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the Council enter into an agreement with T&MBC for a joint working project for Building Control Services;
- b) the Portfolio Holder for Economic and Community Development be delegated the Authority to agree the Heads of Terms for a joint working Agreement;
- c) a provision of £10,000 investment costs be agreed to support the implementation of the project as a supplementary budget request (this figure represents a 50% share of implementation costs); and
- d) the Portfolio Holder for Economic and Community Development be delegated the authority to approve any consequential actions required in order to implement the project.

86. Annual Review of Parking Charges for 2014/15 - Results of Public Consultation

The Portfolio Holder for Economic and Community Development presented a report which reminded Members that on 9 January 2014, Cabinet had considered and approved proposals for consultation for increasing certain parking charges to contribute to the Council's overall budget target for 2014/15, and asked whether any of the proposals should be changed in light of the responses received. Members considered the reference and recommendations received from the Economic & Community Development Advisory Committee. The Portfolio Holder for Economic and Community Development advised that he was happy to continue as proposed.

The Chairman expressed disappointment at the responses received in relation to the proposed charge for the 15 minute parking period, as all of Westerham Town Partnership's proposals had been listened to but it was just not possible here. Retail recovery was embryonic and it was important to show retailers support.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That none of the proposed car park or on-street parking charges approved by Cabinet on 9 January 2014 be amended in light of consultation responses, and that the proposals be implemented on or as soon possible after 1 April 2014.

87. Sevenoaks Town Centre Parking Review

The Portfolio Holder for Economic and Community Development presented a report which detailed a proposal to provide additional parking capacity in Sevenoaks Town by 'decking' the existing Council owned Buckhurst 2 and/or the Suffolk Way car parks. The Chief Officer Environmental and Operational Services advised that the report also detailed a review of current parking provision and the results and conclusions from a parking survey undertaken by an independent company in November 2013; provided details of estimated construction costs for various options for these two car parks and the existing planning policies and scope for both sites; provided a breakdown of estimated costs per option and the likely estimate of additional income generated and options for funding the project; and identified opportunities for increasing parking in the areas near the railway station by 'decking' the existing Council owned Bradbourne car park. The Chief Officer Environmental and Operational Services confirmed the proposal was to provide much needed additional car parking capacity to assist with the economy of Sevenoaks. Members considered the reference and recommendations received from the Economic & Community Development Advisory Committee and noted the additional request for a working group to be set up. The Portfolio Holder for Economic and Community Development added that it had been thoroughly explored by the Advisory Committee and that he had allowed a member of the public to address the committee.

The Chairman reported that he, like other Members, had also been emailed by that member of public, along with the Knole Paddock Residents Association who had made some suggestions should the planning applications go ahead. This report represented the second part of the Council's possible solutions to parking issues, the first being the Variable Message Signs (VMS) that were being installed. Spaces needed to be delivered in a timely manner to help the growing economy. In response to a question he advised that more spaces should mean less vehicle movements as a large number of those were people looking for spaces. This report was about answering demand that already existed. Kent Highways would be consulted as part of the planning process. He further advised that options for long stay, such as allocations for season ticket holders would be explored as part of the process.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) a planning application be submitted to provide an additional 300 car park spaces on the existing Buckhurst 2 car park by providing a two storey elevated car deck; and
- b) the Economic & Community Development Advisory Committee be requested to set up a Working Group to look at car parking technology such as smart ticketing.



- c) it be recommended to full Council that:
- i) subject to planning consent, to undertake a Procurement exercise for the project and subject to the successful tender being within the estimated costs as outlined in this report, to award a contract to design and build the elevated car park decks on the existing Buckhurst 2 car park.
  - ii) a budget of £3.5-£4.0 million be approved to be financed by borrowing from the Public Works Loan Board.
  - iii) that delegated authority be granted to the Portfolio Holders for Finance and Resources and Economic and Community Development to, after consideration of the tender evaluation, accept the most economically advantageous tender, to award the contract and authorise expenditure and approvals within the estimated costs outlined in this report and the borrowing approval.
  - iv) that a planning application be submitted for the decking of the existing Bradbourne car park to increase parking capacity in the area adjacent to the railway station.
  - v) a planning application be submitted to provide additional parking spaces in the existing Suffolk Way car park by providing either a one or two storey elevated car deck, to allow for longer term provision of additional short stay parking capacity.

#### 88. Community Grant Scheme Draft Allocations 2014/15

The Portfolio Holder for Economic and Community Development presented a report which set out information about the Community Grant Scheme and summarised applications received by the Council from voluntary organisations for funding during 2014/15. The appraisal process included a lengthy and detailed consultation with the Portfolio Holder for Economic & Community Development and the Deputy Portfolio Holder for Economic & Community Development, both of whom were trained in appraisal techniques. The recommended grants were set out in Appendix C to the report. Members also considered the reference and recommendations received from the Economic & Community Development Advisory Committee.

The Chairman thanks the Portfolio Holder and Deputy for their work, the Portfolio Holder in turn thanked Officers.

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the grants, as set out in Appendix C to the report be approved subject to the following conditions:

- a) that performance indicators as set out in the application forms are adhered to and monitored;
- b) that, appropriate Safeguarding policies and arrangements are in place, where necessary;
- c) that appropriate recognition of this Council's funding contribution is made in all their publicity; and

- d) where services are provided over a wider area than the District boundaries, organisations will be required to hold grant aid from this Council in a restricted fund for the benefit of Sevenoaks District residents.

89. Flood Support Schemes

The Portfolio Holder for Economic & Community Development presented an urgent report which set out information about the Government's flood support schemes, which included: the Repair and Renew Grant; Business Rates Flooding Relief; Council Tax Discounts; and Business Support Scheme. The Farming Recovery Fund, to restore land in England to agricultural production, was provided by the Rural Development Programme for England and was managed by DEFRA.

The Government had made £172,500 available to the Council to fund one of those schemes, the Business Support Scheme, to help businesses in the District who have been affected by flooding. Further information was awaited regarding the other three schemes. The report asked Members to agree the Guidelines for the Council to administer the Business Support Scheme. The Portfolio Holder for Economic & Community Development suggested that it may be prudent to approve the grants in the context of a business continuity plan so it would be possible how to see the money would be used for a long term strategy.

The Chairman advised that the local Member of Parliament had made it clear to him that it was expected that this money would be distributed as soon as possible and such a request may delay this. However applicants could be signposted to the Kent County Council website that could help them prepare this information. Members agreed that this was an exception to the usual conditions imposed for allocating grants and that the process needed to be as simple as possible.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the Guidelines for the Council's Business Flood Support Scheme, as set out at Appendix B to the report, be broadly agreed subject to the comments above, and authority to approve the grants be delegated to the Portfolio Holder for responsible for Economic & Community Development.

IMPLEMENTATION OF DECISIONS

This notice was published on 10 March 2014. The decisions contained in minutes 85, 86, 88, 89 take effect on 18 March 2014.

THE MEETING WAS CONCLUDED AT 7.39 PM

CHAIRMAN

## **RISK MANAGEMENT STRATEGY**

### **Cabinet – 10 April 2014**

Report of Chief Finance Officer

Status: For Decision

Also considered by: Audit Committee – 18 March 2014

Key Decision: No

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**This report supports the Key Aim of** effective deliver of the Council's Vision and Promises

**Portfolio Holder** Cllr. Ramsay

**Contact Officer(s)** Bami Cole Ext. 7236

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#### **Recommendation to Audit Committee:**

Recommend that Cabinet adopt the Council's Risk Management Strategy

#### **Recommendation to Cabinet:**

Cabinet adopt the Council Risk Management Strategy

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**Reason for recommendation:** Adoption of the Council's Risk Management Strategy will ensure that the Council adopts appropriate objectives for the management of risk that enables the Council to deliver on its Vision and Promises as set out in its Corporate Plan.

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#### **Introduction and Background**

- 1 It is a requirement of the Audit Committee's Terms of Reference to maintain an overview of the effective development and operation of risk management in the Council.
- 2 At the Committee's meeting in January 2014 it considered and approved the revised Risk Management Policy Statement for the Council. This report provides Members with the opportunity to review and comment on the Council's Risk Management Strategy which provides additional information on how the commitments set out in the policy statement will be delivered.

#### **Risk Management Strategy**

- 3 Provided as Appendix A to this report is the Council's Draft Risk Management Strategy. The Strategy has been updated to reflect that the introduction of the Council's new Corporate Plan and to ensure that all risk management activity is undertaken to help the Council achieve the Vision and Promises it sets out.

## Agenda Item 7

- 4 The Strategy sets out how the Council will approach risk management, the outcomes it expects to achieve and the practice it will adopt to ensure effective governance of the Council's risk management arrangements.
- 5 Members are asked to consider the Strategy and provide any suggestions for improvements or changes that can be incorporated in to it before Cabinet are requested to adopt the Council's Risk Management Strategy at a future meeting.

### **Other Options Considered and/or Rejected**

None.

### **Key Implications**

#### Financial

An effective risk management strategy reduces the risk of financial loss and better allows the Council to maximise the financial benefit of running efficient services, taking full advantage of opportunities and delivering effective projects.

#### Legal Implications and Risk Assessment Statement.

A robust risk management framework enhances the Council's ability to minimise waste and improve efficiency and to deliver better services and outcomes for the community.

#### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

### **Conclusions**

The Council's revised Risk Management Strategy sets out the Council's approach to ensure that all risk management activity is undertaken to help the council achieve the vision and promises it sets out in its Corporate Plan. Members are asked to review the

Risk Management Strategy and suggest any amendments before the Strategy is considered by Cabinet for adoption.

**Appendices** Appendix A – Risk Management Strategy

**Background Papers:** Risk Management Policy Statement

<http://cds.sevenoaks.gov.uk/documents/s15122/Risk%20Management%20Update%20-%20Policy%20Statement%20-%20Appendix%20A.pdf>

**Adrian Rowbotham**  
**Chief Finance Officer**

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# Sevenoaks District Council

# Risk Management Strategy



## Risk Management Strategy

This strategy sets out clear objectives for the management of risk at Sevenoaks District Council. It reflects the Council Vision and Promises as set out in the Corporate Plan and is supported by a robust risk management framework and guidance for officers.

The Strategy is reviewed annually by the Council's Officer Risk Management Group and updated as necessary to reflect developments in best practice risk management. Where updates are required the Risk Management Strategy is reported to Members for approval.

**We are always interested in ways to improve our approach to Risk Management and welcome your suggestions.**

### Contact us

Audit, Risk & Anti-Fraud  
Sevenoaks District Council  
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Kent TN13 1HG

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### Publication details

#### **Purpose of the Risk Management Strategy**

To ensure that the Council adopts appropriate objectives for the management of risk that enables the Council to deliver on its Vision and Promises as set out in its Corporate Plan.

#### **Publication date**

January 2014



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## 1. Background & Information

### Introduction

Risk is defined as an uncertain event or set of events which, should it occur, will have an effect on the Council's ability to achieve the Vision and Promises it has set out in its Corporate Plan.

The outcome of any such event occurring could have a positive effect on the Council delivering on its promises and would be considered an opportunity or could have a negative effect and be considered a threat.

Risk Management is the process that is applied to monitoring the Council's exposure to risk and the actions taken to identify, assess, evaluate and control that risk.

The purpose of risk management is not to eliminate risks completely, but to effectively manage the uncertainties that may apply in all areas of the Council's business. By managing risk we are able to ensure that threats do not lead to negative consequences and opportunities are able to be realised.

This Risk Management Strategy sets out the Council's objectives to achieve this and provides a structured framework to be applied by all managers within the Council, and in doing so will:

- Provide the basis for a comprehensive, simplified and standardised framework which will integrate Risk Management into the culture of the Organisation;
- Raise awareness of the need for Risk Management by all those connected with the delivery of the Council's Vision and Promises, including Partners;
- Support the Council in anticipating and responding to changes in social, environmental and legislative conditions;

- Help to minimise injury, damage, loss and inconvenience to residents, staff, service users and assets arising from or connected with the delivery of services;
- Support the introduction of a robust framework and procedures for identification, analysis, assessment and management of risk, and the reporting and recording of events, based on best practice; and
- Support the Council in minimising the cost of risk and risk implementation plans.

### Council Vision & Promises

All risk management activity is undertaken to help the Council achieve its vision and promises. The vision of the District Council can be summarised as:

**"Pride in the District of Sevenoaks by working with the Community as a whole, to sustain and develop a fair, safe and thriving local economy."**

The Council's promises are to:

- Provide value for money;
- Work in partnership to keep the District of Sevenoaks safe;
- Continue to collect rubbish efficiently and effectively;
- Protect the Green Belt; and
- Support and develop the local economy.

The principal aim of this Risk Management Strategy is to set a clear framework for best practice risk management that enables the Council to achieve its promises and deliver its vision for the District.

# 1. Background & Information

## Risk Management at Sevenoaks District Council

It is recognised that risk is present in all the Council’s activities. The Council’s approach to risk management is to be proportionate and to ensure that risk to service delivery is adequately managed, without being unduly prescriptive.

The risks that the Council faces are becoming more complex and substantial. These are influenced by a number of factors, including:

- the rate of change in modern society;
- increasing complexity of regulations;
- changes in technology;
- increased level of expectations from customers and stakeholders,
- increasingly demanding austerity targets; and
- increased involvement with other organisations through partnerships, collaboration or shared services.

All of this means that the Council is faced with increased uncertainty and to be successful in delivering its promises requires a structured approach to managing risk.

To this effect the Council’s risk management framework is designed to be robust, consistent, transparent and easy to understand and is reflective of the size and nature of the Council’s operations.

It empowers managers to make best use of their skills and abilities to deliver services more effectively, rather than inhibiting managers from taking practical, positive, steps to deliver the Council’s vision and priorities.

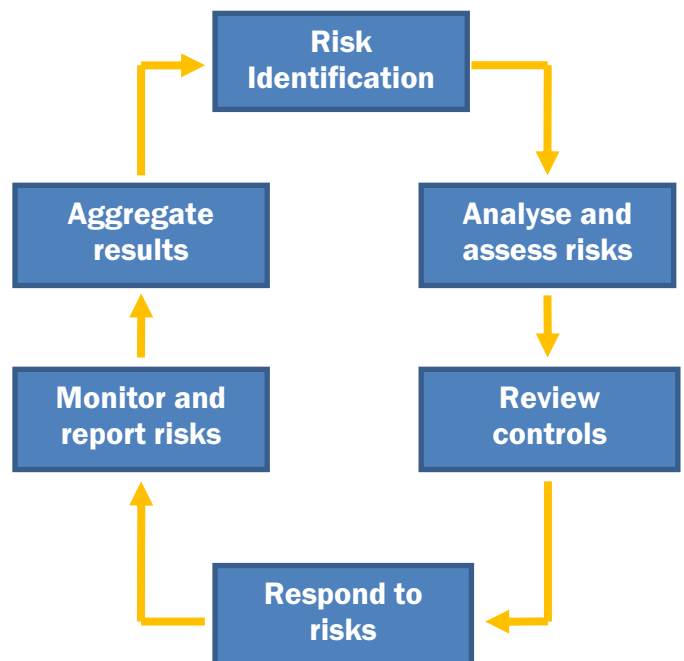
## Risk Management process

It is the Council’s strategic aim that risk management principles are applied at every level of its business or service delivery; at strategic, operational and project level.

Strategic Risks are identified by considering the threats and opportunities that impact the Council as a whole in delivering each of the promises it has set out within the Corporate Plan.

In delivering the Council’s strategic aims through its vision and promises the details set out in the Corporate Plan are delegated to individual service areas and translated into operational service plans. It is the responsibility of each service manager to assess the opportunities and threats to the achievement of their service plan objectives and to provide the Council with a comprehensive view of the operational risks it faces.

The Council’s approach to risk management will follow the best practice, six step approach set out in the following diagram.



## 2. Aims and Objectives

The Council's Risk Management Strategy is to enhance Members and Officers ability to deliver on the Council's Vision and Promises in the most effective way, by providing an enabling tool to anticipate, assess and manage the uncertainties, which might impact on the effective delivery of the Council's Vision and Promises.

To achieve this strategy the following aims and objectives will be delivered:

- Ensure a clear policy statement is in place which clearly communicates the Council's approach to risk management;
- Establish effective governance arrangements, clear accountability, roles and reporting lines across all services;
- Develop standardised toolkits, procedures and guidelines for use across the Council
- Provide for effective risk assessment in all decision making processes;
- Develop risk management skills and expertise to enable effective delivery of the Council's vision and promises;
- Ensure sufficient resources are allocated to ensure effective risk management;
- Ensure appropriate consideration of risk within all reviews of business strategy, the Corporate and Community Plans, service plans and subsequent improvement plans;
- To ensure all partners are aware of the Council's expectations on risk as set out in its Risk Management Policy Statement; and

- Assess the performance and effectiveness of risk management activities.

### Risk Appetite

It is recognised that engaging in business activities necessitates risk; and that all risk cannot be eliminated.

To this effect, the Council accepts that risk would be present in everyday activity and the emphasis is on the effective management of risk to enable affective delivery of the Council's Vision and Promises.

The 'risk appetite' is the term used to express the level of risk that the Council accepts or tolerates to enable the achievement of its vision and promises.

### How much risk is acceptable?

The Councils expects that as a minimum, wherever there is clear mandatory legal, statutory or regulatory requirement, that these should be met. This standard applies to all service areas and all the Council's activities.

Threats that are assessed as a high risk to the Council should result in action being taken to dis-continue the activity or immediate steps should be taken to mitigate the risk.

Medium risks are within the Council's risk appetite if evidence exists that the threats are being adequately controlled.

### 3. Effective Practice & Outcomes

#### Effective practice

##### ■ Audit Committee

It is the responsibility of the Audit Committee to approve the Risk Management Policy Statement and advise Cabinet on the adoption of the Risk Management Strategy for the Council.

To support the Council in ensuring the commitments in the Policy Statement and Strategy are carried out effectively the Audit Committee review the Strategic Risk Register on an annual basis.

##### ■ Chief Executive

The Chief Executive assumes overall strategic responsibility for the Risk Management Framework, including regular review of the Risk Management Policy Statement and Strategy.

It is the responsibility of the Chief Executive to set the Council's risk appetite and ensure service areas have adequate resources to implement effective risk management.

Importantly the Chief Executive should support the Executive on risk management and risk related matters.

##### ■ Chief Officers

Chief Officers assume the lead role for Strategic Risks affecting their own service areas.

It is the responsibility of Chief Officers to agree service plan objectives with Heads of Service and Service Managers for services within their remit and for ensuring risk management processes are fully enacted within service areas, and that key risks are monitored.

##### ■ Audit, Risk & Anti-Fraud Manager

It is the responsibility of the Audit Manager to develop and maintain the Risk Management Policy Statement and Strategy, and the tools and techniques used to implement them in consultation with the Officers Risk Management Group and the Strategic Management Team.

The Audit Manager co-ordinates the implementation of the Risk Management Framework and reports on risk management to the Audit Committee and Cabinet, including the highlighting of significant existing or emerging risks.

In addition the Audit Manager provides guidance, training and advice to officers on the management of risk and helps to promote and share best practice across the organisation.

##### ■ Heads of Service & Service Managers

Heads of Service and Service Managers conduct risk assessments for the objectives set out for their service areas, using the Council's framework as set out in this strategy.

They engage with the risk management process and reporting procedures and monitor the progress of risk action plans.

##### ■ All Staff

All Staff must ensure they are familiar with the Risk Management strategy, process and procedures and with the support of their Manager ensure that controls and procedures in place for operational service delivery are implemented on a day-to-day basis.

## 3. Effective Practice & Outcomes

(continued)

### Outcomes

By following the Strategy set out and ensuring that risk management is properly applied across the Council, will deliver the following outcomes:

- Increased focus on what needs to be done (or not done) to achieve service objectives and the Council's Promises;
- Help to remove surprises and minimise uncertainties;
- Assist in making Corporate Governance more effective;
- Enable things to be done right first time, by improving business intelligence;
- Help provide a basis for effective resource allocation;
- Enhance managers ability to justify action taken or proposed;
- Enables projects to be managed more effectively;
- Enables a better quality service – more satisfied customers;
- Enables the identification of and realisation of available opportunities;
- Helps protect the Council's reputation; and
- Assist in meeting legal and regulatory requirements.

## 4. Additional Information

### Links to plans and strategies

The Council's Risk Management Strategy is aligned to the commitments made in a number of other Council plans and strategies. These include the:

- Corporate Plan;
- Financial Strategy;
- Procurement Strategy;
- IT Strategy; and
- Human Resources Strategy.

### Guidance for officers

Further risk management guidance is available on the Council's Intranet. This information includes:

- Risk Management Policy Statement;
- Risk Management Framework;
- 'Risk on a page' guidance note and
- Best practice tools and advice.

# Sevenoaks District Council

## Risk Management Strategy

If you have any comments about this document or require further copies, please contact:

**Audit, Risk & Anti-Fraud  
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January 2014





**GYPSY AND TRAVELLER PLAN - SITE OPTIONS CONSULTATION**

**Cabinet – 10 April 2014**

Report of Chief Planning Officer

Status: For consideration

Also considered by: Local Planning & Environment Advisory Committee – 25 March 2014

Key Decision: No

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**Executive Summary:**

The Gypsy, Traveller and Travelling Showpeople Accommodation Assessment completed in March 2012 identified a need to provide 72 pitches between 2012 and 2026 to meet the needs of those forecast to meet the planning definition of a Gypsy and Traveller. The Planning Policy team is preparing a consultation draft of the Gypsy and Traveller Plan to put forward a series of site options for further consideration of their suitability, deliverability, and achievability to deliver the identified need for Gypsy and Traveller pitches across Sevenoaks District. It is important that the Council develops a plan to meet this need, as without the identification of suitable sites, the Council will find it hard to resist new proposals for sites across the District coming forward through the development management (including appeal) process, regardless of their location. Initial assessments have been conducted on the constraints of each site option (Appendix 2), and the purpose of the consultation (Appendix 1) is to seek the views of all stakeholders on these sites, as well as provide an opportunity to put forward other sites that may be considered more suitable.

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**This report supports the Key Aims of the Community Plan**

**Portfolio Holder** Cllr. Ian Bosley

**Contact Officer(s)** Kirsti Johnson ext. 7134

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**Recommendation to Local Planning and Environment Advisory Committee:**

It be resolved that the Local Planning and Environment Advisory Committee endorse the recommendation to Cabinet, subject to any identified amendments to the consultation document.

**Recommendation to Cabinet**

(a) That the 'Gypsy and Traveller Plan – Site Options Consultation' (Appendix 1) and

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the Gypsy and Traveller Plan – Site Options - Assessments (Appendix 2) be published for consultation (along with the Sustainability Appraisal) during a period to be agreed by the Portfolio Holder.

- (b) That the Portfolio Holder is authorised to agree minor presentational changes and detailed amendments to the consultation documents to assist their clarity.
- (c) That the consultation document is published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder.

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### **Reason for recommendation:**

To allow for the preparation of the Gypsy and Traveller Site Provision Plan in accordance with the Local Development Scheme.

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### **1. Introduction**

- 1.1 Government policy requires local planning authorities to identify the accommodation needs of Gypsies and Travellers and prepare a plan to show how these needs will be met. Gypsies and Travellers are recognised as being a distinct ethnic group and are protected from discrimination through the Equalities Act 2010. The Government wish to ensure fair and equal treatment for 'travellers' in such a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.
- 1.2 The Gypsy and Traveller Plan, once adopted, will form part of the LDF/Local Plan, and will allocate a number of sites that provide for the identified accommodation needs of Gypsies and Travellers across Sevenoaks District. Before the Council can adopt a Gypsy and Traveller Plan it must be subjected to independent examination and found sound by a Government-appointed Planning Inspector. It is critical, therefore, that the suitability and deliverability of sites is robustly assessed and that sound planning reasons can be presented for the Council proposing or rejecting sites. These documents (appendices 1 and 2) form the first stage of this process and set out potential site options, and an assessment of the planning issues relating to these sites, that it is proposed the Council should seek the views of the public and stakeholder organisations on. The site options consultation document, and the evidence base, can be given very little weight in the planning process at this early consultation stage.

### **2. Evidence Base**

- 2.1 National Planning Policy for Traveller Sites (PPTS) states that local authorities should 'set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation

needs of travellers in their area, working collaboratively with neighbouring local planning authorities’.

- 2.2 The Council undertook a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in March 2012. The study identified a need for 40 pitches to be delivered over the period 2012-2016 (when applying the planning definition tests of Gypsy and Travellers) and a subsequent need for a further 32 pitches over the period 2017 to 2026 (a total of 72 over the period 2012-2026). These figures compared to the 2006 GTAA findings that 64 pitches would be required in the period 2006-2011 and 184 pitches would be required over the period 2006-2026.
- 2.3 The GTAA was based on information from key stakeholders (KCC, SDC and Kent Police, for example) and a survey of 86 Gypsy, Traveller and Travelling Showpeople households currently residing in Sevenoaks. The survey included 66 household interviews on Gypsy and Traveller sites (54% of the estimated total number of households) and 20 with Gypsies and Travellers living in bricks and mortar. The GTAA notes that many of the pitches required in the District in the period 2012-2016 are required to provide permanent pitches for those households currently on temporary and unauthorised sites, where these meet the planning definition tests. As a result, the net increase in the number of pitches in the District over this period is likely to be much lower than 40. Of those 40 pitches required in 2012-2016 that are not needed to provide permanent accommodation for households on temporary or unauthorised sites (9 pitches), these are all to provide for concealed (doubled up) households currently residing in the District or new households forecast to form in the period from children of existing households in the District. No need has been identified from households moving into the District.
- 2.4 A ‘call for sites’ was conducted during both the Allocations (Options) consultation in 2010 and the Development Management: Draft Policies for Consultation in 2011. This did not result in any suitable sites coming forward for potential allocation. Therefore a subsequent call for sites was undertaken in August 2012, which did receive some interest for potential new sites, potential extensions to existing permanent sites, and additional pitches on existing private sites.
- 2.5 Discussions have also been held in-house with the Council’s Housing, Property, Development management and Enforcement Teams to suggest potential sites in SDC ownership or others than may come forward through the planning system. Discussions have also taken place in a similar manner with KCC regarding the potential for any sites, or extension to existing sites that could be put forward to assist with meeting the identified need for Sevenoaks District.

### **3. Potential Site Options**

- 3.1 In order to meet the identified need, a variety of sources of potential site options have been explored to ensure all known site options at this stage in the process can be equally assessed. These sources of sites are:
- Proposed Allocations - as put forward in the Allocations and Development Management Plan
  - Existing temporary sites
  - Increasing capacity within existing permanent sites
  - Extending existing public sites
  - Suggested sites identified in the “call for site” exercise, and
  - Currently Unauthorised sites
- 3.2 All sites have been initially assessed according to the criteria adopted in Core Strategy Policy SP6 for their potential suitability to provide Gypsy and Traveller accommodation. These criteria are outlined in section 6.5 of the Sites Options Consultation document (Appendix 1).
- 3.3 Whilst Core Strategy Policy SP6 states that ‘alternatives should be explored before Green Belt locations are considered’ and national policy states that the Green Belt should be protected from inappropriate development, it appears from the work undertaken to date that it will not be possible to meet the identified need without planning for Gypsy and Traveller sites in the Green Belt.
- 3.4 Following the revocation of regional strategies (e.g. the South East Plan), the Government has identified the statutory ‘Duty to Cooperate’ as the mechanism by which authorities should plan for regional and sub-regional issues, including where development needs can not be met as a result of constraints such as the Green Belt. Council officers have undertaken discussions with neighbouring authorities and understand it to be unlikely that they will be in a position to help SDC meet its needs. The consultation document provides a formal opportunity for authorities to respond on this issue.
- 3.5 Table 3 in paragraph 7.4 of the consultation document (Appendix 1) sets out the potential site options that the Council are seeking views on, following the assessment set out in Appendix 2. The total number of potential pitches that could be accommodated on these sites is more than the total need requirements for Sevenoaks District and it is hoped that this consultation will identify additional options. Therefore, the Council is in a strong position to be able to choose the most suitable and deliverable sites going forward. It is not simply the case that all of the sites proposed must be taken forward in later versions of this plan and through to examination and adoption.

3.6 Table 4 in paragraph 8.1 of the consultation document sets out the sites that the Council’s initial assessment, using the same criteria (set out in Appendix 2), has found to be unlikely to be suitable for allocation at this stage. The key reasons are outlined in Table 2. Views of stakeholders and the public are also sought on these sites and the planning assessment (Appendix 2).

3.7 As noted above, as part of this consultation, the Council are also seeking additional sites to be put forward. The Council will then assess whether these could potentially be more suitable than any of the proposed site options.

**4. Timetable**

4.1 The Local Development Scheme considered by Local Planning and Environment Advisory Committee (at its inquorate meeting) in January proposed the following timetable for the preparation of the Gypsy and Traveller Plan:

Consultation on Site Options	April / May 2014
Publication of Draft Plan (following approval of Full Council)	November / October 2014
Examination	July 2015
Adoption	December 2015

The Local Development Scheme will be considered by Local Planning and Environment Advisory Committee in July 2014.

4.2 The site options consultation document, and the evidence base, can be given very little weight in the planning process at this early consultation stage.

**Other Options Considered and/or Rejected**

Not approving the consultation document is the alternative option, but would result in further delays to the preparation of the Gypsy and Traveller Plan and leave the Council at risk of unplanned development.

**Key Implications**

Financial

Any cost will be met by the existing budget and staffing.

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### Legal Implications and Risk Assessment Statement.

If the decision not to consult on the site options it taken, this would result in further delays to the production of the Gypsy and Traveller Plan and subsequent future amendments to the LDS. There is also a risk that the Council will be unable to resist planning applications for this land use, or result in further appeals coming forward due to lack of suitably identified sites.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The plan will allocate land for future development of Gypsy and Traveller pitches to assist the Council in meeting the identified accommodation needs of the Gypsy and Traveller community up until the end of the plan period. The Local Plan currently identifies the provision for bricks and mortar housing, allocating sites across the District to meet that need. By ensuring that the needs of this minority group are fairly and equally considered by the Local Plan (in the same way as general housing and land allocations) the Council aims to prevent any discrimination against this group, via the planning process.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	A strategy which considers provision for adequate future homes for Gypsies and Travellers will make a positive contribution to this minority group.  An Equalities Impact Assessment forms a background document to this report.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?	N/A	N/A

### **Conclusions**

It is important that the Council develops a plan to meet the identified need for Gypsy and Traveller pitches, as without the identification of suitable sites, the Council will find it hard to resist new proposals for sites across the District coming forward through the development management (including appeal) process, regardless of their location. Initial assessments have been conducted on the constraints of each site option, and the

purpose of the consultation is to seek the views of all stakeholders on these sites, as well as provide an opportunity to put forward other sites that may be considered more suitable. It is recommended that the consultation document is published.

### **Appendices**

Appendix 1 – Gypsy and Traveller Plan – Site Options

Appendix 2 – Gypsy and Traveller Plan – Site Options - Assessments

### **Background Papers:**

Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2012)

Sustainability Appraisal of the Gypsy and Traveller Plan – Site Options

Equality Impact Assessment of the Gypsy and Traveller Plan – Site Options

Planning Policy for Traveller Sites (CLG, 2012)

Designing Gypsy and Traveller Sites – Good Practice Guide (CLG, 2008)

### **Addendum**

Schedule of minor amendments to the consultation document

Update in relation to Land West of Enterprise Way, Edenbridge

**Mr Richard Morris**

**Chief Planning Officer**

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**GYPSY AND TRAVELLER PLAN  
SITE OPTIONS CONSULTATION DOCUMENT**

**MARCH 2014**

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## 1. Introduction

- 1.1 The Government believes that everyone should have the opportunity of a decent home. Ensuring the availability of decent homes is considered a key element of any thriving, sustainable community, and is true for both the settled and Gypsy and Traveller communities alike.
- 1.2 Through its national planning policy, the Government is committed to ensuring a fair and equal treatment for gypsies and travellers. In order to achieve this Local Planning Authorities should make their own assessment of need across their District or Borough, and seek to plan positively in line with the principles of sustainable development.
- 1.3 This Gypsy and Traveller Plan - Site Options Consultation document is the first stage in the consultation process for the preparation of the Gypsy and Traveller Plan. The Gypsy and Traveller Plan, once adopted, will form part of the LDF/Local Plan, and will allocate a number of suitable and deliverable sites that provide for the identified accommodation needs of Gypsies and Travellers across Sevenoaks District. It is critical, therefore, that the suitability and deliverability of sites is robustly assessed and that sound planning reasons can be presented for the Council proposing or rejecting sites. Before the Council can adopt a Gypsy and Traveller Plan it must be subjected to independent examination and found sound by a Government-appointed Planning Inspector.
- 1.4 The Council undertook a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTAA) in March 2012. The GTTAA is the key evidence base document for identifying the need across Sevenoaks District. The study identified a need for 40 pitches to be delivered over the period 2012-2016 (when applying the planning definition tests of Gypsy and Travellers) and a subsequent need for a further 32 pitches over the period 2017 to 2026 (a total of 72 over the period 2012-2026).
- 1.5 It is important to plan to meet this need, as without the identification of suitable sites, the Council will find it hard to resist new proposals for sites across the District, regardless of their location, as strategic provision will not have been identified. Initial assessments have been conducted on the constraints of each site option, according to the criteria adopted in Core Strategy Policy SP6 for their potential suitability to provide Gypsy and Traveller accommodation. These criteria are outlined in section 6.5 of this document and the views of all stakeholders are now being sought on these sites, as well as an opportunity to put forward other sites that may be considered more suitable.

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- 1.6 The responses made during the consultation, along with any additional sites suggested, will be duly considered and assist in informing the next stages of the Gypsy and Traveller Plan preparation, which will put forward the Council's preferred options.

## 2. How to respond to this Consultation

- 2.1 The Gypsy and Traveller Plan is being prepared as part of the Local Plan for Sevenoaks District to allocate sites for future gypsy and traveller accommodation.
- 2.2 This Site Options Consultation document represents the first stage in the preparation process of the Gypsy and Traveller Plan. We wish to hear from you regarding the set of site options put forward in this document to meet the identified need for providing Gypsy and Traveller accommodation across the District.
- 2.3 The consultation period runs from \*\* to \*\* 2014 and all comments should be received by \*\* on \*\* 2014.

### **How to comment:**

You can make representations using several methods:

- By completing the form online ([hyperlink](#))
- Email your response to [ldf.consultation@sevenoaks.gov.uk](mailto:ldf.consultation@sevenoaks.gov.uk)
- By completing and returning the enclosed response form.

Additional copies of the response form can be downloaded at: ([hyperlink](#))

### 3. Background

- 3.1 The Council is required by the Housing Act 2004 and the National Planning Policy for Travellers to meet the accommodation needs of the population within the District, including the needs of the Gypsy and Traveller community and Travelling Showpeople.
- 3.2 This Gypsy and Traveller Plan will eventually form part of the Local Plan for Sevenoaks District, and will set out a number of sound sites allocated to meet the accommodation needs of Gypsy, Traveller, and Travelling Showpeople for the current plan period (up to 2026). This Sites Options Consultation Document represents the first stage of consultation, setting out potential site options to address the identified need within the District.

#### Defining Gypsy and Travellers, and Sites and Pitches

- 3.3 For the purposes of this document, the definition of Gypsy and Travellers is taken from the national Planning Policy for Traveller Sites (2012):

##### Gypsies and Travellers -

*“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

##### Travelling Showpeople -

*“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.”*

- 3.4 The terms ‘site’ and ‘pitch’ are often used to describe Gypsy and Traveller accommodation, and are commonly confused. It is important therefore to note what is meant by each term to ensure they are not mis-used.

### What do we mean by 'site' and 'pitch'?

A Gypsy and Traveller **site** is an area of land on which Gypsies and Travellers are accommodated. Sites contain one or several units of accommodation. These units are known as a **pitch**. A pitch is generally home to one household. For example, a public site will almost certainly be home to several families, each who occupy their own pitch within that site.

There is no set definition of what should be contained within a pitch, but it is generally accepted that an average family pitch must be capable of accommodating a large trailer and touring caravan, an amenity building, parking space for two vehicles, and a small garden area (DCLG Designing Gypsy and Traveller Sites – Good Practice Guide para.7.12). Taking into account the available guidance, it is generally accepted that an average pitch size is 500sqm.

### Main Aim, Objectives and Challenges

- 3.1 The National Planning Policy for Travellers (PPTS) sets out the requirement for Local Planning Authorities to make their own assessment of need for Gypsy, Traveller, and Travelling Showpeople accommodation, ensuring fair and equal strategies to meet the identified need are developed. Further information on national planning policy in respect of Gypsies and Travellers is set out in section 4 of this consultation document. The main strategic document for Sevenoaks District is the Core Strategy (2011), which sets out the long-term spatial vision for how the Borough will develop and change up to 2026. The national and local planning policy context is set out in section 4.
- 3.2 The shortage of authorised Gypsy and Traveller sites across Sevenoaks District provides the key challenge this Plan seeks to address. The Plan will sit alongside the Core Strategy and Allocations and Development Management Plan (ADMP) as development plan documents, and once adopted will allocate sites for Gypsy and Traveller accommodation that have been robustly assessed and are demonstrated to be suitable and deliverable within the plan period.
- 3.3 The Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (2012) sets out the need for Sevenoaks District, identifying a requirement for 72 pitches to be delivered between 2012 and the end of the current plan period (2026).
- 3.4 However, Sevenoaks District is covered to a large extent by landscape constraints, with 93% Metropolitan Green Belt and 60% Area of Outstanding

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Natural Beauty afforded considerable protection in national policy. These represent challenges to identifying suitable locations to meet the requirement.

3.5 The overarching aim of the Plan is therefore:

*To increase the number of authorised Gypsy and Traveller pitches in the most appropriate locations across Sevenoaks District, reducing the number of unauthorised sites, and to enable Gypsy and Travellers to access services and facilities to meet their needs, whilst respecting the needs of the settled community in these locations.*

3.6 In order to achieve this aim, the Plan seeks to address a number of sub-objectives being:

- To identify sites that are available, suitable and deliverable to meet the identified need in Sevenoaks District;
- To allocate sites and grant permission for such sites that are sustainably located so as to improve access to local services and facilities such as education, healthcare provision, and convenience goods, whilst having minimal impact upon the surrounding landscape;
- To provide clear development management guidance for the assessment of planning applications regarding Gypsy and Traveller sites; and
- To ensure sites are designed to high quality, providing a safe and pleasant living environment for residents.
- To protect the Green belt from inappropriate development, whilst recognising the difficulties of securing Gypsy and Traveller accommodation in the urban areas across the District.

**Do you agree with the main aim and objectives of the Plan?**

**Do you think there are any other objectives that the Plan should address?**



## 4. Planning Policy Framework

### National Planning Policy and Guidance

- 4.1 In March 2012, the Government published a new Planning Policy for Traveller Sites (PPTS), in conjunction with the National Planning Policy Framework (NPPF). The overarching aim of government policy for Gypsy and Travellers is to ensure their fair and equal treatment in a way that facilitates the traditional and nomadic way of life, while respecting the interests of the settled community (para.3).
- 4.2 The policy sets out the requirement of local planning authorities (LPAs) to make their own assessment of need, setting their own pitch targets for gypsies and travellers and plot targets for travelling showpeople. This must be based on robust evidence, including engagement and cooperation with the traveller and settled community, and involve collaborative working with neighbouring authorities (para.4).
- 4.3 Policy B of the PPTS states that Local Plans addressing gypsy and traveller needs should:
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of sites against their locally set targets;
  - Identify a supply of specific, developable sites or broad locations for growth for years 6-10, and where possible years 11-15;
  - Ensure sites are sustainable economically, socially and environmentally
  - Set criteria to guide land supply allocations and help determine planning applications;
  - Consider the provision of suitable traveller sites for mixed residential and business uses wherever possible; and
  - Protect the Green Belt from inappropriate development, strictly limiting new traveller sites in open countryside away from existing settlements or outside areas allocated in the development plan.
- 4.4 Regard must also be given to the NPPF, which sets out the Government's overarching planning policies for England with a presumption in favour of sustainable development.
- 4.5 There are no set requirements of what should be contained within a site or a pitch. In order to assist Local Authorities and those involved in the design and delivery of sites, the Government produced a Good Practice Guide (2008). The guide is intended to concentrate on issues such as how to design successful sites by identifying good practice case studies and examples, and the consideration of the need to achieve a good mix of accommodation.

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4.6 Chapter 4 of the Good Practice Guide recommends that, whilst there is no one ideal size of site or number of pitches, experience of site managers and residents alike suggests that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage (para.4.7). It goes on to suggest that smaller sites containing fewer pitches can also be successful, particularly if accommodating one extended family. The guidance recognises that if evidence exists to demonstrate that sites larger than the suggested threshold of 15 pitches is preferable by the local Gypsy or Traveller community, then higher capacities can be acceptable (para.4.8).

### Local Planning Policy

4.7 Policy SP6 of the Core Strategy (2011) sets out the criteria by which sites will be assessed for allocating as gypsy and traveller accommodation, and if required, for travelling showpeople.

4.8 The identification of sites will take account of the following criteria:

- a. The site should be located within or close to existing settlements with a range of services and facilities and access to public transport*
- b. The site is of a scale appropriate to accommodate the facilities required and will offer an acceptable living environment for future occupants in terms of noise and air quality*
- c. Safe and convenient vehicular and pedestrian access can be provided to the site*
- d. The site is not located within an area liable to flood*
- e. The development will have no significant adverse landscape or biodiversity impact. Particular care will be taken of landscape impacts on AONBs. In the AONBs, sites should only be allocated where it can be demonstrated that the objectives of the designation will not be compromised.*
- f. Alternatives should be explored before Green Belt locations are considered.*

4.9 The policy further states that land allocated for Gypsies and Travellers and Travelling Showpeople will be safeguarded for this purpose so long as a need exists in the District for accommodation for Gypsies and Travellers and Travelling Showpeople.

4.10 Proposals for sites for Gypsies and Travellers and Travelling Showpeople on other land outside existing settlement confines will only be permitted where it is first demonstrated that the development is for occupation by Gypsies and Travellers or Travelling Showpeople and that the proposed occupant has a need for accommodation that cannot be met on lawful existing or allocated sites in the region. In addition development proposals will need to comply with criteria a – e above.

- 4.11 For the purposes of this policy Gypsies and Travellers are people who meet the definition in Circular 01/06, as set out in the Core Strategy

### 5. Preparing the Gypsy and Traveller Site Options Consultation Document

#### Development of the Document

5.1 This Plan has been prepared in accordance with:

##### *National and local policies:*

- The National Planning Policy Framework 2012
- Planning Policy for Traveller Sites 2012
- Sevenoaks District Core Strategy 2011
- The Community Plan for Sevenoaks 2013
- Statement of Community Involvement 2006

##### *Evidence base:*

- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment for Sevenoaks (2012)

##### *Key Assessments and Appraisals:*

- Sustainability Appraisal of the potential site allocations highlighting any potential conflicts and measures to mitigate these, and ensuring the Plan is aligned with the principles of sustainable development.
- Equalities Impact Assessment to ensure the document has been prepared in an inclusive manner, and to identify any impacts on specific groups of race, gender, disability, age or religion.

##### *Engagement with key stakeholders including consultation on:*

- Core Strategy criteria-based Policy SP6 (2011)
- Call for Sites 2010, 2011, 2012

#### Evidence Base

5.2 In September 2011 the Council commissioned the Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford to produce a Gypsy, Traveller and Travelling Showpeople Needs Assessment (GTAA) for the district to replace the study formally undertaken by David Couttie Associates in 2006.

5.3 The GTAA for Sevenoaks was completed in March 2012, and forms key part of the evidence base for the preparation of the Gypsy and Traveller Plan. It considered the need for permanent pitches in Sevenoaks District in the period 2012-2026. Table 1 below sets out the identified need. The assessment of need was based on interviews with over 50% of existing site-based households currently living in the District, interviews with 20 gypsy and traveller families in bricks and mortar housing and engagement with key stakeholders (see table 1). Households on unauthorised sites

and sites with temporary permission were considered by the study to identify their immediate and future needs for permanent pitches. As the assessment sought to identify the need for permanent site-based accommodation, households living on pitches with temporary planning permission were considered to constitute part of the figure for the number of pitches that need to be allocated. Granting permanent permissions for existing temporary pitches would contribute towards achieving the need identified, and is considered as a potential supply option in this consultation.

**Table 1: Identified need in Sevenoaks District**

Period	Not applying planning definition	Applying planning definition
2012 - 2016	44	40
2017 - 2021	16	15
2022 - 2026	18	17
<b>2012 - 2026</b>	<b>78</b>	<b>72</b>

5.4 As identified in paragraph 3.3 of this document, the planning definition of gypsy and traveller excludes households that have stopped travelling for reasons other than their own family's or dependants' educational or health needs or old age. There is no clarification provided in national policy on when a household is considered to have 'stopped travelling'. However, the GTTAA asked households how often they travelled and if they no longer travelled why this was the case. The assessment was, therefore, able to estimate those existing households that no longer met the planning definition of a gypsy and traveller and reduce the identified need accordingly.

5.5 The study identified that Sevenoaks District has a sufficient provision of sites for Travelling Showpeople to meet the requirements of the plan period and therefore these figures only include those that meet the planning definition of gypsies and travellers.

5.6 Since the assessment was carried out 1 additional permanent pitch has been granted in the District by appeal at Land at Marwood House, Stones Cross Road, Crockenhill (SE/ 11/02166/FUL), as a result the residual need for permanent pitches is 71 in the period 2012-2026, if the planning definition analysis is applied.

**Call for Sites**

5.7 Calls for gypsy and traveller sites to be put forward to the Council were included in the Allocations (Options) consultation in 2010 and the Development Management: Draft Policies for Consultation in 2011. Following this, the Council formally decided to allocate sites for Gypsies and Travellers through a Gypsy and Traveller Site Provision Plan rather than in the Allocations and Development Management Plan.

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5.8 A third Call for Sites was undertaken in August 2012. This involved contacting Gypsies and Travellers living in the District, Gypsy and Traveller organisations and all those who registered an interest in the issue through consultations as part of the LDF. Parish and Town Councils were also contacted for their views on any potential sites within their areas.

5.9 Discussions have also been held in-house with Housing, Property, Development management and Enforcement Teams to suggest potential sites in SDC ownership or others than may come forward through the planning system. Discussions have also taken place in a similar manner with KCC regarding the potential for any sites, or extension to existing sites could be put forward to assist with meeting the identified need for Sevenoaks District.

### **Duty to Co-operate**

5.10 Section 110 of the Localism Act 2011 places a 'Duty to Cooperate' (hereafter 'The Duty') on Local Planning Authorities when preparing development plan documents. The Duty requires constructive, active engagement on an on-going basis to support all activities relating to a strategic matter.

5.11 The Council have participated in discussions with neighbouring authorities since early 2012 with regard to setting a common approach to the methodology for identifying and delivering need. The Council jointly commissioned Salford Housing and Urban Studies Unit (SHUSU) at the University of Salford to produce a GTTAA in 2012 with Maidstone Borough Council. Since this time, a number of local authorities across Kent have since commissioned Salford University to undertake their needs assessments so as to provide a common evidence base across the county.

5.12 In May 2013, the Council has conducted a meeting with neighbouring authorities to understand what their individual provision requirements are, where they are in the plan preparation process, and how they intend or anticipate meeting these requirements. These discussions did not result in any expressions of interest or willingness from neighbouring authorities to support SDC in the provision of our identified need.

**Is your Local Authority willing and able to assist Sevenoaks DC in meeting the identified need in Sevenoaks District?**

## 6 Site Assessment Criteria

6.1 This section sets out the approach taken to considering how the unmet needs of the District could be met, whilst ensuring appropriate consideration is given to constraints impacting upon the District.

6.2 The search for potential sites has looked at a number of sources:

- Proposed Allocations - as put forward in the Allocations and Development Management Plan
- Existing temporary sites
- Increasing capacity within existing permanent sites
- Extending existing public sites
- Suggest sites identified in the “call for site” exercise, and
- Currently Unauthorised sites

6.3 It is proposed that potential sites should be assessed using a criteria-based approach in order to determine the suitability of each site. These criteria take into consideration national and local policy as set out in the NPPF, the national Planning Policy for Traveller Sites (PPTS), the CLG Designing Gypsy and Traveller Sites Good Practice Guide 2008 and the Core Strategy 2011. They also reflect a range of environmental, economic and social factors.

6.4 Gypsy and Traveller needs for accommodation are invariably different to that of the settled community, but the consideration of location should be similar in many ways, and have regard to the potential health, welfare and social impacts that may be caused as a result of the location.

### Assessment Criteria

6.5 It is the Council’s preference that potential sites meet all the below criteria. However, due to the previously mentioned planning and landscape constraints across the District, it may not be possible for all criteria to be satisfied. It may be necessary to prioritise some criteria over others to ensure that the most suitable sites are put forward as potential options to achieve meeting the requirements. Therefore, a site will not be ruled out if it fails to meet one of the criteria if sufficient justification can be put forward to satisfy other criteria considerations. In addition to being suitable in accordance with the criteria in Policy SP6, sites also need to be available and achievable.

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<b>Criteria</b>
<b>Location &amp; Key Constraints</b>
a. The site is not located in the Green Belt
b. The site is not located within an area at high risk of flooding, including functional floodplains.
c. The site should be located within or close to existing settlements with a range of services and facilities and access to public transport. This is specifically related to access to appropriate health services and ensuring that children can attend school on a regular basis and reducing the need for long-distance travelling. It should avoid placing undue pressure on local infrastructure and services.
d. The site will provide an acceptable living environment for future occupants in terms of noise, air quality and privacy and is relatively flat
e. The development will have no significant adverse impact upon the landscape, biodiversity or heritage asset. In the AONBs, sites should only be allocated where it can be demonstrated that the objectives of the designation will not be compromised.
f. Alternative priority land uses.
<b>Impact and Design</b>
g. Responds to local character and reflects the identity of the local surroundings and will support peaceful and integrated co existence with the local community.
h. The site would or is capable, with mitigation, of securing good standards of amenity for existing residents.
i. The site is of a scale appropriate to accommodate the facilities required. In accordance with national policy (PPTS Policy F), wherever possible, Local Planning Authorities should include traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants. The sites should be able to accommodate a large mobile touring caravan, parking for 2 vehicles, utility building small garden area per household.- 500 square metres
j. Safe and convenient vehicular and pedestrian access can be provided to the site
<b>Deliverability,</b>
k. The site is deliverable. <i>The ease of acquisition is considered along with indicative costing of bringing the sites forward for development.</i> <i>Considerations for the deliverability of the site will include:</i> <ul style="list-style-type: none"> <li>- <i>Whether or not the site is currently allocated for an alternative land use</i></li> <li>- <i>The ownership – private (non-gypsy/gypsy) or public</i></li> <li>- <i>Anticipated delivery costs</i></li> </ul>

**Do you consider these to be an appropriate set of criteria to determine the suitability of each site? Do you feel any other criteria should be considered?**



### Green Belt

- 6.6 The Metropolitan Green Belt covers 93% of Sevenoaks District. Core Strategy Policy SP6 'Provision for Gypsies and Travellers and Travelling Showpeople' states that "alternatives should be explored before Green Belt locations are considered". This therefore presents a large constraint to meeting the identified need.
- 6.7 National policy dictates that Gypsy and traveller pitches are inappropriate development within the Green Belt. However, as with other forms of inappropriate development in the Green Belt, if very special circumstances exist then development may be acceptable. The lack of suitable sites outside of Green Belt land to meet identified needs could contribute to the justification of very special circumstances. All the existing sites in the District are in the Green Belt. It is therefore reasonable to explore Green Belt land if all other alternatives have been fully explored and exhausted before such sites are considered.
- 6.8 Previously the council have lost appeal decisions due to the weight Planning Inspectors have given to the issue of identified need that has not been met. National Planning Policy (PPTS para.27) makes it clear that opportunities can arise for the granting of permanent pitches if an up-to-date five year supply of deliverable sites can not be demonstrated. Planning Policy for Traveller Sites also suggests that exceptional limited alterations to the Green Belt might need to be made through the plan-making process and allocated for a Gypsy and Traveller sites. However, the Council will consider the circumstances of each site option to determine where this may be an appropriate approach. The Council will seek to maintain the extent of the Green belt wherever possible.
- 6.9 In terms of sustainability, sites for Gypsy and Traveller pitches would ideally be located within or close to existing settlements with a range of services (i.e. those defined as service villages or higher in the Settlement Hierarchy). The distribution of new Gypsy and Traveller pitches throughout the district should be considered. Concentrations in particular parts of the district could put a strain on infrastructure and public services and it would not be reasonable to further exacerbate any problems.
- 6.10 All sites have been assessed for their relative accessibility to key services, such as GP surgery, local shop, primary school and bus service, and their relative remoteness from such services. This is primarily because there are no agreed distance thresholds contained within national or local policy which can be used to reject sites purely on these grounds. Local authorities are also advised in the relevant circulars to be realistic about the availability of alternatives to the car in accessing local services.

**Identifying suitable sites**

6.11 In order to meet the identified need for a further 71 pitches to 2026 (accounting for the 1 pitch already delivered since 2012), the Council needs to identify suitable and deliverable sites to underpin this supply. The potential categories of sites are outlined in Table 2 below. These should be viewed as a series of interrelated options, as it is likely that a number of these approaches will be needed to meet the identified need.

**Table 2: Potential categories of sites**

Potential Sources of Sites	Points of consideration
Extensions to existing public authorised sites.	The existing public authorised sites in the District will require assessment in terms of the potential for expansion on to adjacent land, or through redevelopment or intensification within existing boundaries. The national good practice guidance ‘Designing Gypsy and Traveller Sites’ (2008) suggests in paragraph 4.7 that a maximum of 15 pitches for a site is conducive to providing a comfortable environment and this will be a consideration in determining the Council’s final proposals. Sites should not have an adverse impact on the development of the remainder of the site or on the amenity of neighbouring land uses.
Examining whether existing temporary sites are suitable to be made permanent.	All of the sites are privately owned and it will be up to occupiers on the sites and/or landowners to submit planning applications. All applications will be assessed against their conformity with the Core Strategy and Local Plan policies as well as any applicable site specific criteria.
Examining additional capacity on existing, private sites	The national good practice guidance ‘Designing Gypsy and Traveller Sites’ (2008) suggests in paragraph 4.7 that a maximum of 15 pitches for a site is conducive to providing a comfortable environment and this will be a consideration in determining the Council’s final proposals.
Use of part of the sites allocated in the ADMP including the Reserved Land (Land west of Enterprise Way, Edenbridge).	The viability of including this land use at this site will need to be considered. The national good practice guidance ‘Designing Gypsy and Traveller Sites’ (2008) suggests in paragraph

	4.7 that a maximum of 15 pitches for a site is conducive to providing a comfortable environment. Sites should not have an adverse impact on the development of the remainder of the site or on the amenity of neighbouring land uses.
Examining whether unauthorised sites are suitable in planning terms to be allocated and made permanent for this land use.	Consideration will need to be given to the reasons why any unauthorised sites may not have been granted planning permission. Granting permanent permission for these sites could be seen as circumventing the planning process.
Allocating new sites that have come forward through the Call for Sites process.	Any new sites will need to be assessed against the criteria set out in section 4. The national good practice guidance 'Designing Gypsy and Traveller Sites' (2008) suggests in paragraph 4.7 that a maximum of 15 pitches for a site is conducive to providing a comfortable environment.

6.11 The Government recognise that whilst more private traveller site provision should be promoted, it is likely that there will always be those Travellers who cannot provide their own sites. Therefore, by utilising a range of site types to meet the identified need, a range of tenures can be provided for.

**Do you consider the approach to the way in which our future pitch provision may be met is appropriate?**

**Are there any alternative ways in which the pitch requirements can be met?**

## 7 Potential Site Options

7.1 All sites that have come forward through the sources outlined in paragraph 6.2 have been subject to initial assessments against the criteria noted in paragraph 6.5 on grounds of their suitability to potentially provide Gypsy and Traveller accommodation.

### Potential capacity

7.2 In order to understand whether or not the site options being assessed are able to potentially accommodate the requirement for the District, a potential capacity of each site has been put forward having had regard to several factors. These are:

- The number of existing temporary pitches on the site
- The number of pitches promoted on the site during the various call for sites
- The governments guidelines on an appropriate number of pitches to manage for an entirely new site
- The number of existing permanent pitches already on the site
- The government’s guidance on an average pitch size

7.3 For some sites, the total capacity includes both current temporary pitches and proposed additional pitches.

7.4 Following such initial assessments, Table 3 below lists the sites considered to be potentially suitable options to consider allocating for the permanent use as Gypsy and Traveller accommodation. These site options and associated potential number of pitches are what the Council is now seeking views on. Appendix 1 includes information on the location of each site, their current status, and the potential capacity for additional pitches.

**Table 3: Potential site options**

Site details	Current status of site and how identified	Proposed no. additional permanent pitches for potential allocation	Total number of pitches on site (including existing permanent)
Eagles Farm, Crowhurst Lane, West Kingsdown.	Both temporary and permanent pitches	4	6 – This includes 2 permanent pitches, 2 currently temporary pitches, and 2

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			additional pitches promoted during the 2012 call for sites.
Hollywood Gardens, School Lane, West Kingsdown	Temporary	<b>1</b>	<b>1</b>
Seven Acre Farm, Hever Road, Edenbridge	Temporary	<b>7</b>	<b>7</b>
Malt House Farm, Lower Road, Hextable	Temporary	<b>1</b>	<b>1</b>
Land East of Knockholt Station, London Road, Halstead	Temporary	<b>12</b>	<b>12</b> – this consists of 6 currently temporary pitches and an additional 6 promoted during the 2012 call for sites
Holly Mobile Home Park, Hockenden Lane, Swanley	Temporary	<b>3</b>	<b>3</b>
Hilltop Farm, London Road, Farningham	Temporary	<b>5</b>	<b>5</b>
Robertson's Nursery, Goldsel Road, Swanley	Temporary	<b>1</b>	<b>1</b>
Land adj. Valley Park South, Lower Road, Hextable	Call for sites	<b>5</b>	<b>22</b> – This consists of the 17 pitches permanently permitted on the site, and an additional 5 being proposed.
Barnfield Park, Ash-cum-Ridley	Existing public	<b>8</b>	<b>43</b> – this consists of 35 existing permanent public pitches, and 8 proposed

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			additional
Early Autumn, East Hill Road, Knatts Valley	Permanent – call for sites	1	3 – this consists of 2 existing permanent pitches, and 1 additional pitch promoted during the 2012 call for sites
Land west of Enterprise Way, Edenbridge	Reserved Land	15	15
Land South of Mesne Way, part of Timberden Farm, Shoreham	Identified by the Council as landowner	15	15
Land at Fort Halstead, Halstead	Identified by the Council through Local Plan Allocations discussions	15	15
<b>TOTAL proposed additional pitches:</b>		<b>93</b>	

7.5 The total number of proposed pitches derived from the potential site options exceeds the identified requirement for Sevenoaks District and the Council hopes that additional pitches will be proposed through this consultation. Therefore the council are in a strong position to be able to make sound, well informed choices about which of the options are the most suitable going forward. It is not simply the case that all of the sites proposed must be taken forward in later versions of this plan and through to examination and adoption.

7.6 For some of these site options, the development of the number of pitches would not require development on the whole site. Views are therefore also welcomed on what areas are considered to be the most appropriate locations within these sites.

### Sites with live planning applications

7.7 Land South-West of Broom Hill, Button Street, Swanley, and Fordwood Farm, New Street Road, Hodsoll Street, both currently have a live planning application to be determined. The respective application numbers are 13/03227/FUL and 09/00822/CONVAR. It would not be appropriate to pre-empt the planning process and make an initial assessment of suitability at this stage until the application has

been determined. Therefore, whilst the Council has undertaken an assessment of the constraints of each site, according to the assessment criteria, views are being sought alongside the other site options on the suitability of these sites in providing any future pitches to help meet the identified need.

7.8 An application has been received by the Council in early March (2014) for Land at Pedham Place, London Road, Farningham for the provision of 5 pitches for Gypsy and Traveller accommodation. It is intended that this site will be assessed in the same way as Land South-West of Broom Hill, Button Street, Swanley, and Fordwood Farm, New Street Road, Hodsoll Street without compromising the planning application process.

**Do you agree with the initial site assessments (see also the background site assessment document)? If not, why not?**

**Do you think the number of pitches proposed for each potential site option is acceptable? If not, why not?**

**Should any future residential site provision include any additional space for**

**Can you suggest any additional sites that you consider suitable for use as Gypsy and Traveller sites?**

**In view of the fact that there is currently no specific identified need for a Travelling Showpeople site in Sevenoaks, is there a need to provide additional capacity for Travelling Showpeople in the District?**

#### **Design and Layout guidance**

7.9 The Council recognise that any proposed allocation sites will require design and layout criteria to be considered as part of an individual site allocation, to ensure sufficient mitigation measures are included in the development process of each site. The Council are therefore seeking the views of interested parties on these matters.

**What criteria considerations do you feel should be included, if any, into design and layout guidance to support proposed allocations?**

## 8 Sites considered unsuitable for allocation

8.1 The following sites were also assessed according to the same suitability criteria as those proposed as site allocation options, but are currently deemed unsuitable for varying reasons. Table 4 below sets out the key reasons why these sites have been rejected at this stage in the process. Site assessments and plans are presented in the background evidence to this consultation document.

**Table 4: Sites considered unsuitable for allocation**

Site details	Key reasons
Romani Way, Hever Road, Edenbridge	This site does not have any further capacity to accommodate pitches within the site, and does not have the potential to physically expand so is unable to provide any additional pitches by extending the site.
Valley Farm North, Carters Hill, Underriver	This site has planning permission (SE/13/01179/FUL) for the demolition of a dwelling and erection of a new dwelling, therefore is no longer being promoted for use as a Gypsy and Traveller site.
Valley Farm South, Carters Hill, Underriver	The site is currently in agricultural use in a very open area of landscape. It lies opposite two listed buildings; hence any development on this site would impact upon their setting. Whilst the site is better connected to the centre of Underriver, the area is not considered to be a sustainable location for any new development.
Land adj. Cricket Pavilion, Underriver	This is a very small site, very remotely located away from the centre of Underriver. The site would not be within walking distance to the limited facilities in Underriver. There is no planning history on this site for use for Gypsy and Traveller pitches, and developing this site would therefore set a precedent for this land use in the open countryside, green belt, and AONB.



<p>Deers Leap Farm, Four Elms Road, Edenbridge</p>	<p>The site is very open in the countryside, and very visible from the highway. The site does not benefit from any previous planning permissions for this land use. It is not connected to the local settlement of Four Elms, which in itself is not considered to be a sustainable location for new development. There is a vast planning enforcement history on this site, including a compulsory purchase order undertaken by the Council to ensure the land could be restored back to its original state. The land is not available and therefore not considered suitable or deliverable for Gypsy and Traveller accommodation for the reasons set out above.</p>
<p>Polhill Park, Polhill</p>	<p>This site does not have any further capacity to accommodate pitches within the site, and does not have the potential to physically expand so is unable to provide any additional pitches by extending the site.</p>
<p>Land adj. Valley Park North, Hextable</p>	<p>The original site promoted during the 2012 Call for Sites included both this land and the site option being considered to the south. The originally promoted site included a new point of access from the highway into the site, and 25 additional pitches. After having assessed the site for the suitability of this level of additional pitches, it was not deemed suitable due to the number of existing pitches on the adjacent land, creating a potential cumulative impact on the landscape (also taking into account the adjacent site of 70-72 Lower Road). However, the land to the south, away from the highway, could potentially be accessed from the rear of the existing Valley Park, creating an extension for a small number of additional pitches with a lesser impact on the wider landscape. This is therefore being consulted on for the potential of 5 additional pitches.</p>

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Fort Halstead, Halstead	<p>The Council has commissioned and published an assessment of the viability of the landowner's emerging redevelopment proposals. This assessment finds that, whilst viable opportunities for the redevelopment of the site exist, many mixed use development scenarios that could re-provide the number of jobs on the site are of marginal viability. At present, it is, therefore, not considered that there is scope for introducing additional uses with relatively low development values, such as gypsy and traveller pitches, within a redevelopment of the Major Employment Site area. This issue can be kept under review as the Gypsy and Traveller Plan develops and plans for the redevelopment of the site evolve between now and 2018 when DSTL is expected to have relocated away from the site.</p>

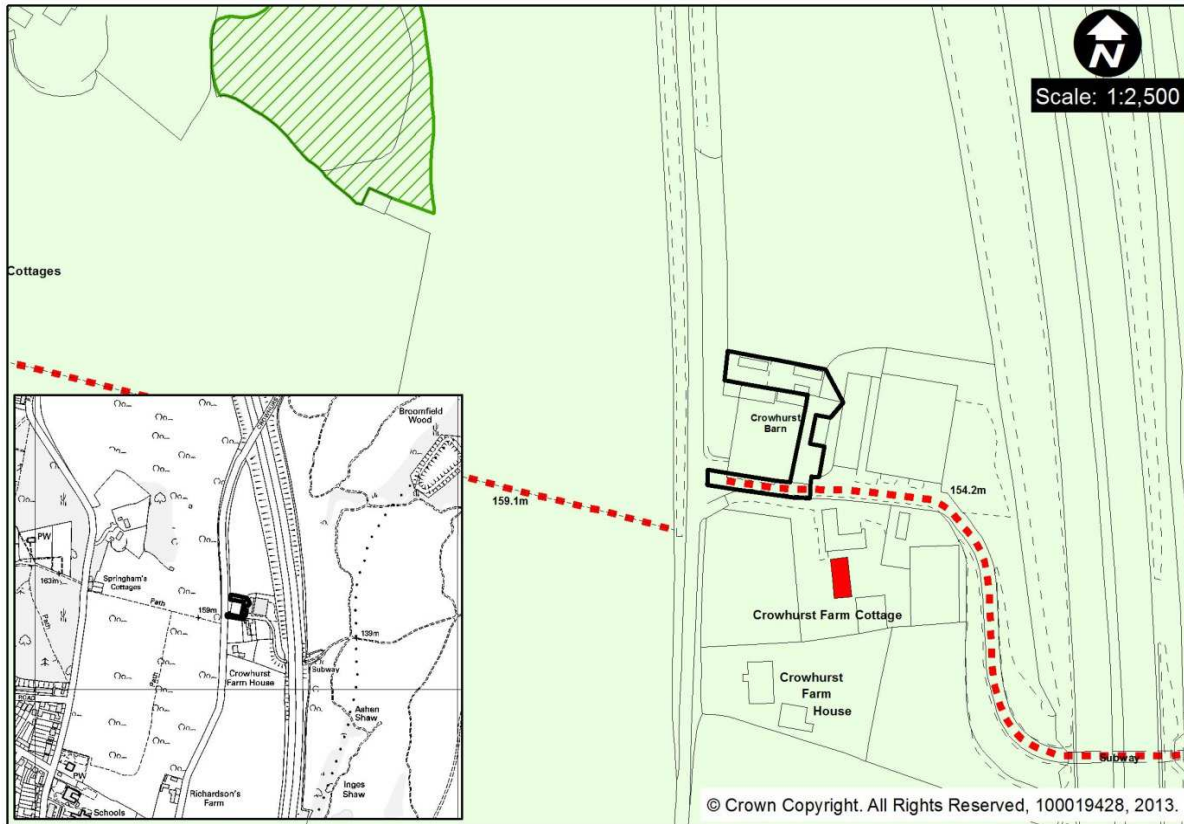
Do you agree with the rejected site options? If not, why not?

Appendix 1 – Site details for potential site options

Key	
	Potential Gypsy & Traveller Site Options March 2014
	Flood Zone 3a
	Flood Zone 3b
	Flood Zone 2
	TPO's
	Listed Building
	Public Right of Way
	Ancient Woodland
	Sites of Special Scientific Interest
	Scheduled Monuments
	Conservation Areas
	Local Wildlife Sites
	Area of Outstanding Natural Beauty
	Metropolitan Green Belt

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Site Address: Eagles Farm, Crowhurst Lane, West Kingsdown (see also the site proposal below)

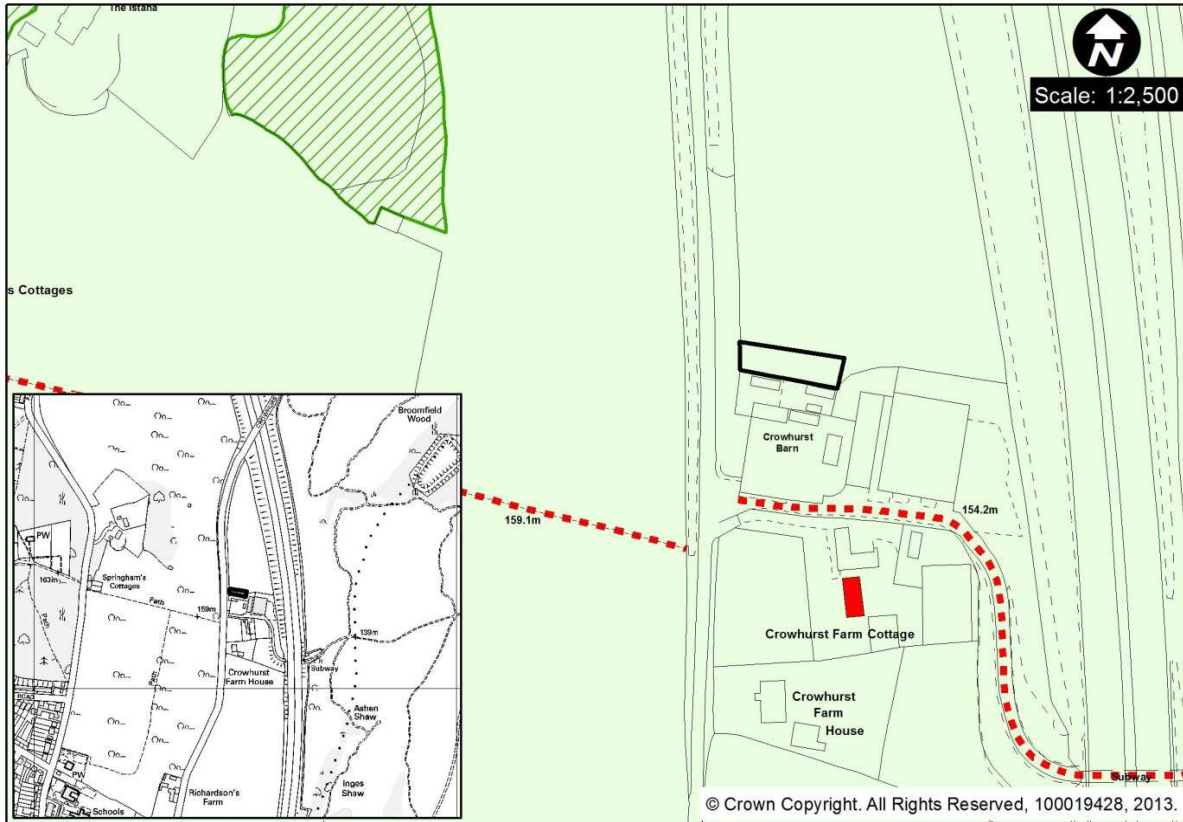


Current status of the site:	Temporary site for 2 pitches
Proposed Number of permanent pitches to allocate:	2

Consult on as a potential allocation?



Site Address: Eagles Farm, Crowhurst Lane, West Kingsdown (see also the site proposal above)



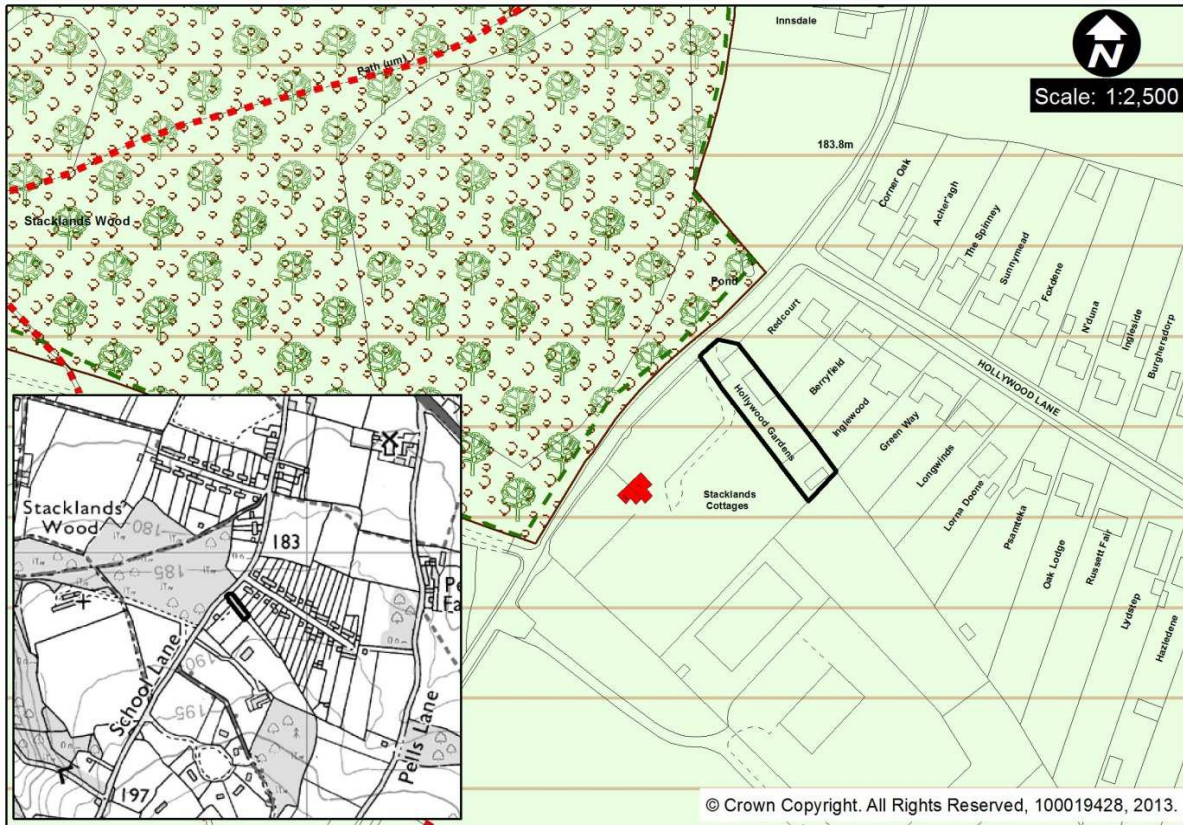
<b>Current status:</b>	Additional pitches promoted through Call for Sites
<b>Proposed Number of permanent pitches to allocate :</b>	2

Consult on as a potential allocation?



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Site Address: Hollywood Gardens, School Lane, West Kingsdown



Current status:	Temporary site containing 1 pitch
Proposed Number of permanent pitches to allocate:	1

Consult on as a potential allocation?



Site Address: Seven Acres Farm, Hever Road, Edenbridge

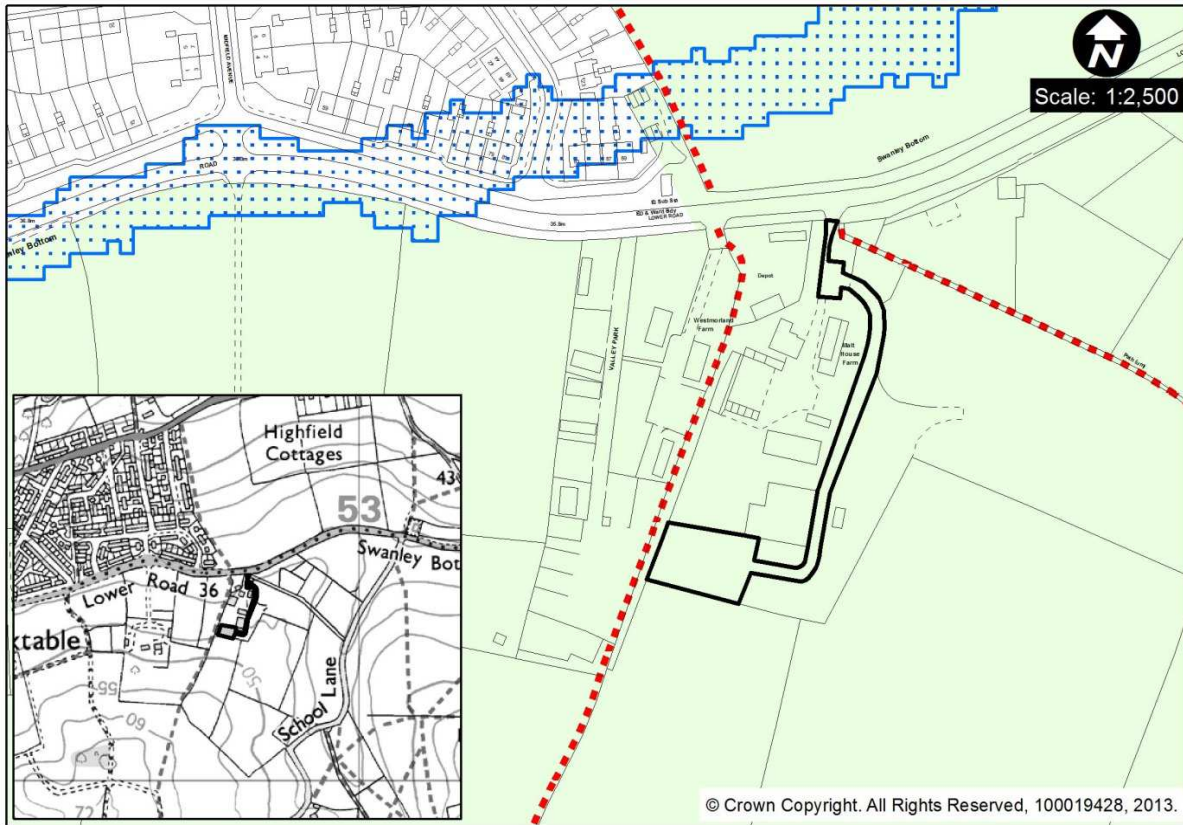


Current status:	Temporary site containing 6 pitches.
Proposed Number of permanent pitches to allocate:	7

Consult on as a potential allocation?



**Site Address: Malt House Farm, Lower Road, Hextable**



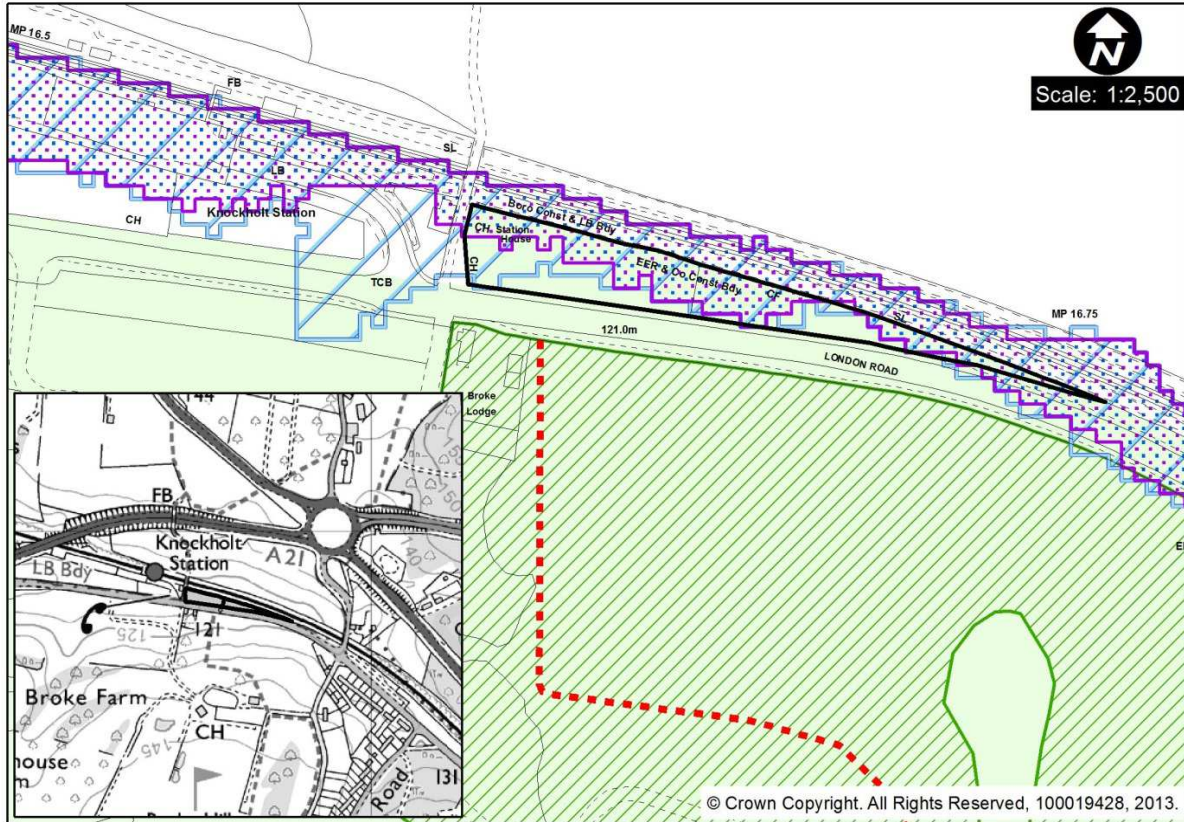
<b>Current status:</b>	Temporary site containing 1 pitch.
<b>Proposed Number of permanent pitches to allocate:</b>	1

Consult on as a potential allocation?





Site Address: Land East of Knockholt Station, Halstead.



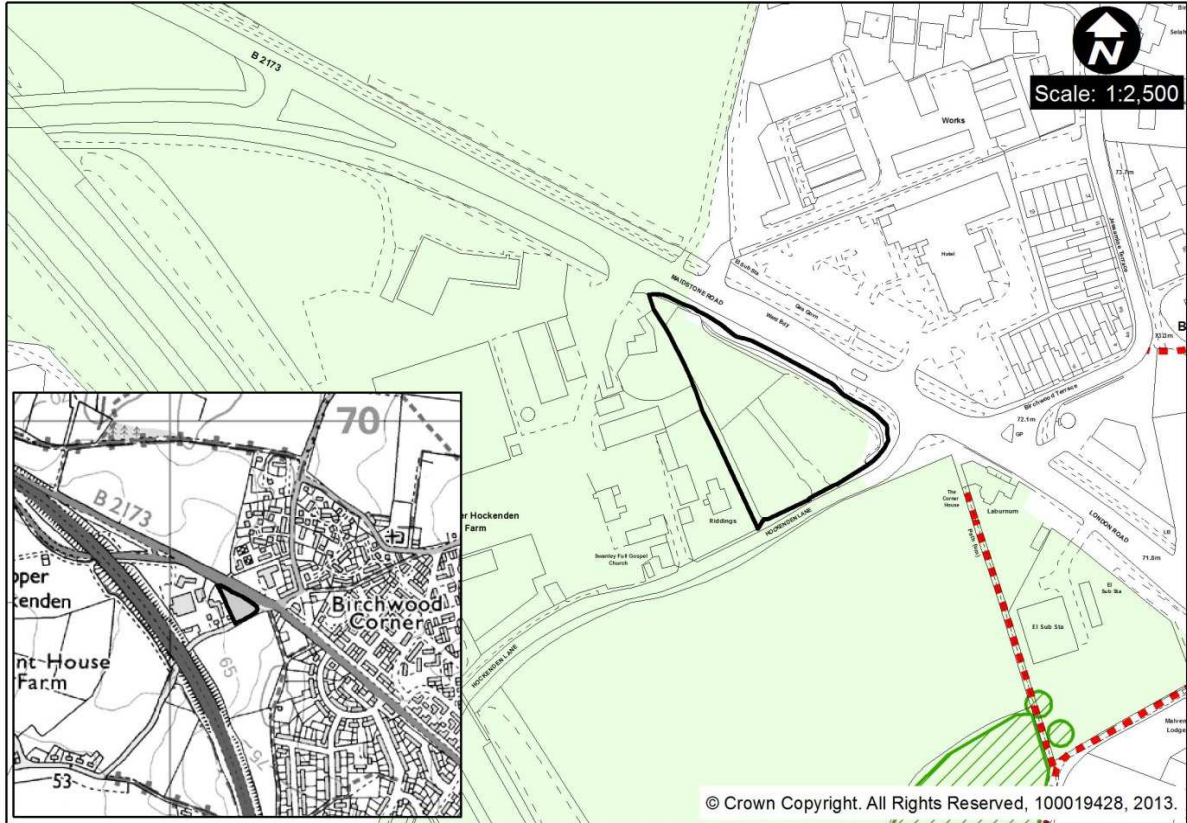
Current status:	Temporary site containing 6 pitches.
Proposed Number of permanent pitches to allocate:	12 – 6 temporary and 6 additional pitches to be made permanent

Consult on as a potential allocation?



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Site Address: Holly Mobile Home Park, Hockenden Lane, Swanley

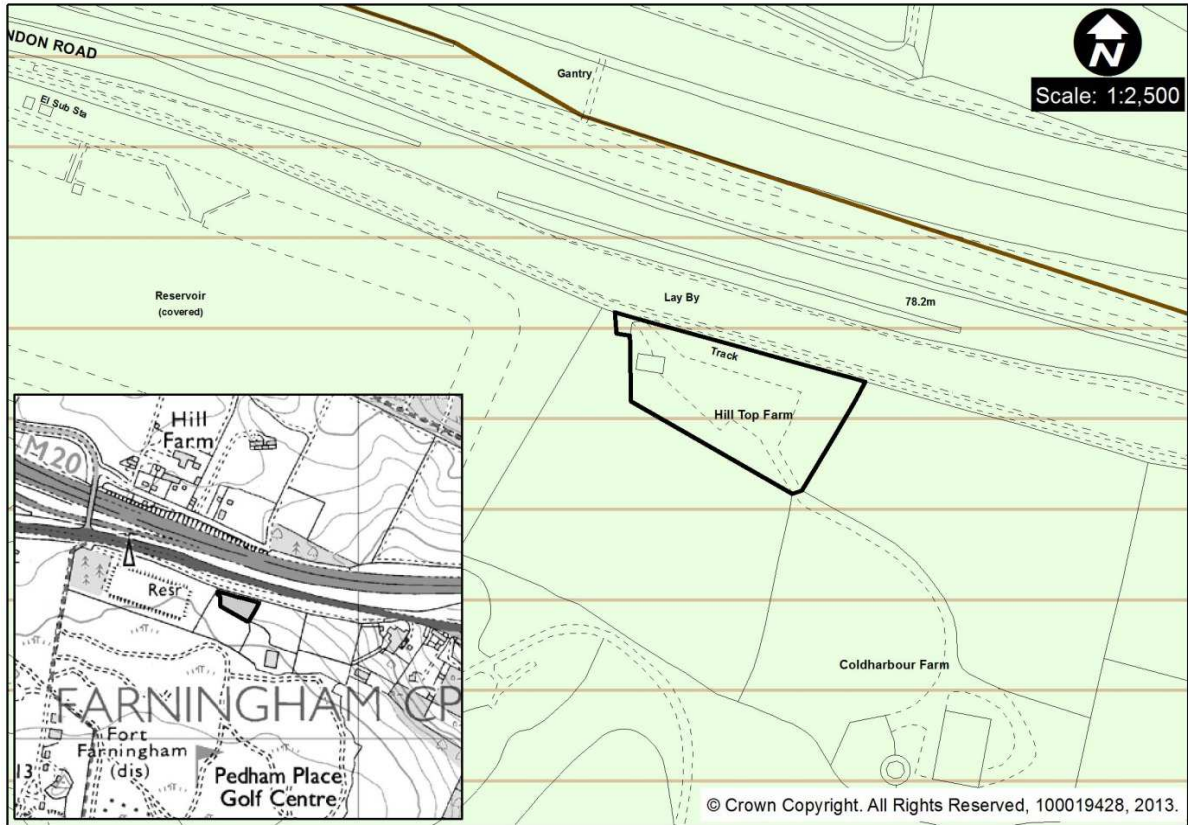


Current status:	Temporary site containing 3 pitches.
Proposed Number of permanent pitches to allocate:	3

Consult on as a potential allocation?



Site Address: Hilltop Farm, London Road, Farningham



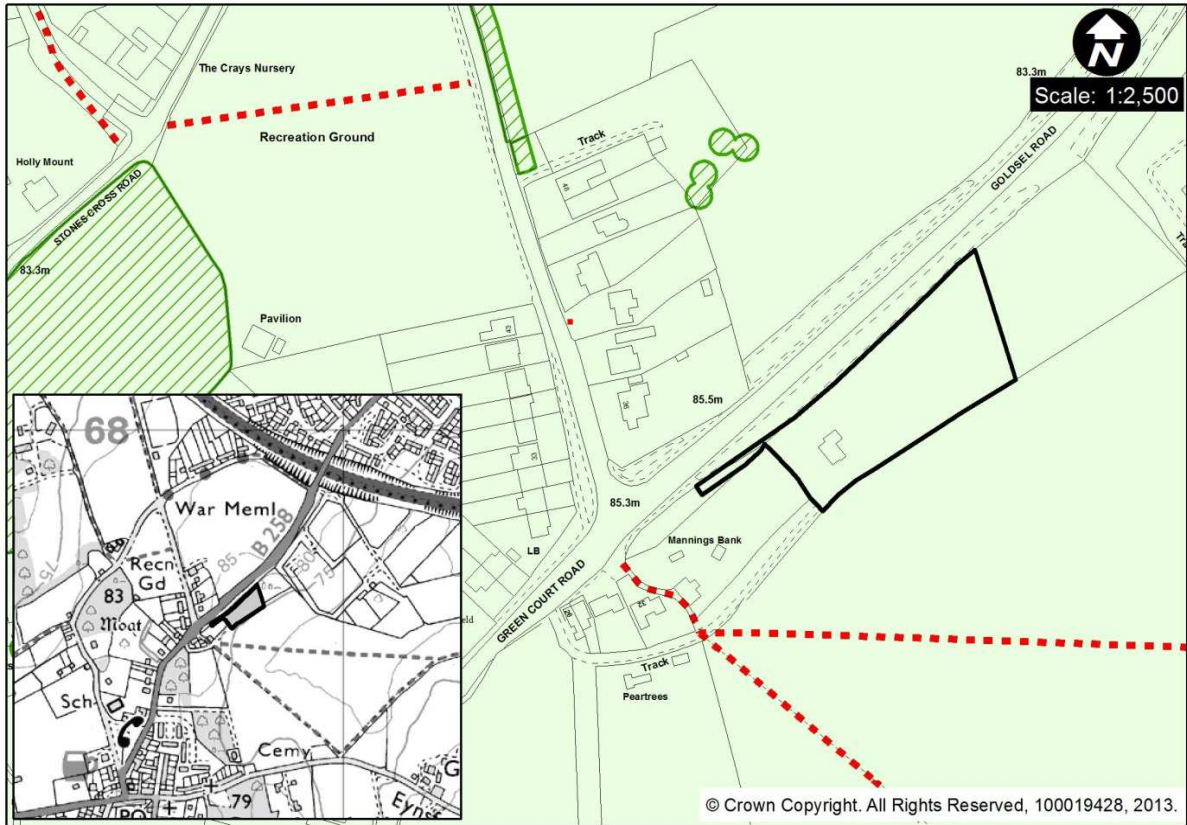
Current status:	Temporary site containing 5 pitches.
Proposed Number of permanent pitches to allocate:	5

Consult on as a potential allocation?



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Site Address: Robertson's Nursery, Goldsel Road, Swanley

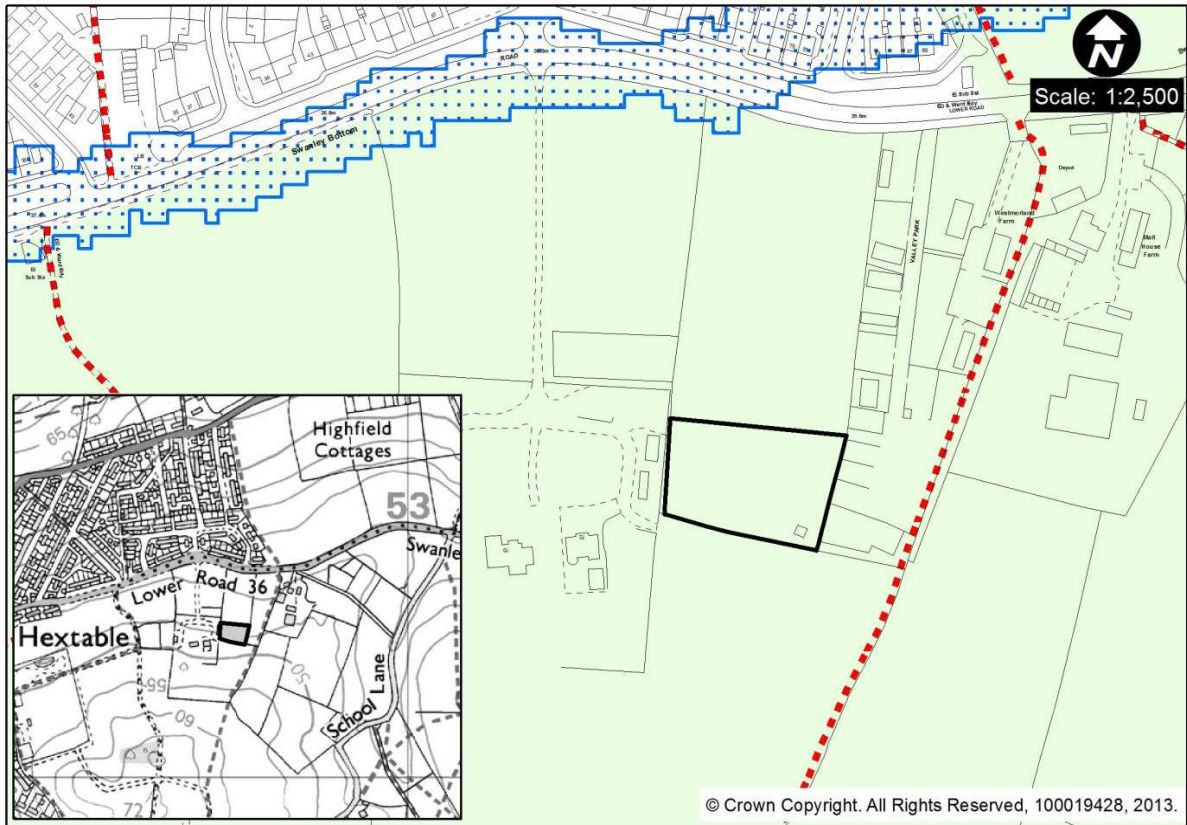


Current status:	Temporary site containing 1 pitch.
Proposed Number of permanent pitches to allocate:	1

Consult on as a potential allocation?



Site Address: Land adj. Valley Park south, Lower Road, Hextable.



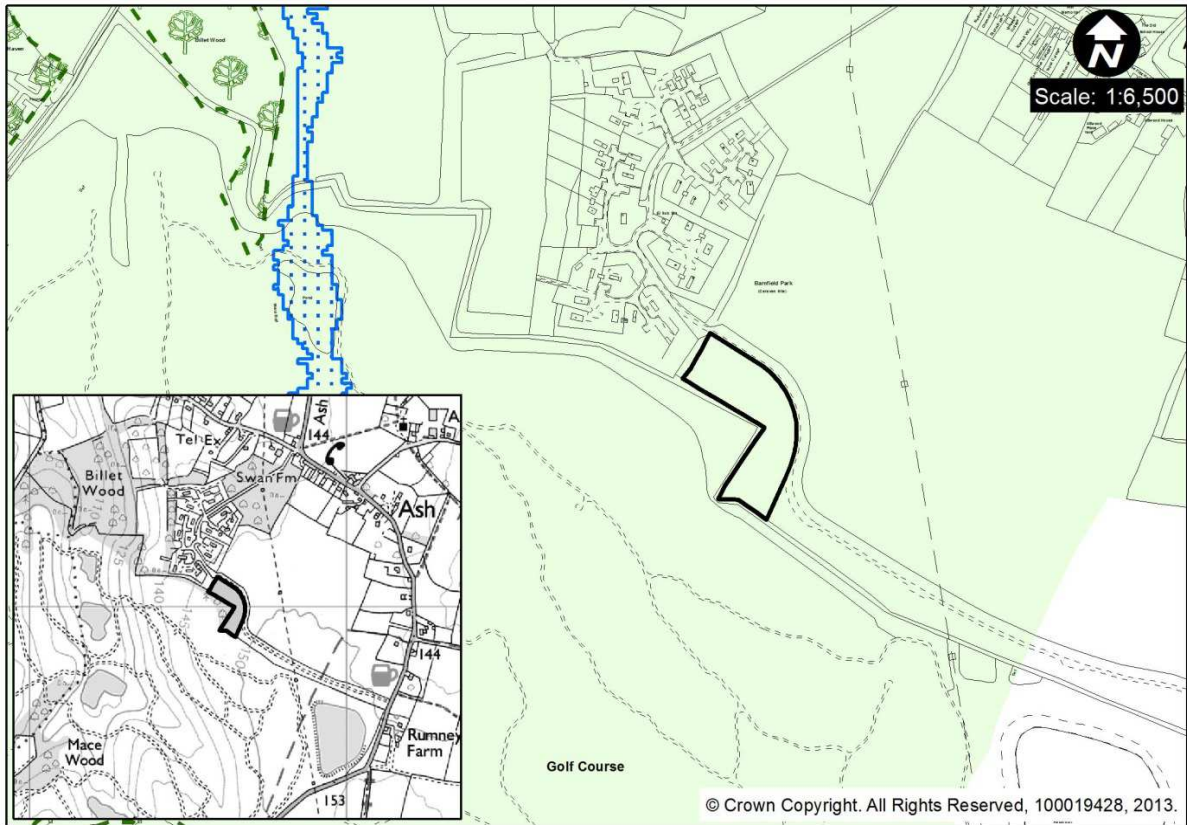
Current status:	Extension to existing site
Proposed Number of permanent pitches to allocate:	5

Consult on as a potential allocation?



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Site Address: Barnfield Park, Ash

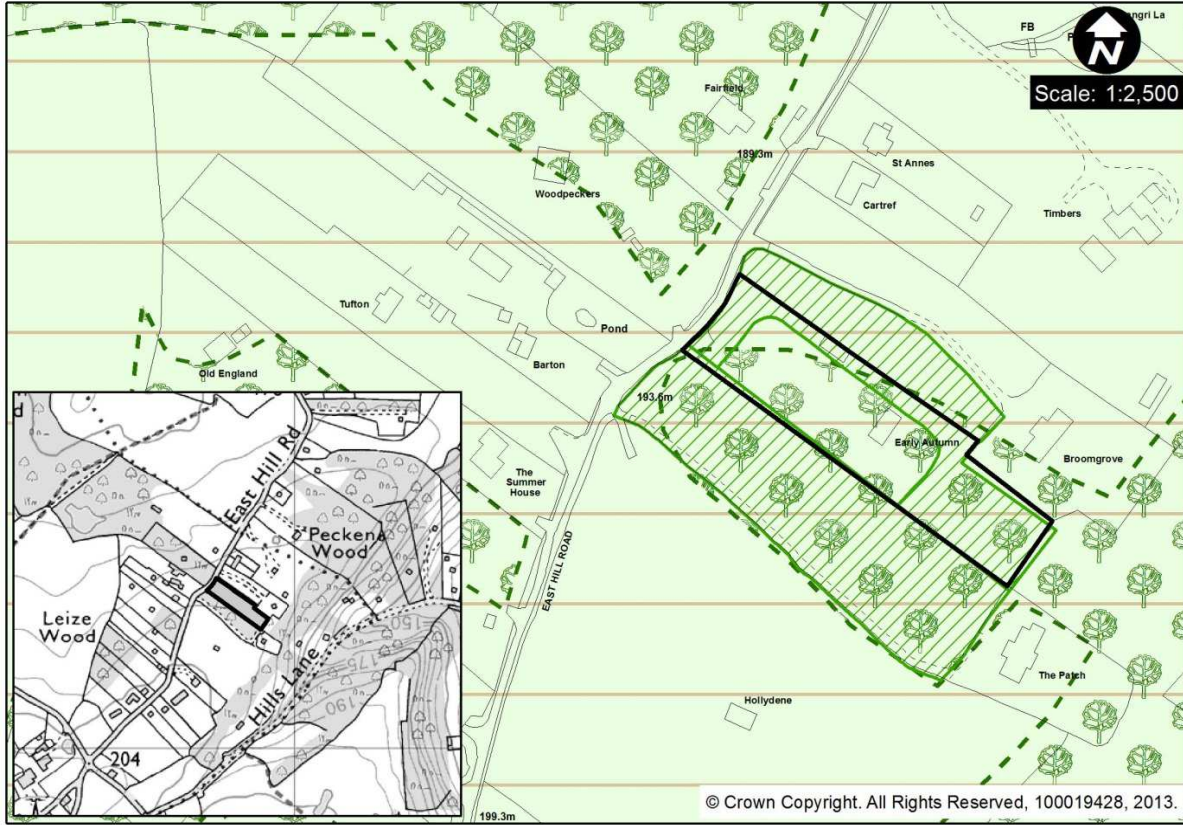


Current status:	Extension to existing site
Proposed Number of permanent pitches to allocate:	8

Consult on as a potential allocation?



Site Address: Early Autumn, East Hill Road, Knatts Valley



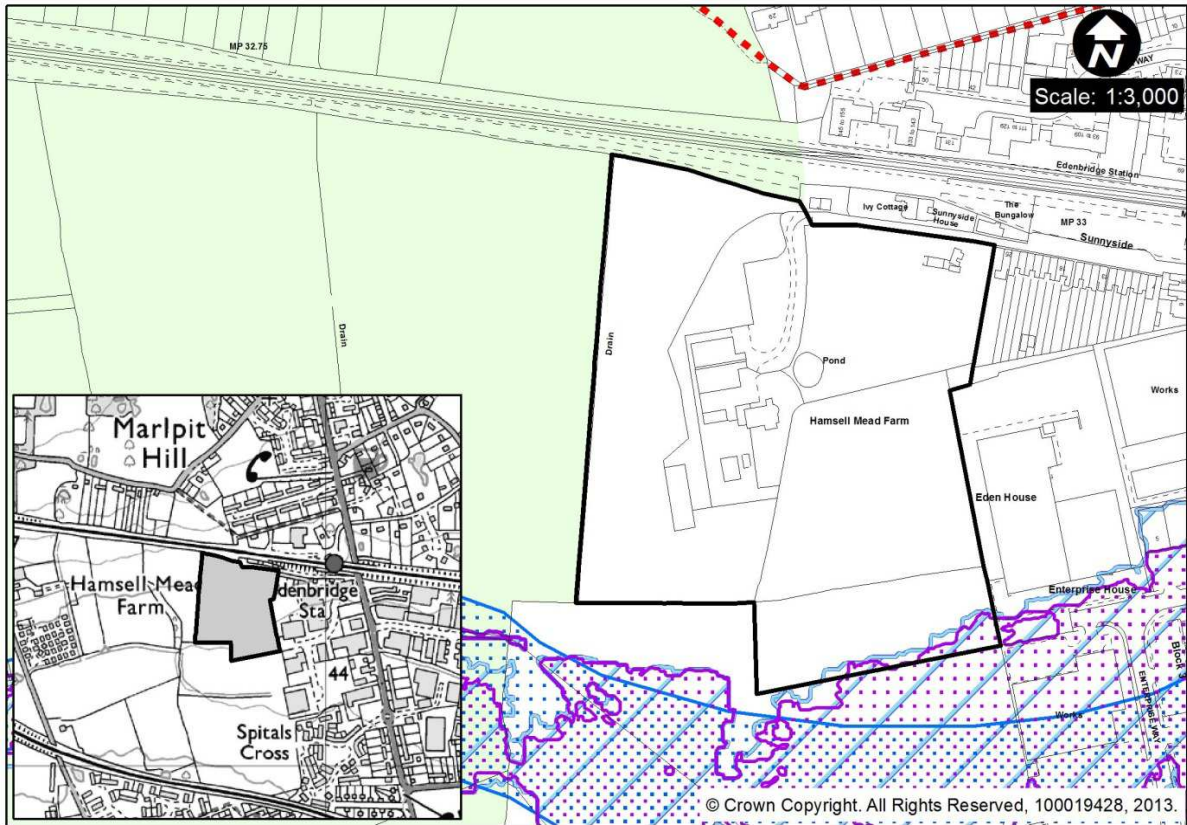
Current status:	Additional pitch on existing permanent site
Proposed Number of permanent pitches to allocate:	1

Consult on as a potential allocation?



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Site Address: Land west of Enterprise Way, Edenbridge.



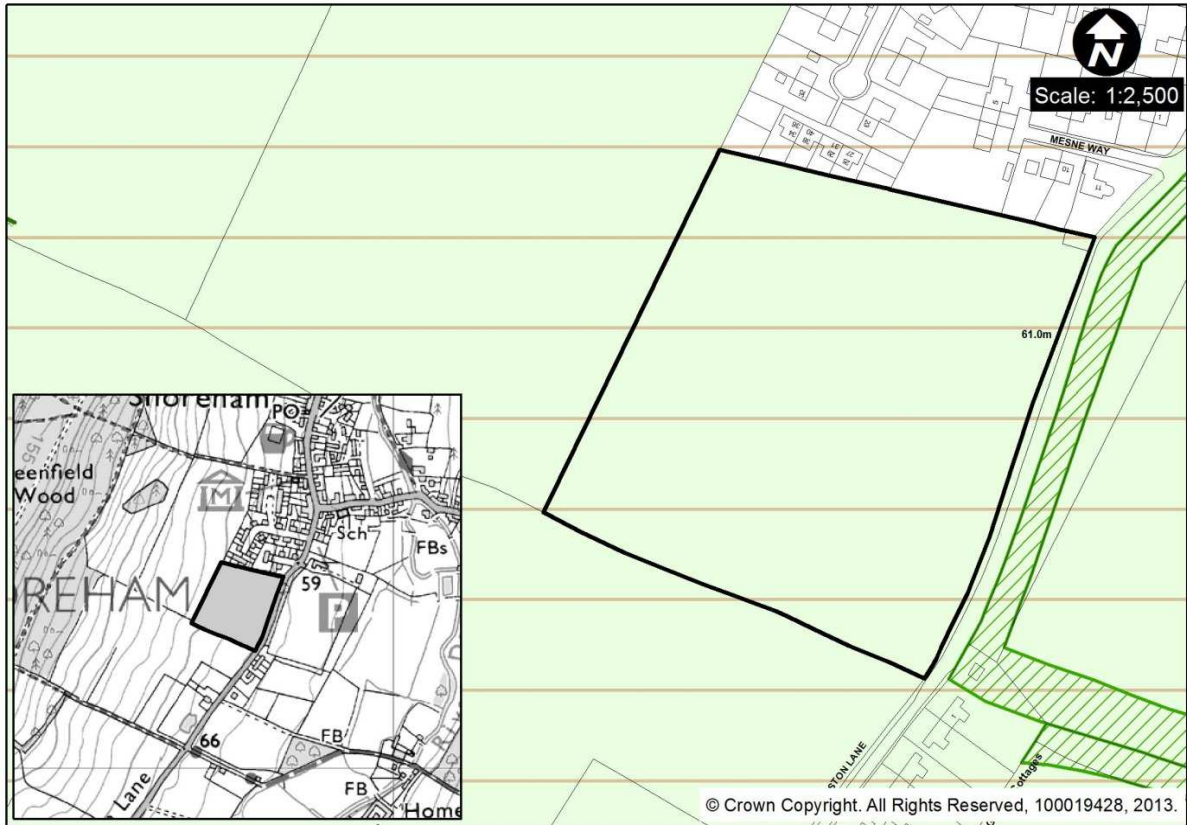
Current status:	Reserved Land
Proposed Number of permanent pitches to allocate:	15

Consult on as a potential allocation?





Site Address: Land South of Mesne Way, part of Timberden Farm Shoreham



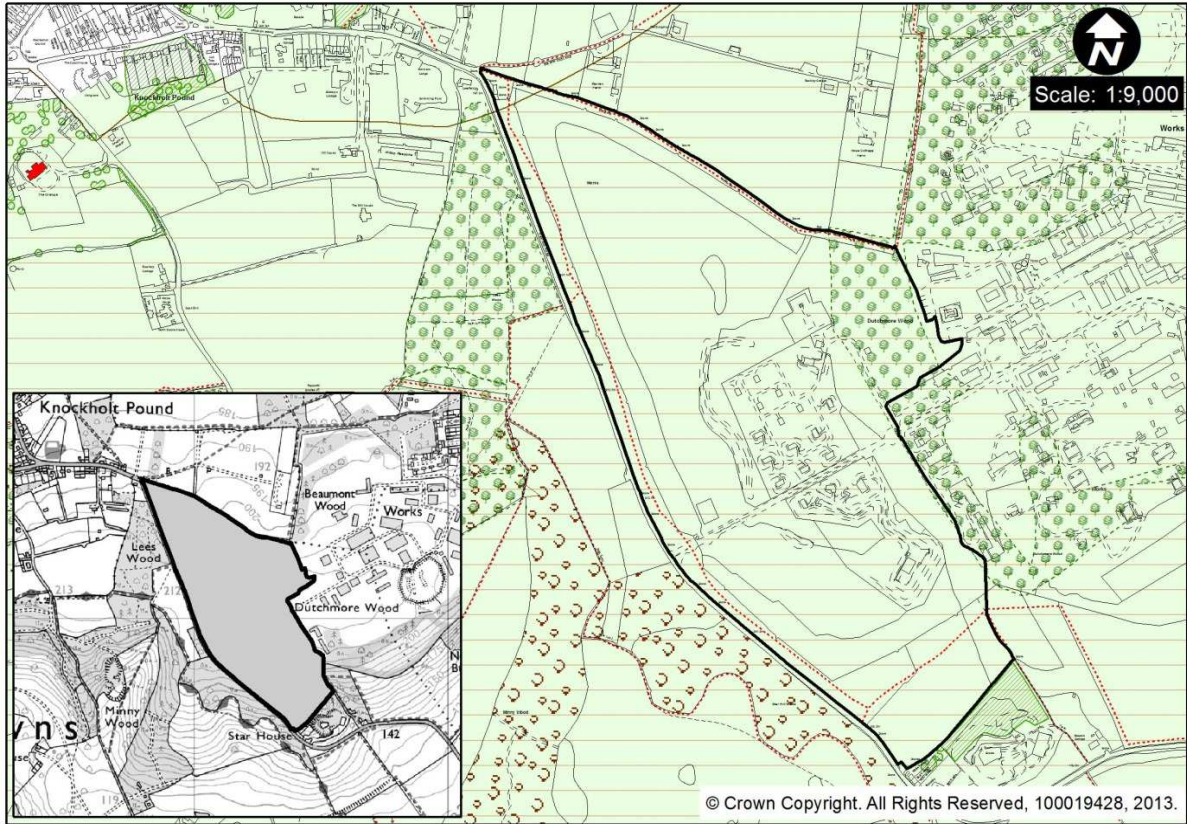
Current status:	Agricultural site identified through call for sites
Proposed Number of permanent pitches to allocate:	15

Consult on as a potential allocation?



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Site Address: Land at Fort Halstead, Halstead



Current status:	Part of wider Fort Halstead site
Proposed Number of permanent pitches to allocate:	15

Consult on as a potential allocation?





**GYPSY AND TRAVELLER PLAN:  
SITE OPTIONS CONSULTATION**

**APPENDIX 2 - INITIAL SITE ASSESSMENTS**

**MARCH 2014**



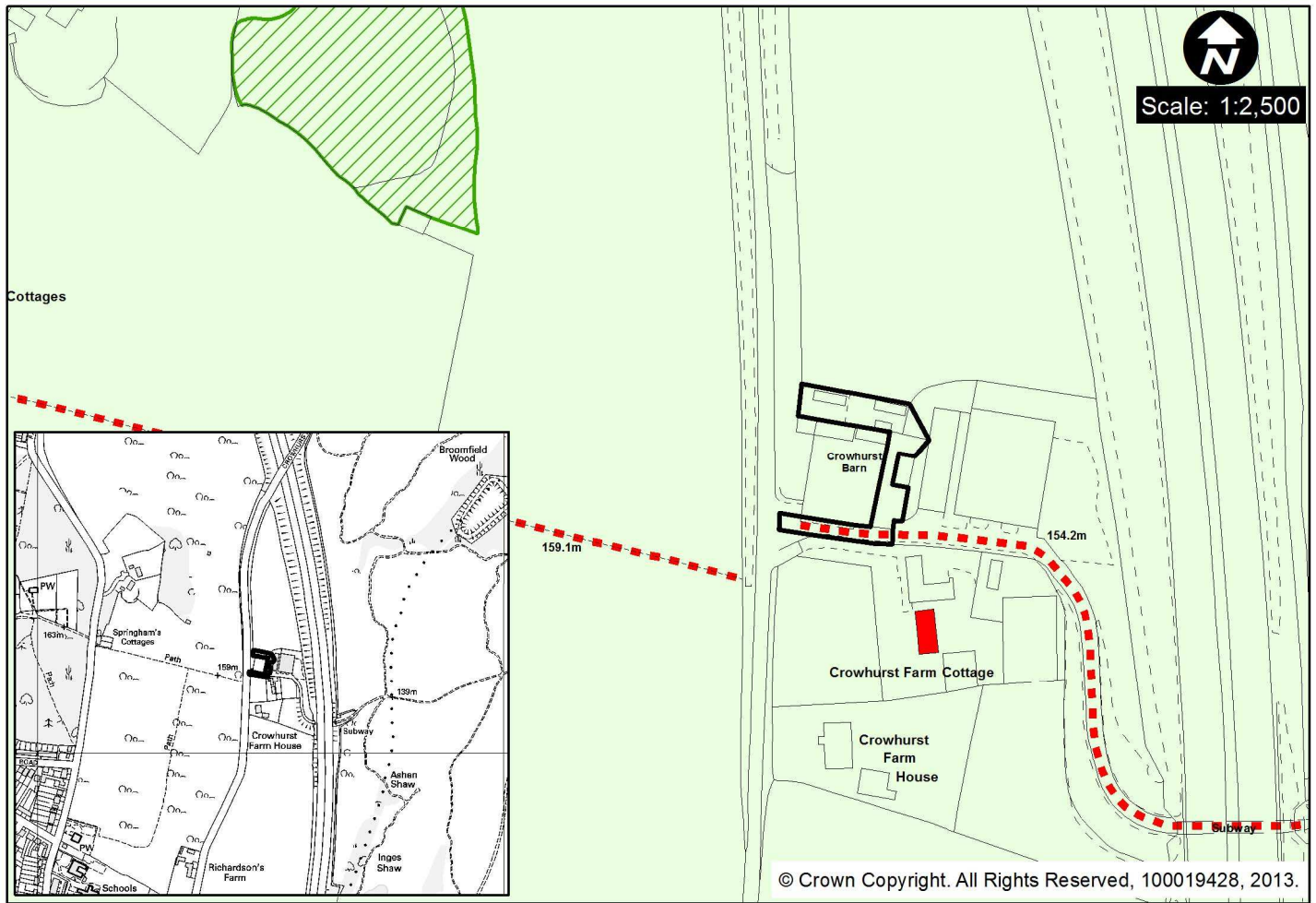


**GYPSY AND TRAVELLER PLAN  
SITE OPTIONS ASSESSMENTS:  
POTENTIAL SITE OPTIONS**

**MARCH 2014**

# Agenda Item 8

**Site Address:** Eagles Farm (temp), Crowhurst Lane, West Kingsdown



<b>Site Description:</b>	This site has permission for two temporary static caravans (in addition to two permanent static caravans permitted under refs 99/02336/CONVAR and 04/00640). The site area for the temporary sites under consideration is approximately 0.10ha.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	<b>07/00819/FUL</b> Use of land for the stationing of two static caravans for gypsy accommodation.	<b>Approved (20/02/08)</b> Temporary permission granted for 5 years and conditioned to the named applicants. Landscaping scheme must be approved within 6 months and implemented within 12 months of the approval commencement date.		
<b>12/03330/CONVAR</b> Variation of condition No 1 (temporary permission for 5 years) of SE/07/00819/FUL (Use of land for the stationing of two static caravans for gypsy accommodation) - renewal for further period.	<b>Approved (15/02/13)</b> Temporary permission granted for 5 years and conditioned to the named applicants. Soft landscaping scheme along the northern boundary must be approved within 3 months and implemented within 12 months of the approval commencement date.			
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully	The SFRA	The site is relatively	Site is well located

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	within the Metropolitan Green Belt	indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	flat.	within walking distance to the village centre at West Kingsdown. There is a PROW which cuts through part of the site, but is not within the location of the temporary mobile homes.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designated Heritage Assets (incl. Scheduled Monuments, Listed buildings, Registered Parks and Gardens, and Conservation Areas).</b>
	Site is within an AQMA buffer zone	Existing site is considered to be appropriately screened for occupation.	The site is not in the AONB and has no national or local nature conservation designations.	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The pitches are not readily visible from public vantage points due to an existing large industrial unit structure and landscaping around Eagles Farm, and as a result do not have a significant impact on local character.	The site is not considered to impact on existing residents due to the distance between the site and surrounding development.	Existing vehicular access is considered acceptable. Pedestrian access is from same point.	
<b>Suitability:</b>	Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 5 years, and forms part of a wider site containing permanent pitches that have been established in the Green Belt since 1995. In all other respects this site is considered suitable for 2 pitches, as it is not subject to any other landscape, heritage, or biodiversity designations, and is not located within an area at risk of flooding. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with any potential mitigation measures and potential acoustic and air quality assessment requirements) are considered a potentially suitable option when assessed against			

## Agenda Item 8

	the criteria for suitability. The impact of this site will need to be considered alongside the proposed site option for additional pitches at Eagles Farm.
<b>Deliverability:</b>	The site is available. It currently has temporary planning permission until February 2018.

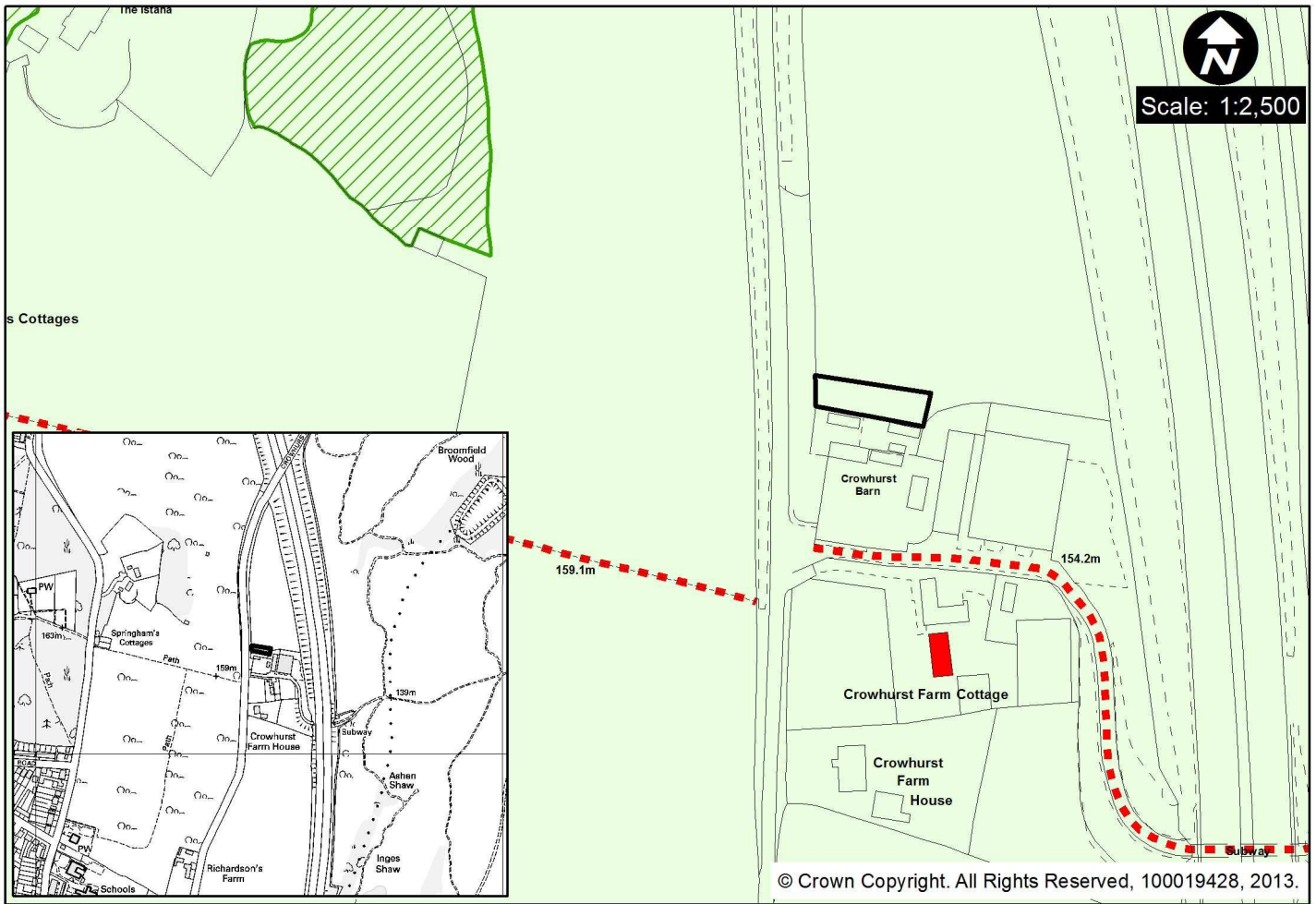
Consult on potential to allocate?



<b>Potential Capacity</b>	Total 2 permanent pitches
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	



Site Address: Eagles Farm (add), Crowhurst Lane, West Kingsdown



<b>Site Description:</b>	This site has existing permission for two temporary static caravans and two permanent static caravans permitted under refs 99/02336/CONVAR and 04/00640). The site area under consideration for additional pitches is 0.05ha.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	<p><b>07/00819/FUL</b> Use of land for the stationing of two static caravans for gypsy accommodation.</p>		<p><b>Approved (20/02/08)</b> Temporary permission granted for 5 years and conditioned to the named applicants. Landscaping scheme must be approved within 6 months and implemented within 12 months of the approval commencement date.</p>	
	<p><b>12/03330/CONVAR</b> Variation of condition No 1 (temporary permission for 5 years) of SE/07/00819/FUL (Use of land for the stationing of two static caravans for gypsy accommodation) - renewal for further period.</p>		<p><b>Approved (15/02/13)</b> Temporary permission granted for 5 years and conditioned to the named applicants. Soft landscaping scheme along the northern boundary must be approved within 3 months and implemented within 12 months of the approval commencement date.</p>	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully	The SFRA	The site is relatively	Site is well located

## Agenda Item 8

	within the Metropolitan Green Belt	indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	flat.	within walking distance to the village centre at West Kingsdown. There is a PROW along the southern boundary of the site
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designated Heritage Assets (incl. Scheduled Monuments, Listed buildings, Registered Parks and Gardens, and Conservation Areas).</b>
	Site is within an AQMA buffer zone	Existing site is considered to be appropriately screened for occupation.	The site is not in the AONB and has no national or local nature conservation designations.	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The pitches are not readily visible from public vantage points due to an existing large industrial unit structure and landscaping around Eagles Farm, and as a result do not have a significant impact on local character.	The site is not considered to impact on existing residents due to the distance between the site and surrounding development.	Existing vehicular access is considered acceptable. Pedestrian access is from same point.	
<b>Suitability:</b>	<p>Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 5 years, and forms part of a wider site containing permanent pitches that have been established in the Green Belt since 1995. In all other respects this site is considered suitable for 2 pitches, as it is not subject to any other landscape, heritage, or biodiversity designations, and is not located within an area at risk of flooding. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with any potential mitigation measures and potential acoustic and air quality assessment requirements) are considered a suitable option when assessed against the criteria for suitability. The impact of this site will need to be considered alongside the proposed site option for additional pitches at Eagles Farm.</p>			

<b>Deliverability:</b>	The site is available and is actively being promoted.

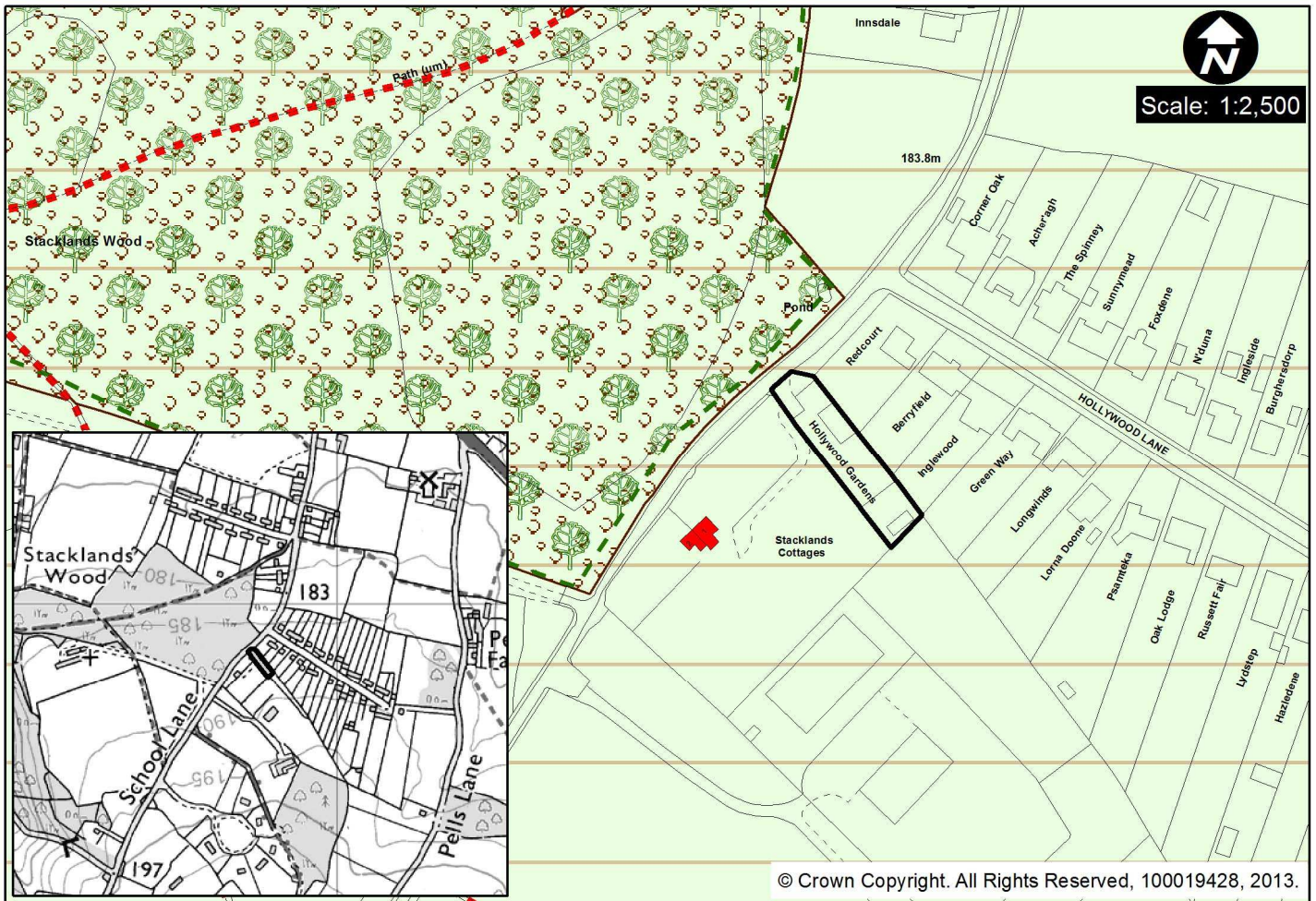
Consult on potential to allocate?



<b>Potential Capacity</b>	Total 2 permanent pitches
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

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**Site Address:** Hollywood Gardens, School Lane, West Kingsdown



<b>Site Description:</b>	This is a temporary site of 0.11ha containing 1 pitch. It is situated behind a residential frontage.	
<b>Relevant Planning History</b>	<b>Application Details</b>	<b>Application History</b>
	<b>05/02960/FUL:</b> Change of use of the land to a gypsy/traveller site for one family and the retention of a static caravan and outbuilding	<b>Approved on Appeal (01/05/07)</b> Temporary permission granted at appeal for 3 years for no more than 2 caravans (only one being static) and no other sheds, stables or structures shall be placed on the land. Appeal decision granted.
<b>10/00824/CONVAR:</b> To remove or vary condition 2 (the use hereby permitted shall be for a limited period being the period of three years from 1st May 2007) of SE/05/02960/FUL	<b>Approved (18/05/10)</b> Permission granted for no more than 2 caravans to be stationed on the site at any one time, which only one can be static, for a period of 3 years. The permission is not conditioned to the named applicants, but only authorises the use of the land as a caravan site by persons defined as Gypsies and Travellers in Circular 01/2006. Granted temporary rather than permanent permission due to the special circumstances i.e need and lack of	

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				provision, whilst the Gypsy and Traveller Plan is being prepared, as this will also allow regulation of the site, due to some constraints such as access. Harm to the green belt outweighs the justification for permanent permission.
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is relatively flat	Site is considered to be fairly well connected to local services.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Assets (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	Existing site provides sufficient privacy for occupiers.	Site is fully within Kent Downs AONB, and is adjacent to a Site of Nature Conservation Interest (SNCI).	Site is approx. 50 metres from a listed building.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>		<b>Vehicle and pedestrian access</b>
	Site is well kept and of a low density so not considered to have a significant adverse impact on the character of the local area. The entrance to the site and position along the built frontage does not detract from the character of the local street scene.	The site is well kept and contains screening. It is not considered to have a significant adverse impact on the amenity of existing residents.		Previous objections to highways safety and access by Highways Authority due to poor visibility in both directions for vehicles leaving the site. However the site option is not proposing an overintensification. Rural lane is not suitable for pedestrians.

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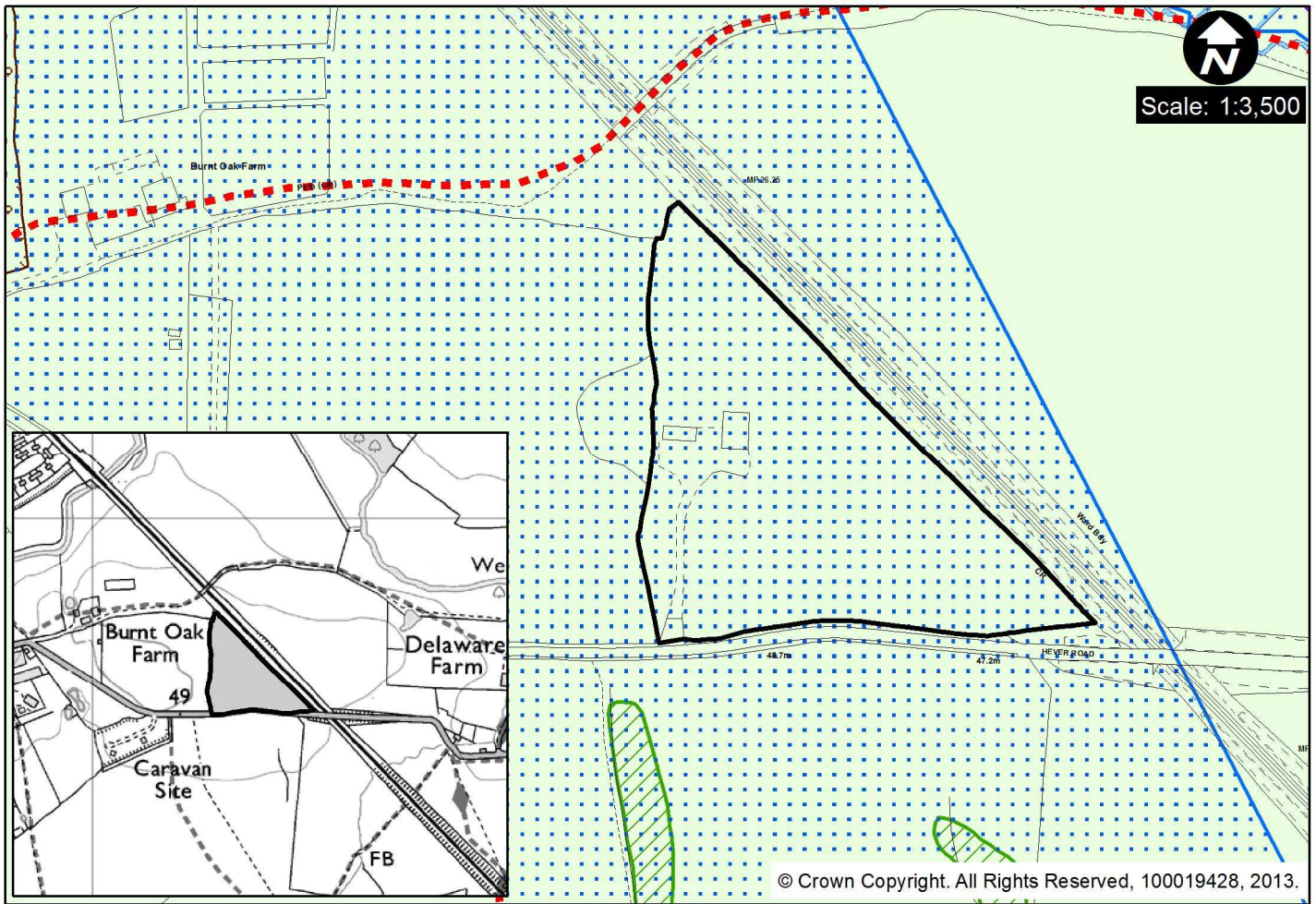
<b>Suitability:</b>	Whilst the site is situated along a rural lane, it forms part of the established residential built frontage and is considered to be well connected to local services and facilities. There are some landscape constraints that exist for this site, being the Kent Downs AONB and proximity to an SNCI. However, the site is well kept and does not significantly detract from the character of the surrounding area, and is not obtrusive within the landscape. An overintensification of use is not being proposed so will not exacerbate any highways use.
<b>Deliverability:</b>	Site is actively being promoted as it is an existing temporary permission and is available.

Consult on potential to allocate?



<b>Potential Capacity</b>	1 total permanent pitch
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

Site Address: Seven Acres Farm, Hever Road, Edenbridge



<p><b>Site Description:</b></p>	<p>This is a temporary site containing 7 pitches and is approximately 2.55ha. The site is situated along a busy rural road, and abuts the railway line. It is situated in close proximity to a public Gypsy and Traveller site at Romani Way.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>05/01966/FUL</b> Change of use to residential and stationing of six mobile homes, six utility rooms and six touring caravans for gypsy family.</p>	<p><b>Approved at appeal (09/11/06)</b> Inspector granted permission for 3 years to the named applicants. No more than 6 mobile homes and 6 touring caravans to be stationed on the site at any one time.</p>
	<p><b>09/02953/FUL</b> Change of use for stationing of caravans for residential use with associated development (new access, driveway and retain extension to existing hard standing and septic tanks)</p>	<p><b>Approved (17/09/10)</b> No more than 6 mobile homes and 6 touring caravans to be stationed on the site at any one time. Permission is temporary for a period of 3 years.</p>
	<p><b>13/02565/FUL</b> A mixed use application for the retention of a barn for B1 use and the use of land for the stationing of caravans for residential purposes for 7 No gypsy pitches together with the</p>	<p><b>Approved (26/02/14)</b> Temporary permission is granted for 3 years for the named applicants for the stationing of 7 caravans for residential purposes together with additional ancillary hardstanding, and the retention</p>

## Agenda Item 8

	formation of additional hard standing ancillary to that use.		of a barn for B1 use.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is within Flood Zone 3b (functional floodplain). There is no indication of any surface water flooding affecting the site. Temporary permission was first granted on this site by the Inspector before this designation came into effect.	The site is relatively flat.	Site is considered to be fairly well connected to local services provided at Edenbridge Town centre; however these would be access by road as there is not a footpath provided.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Assets (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	Site is situated close to the railway line, but the railway line is situated in a significant cutting, reducing any potential noise impacts. The site is not considered to experience significant air quality issues.	Site is not particularly well screened. However Hever Road contains landscaping along the highway boundary which proves a degree of screening of the site from the road.	The site is not within an AONB and has no national or local nature conservation designations.	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>		<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>
	This is a relatively		Site is not considered to	Existing vehicular access



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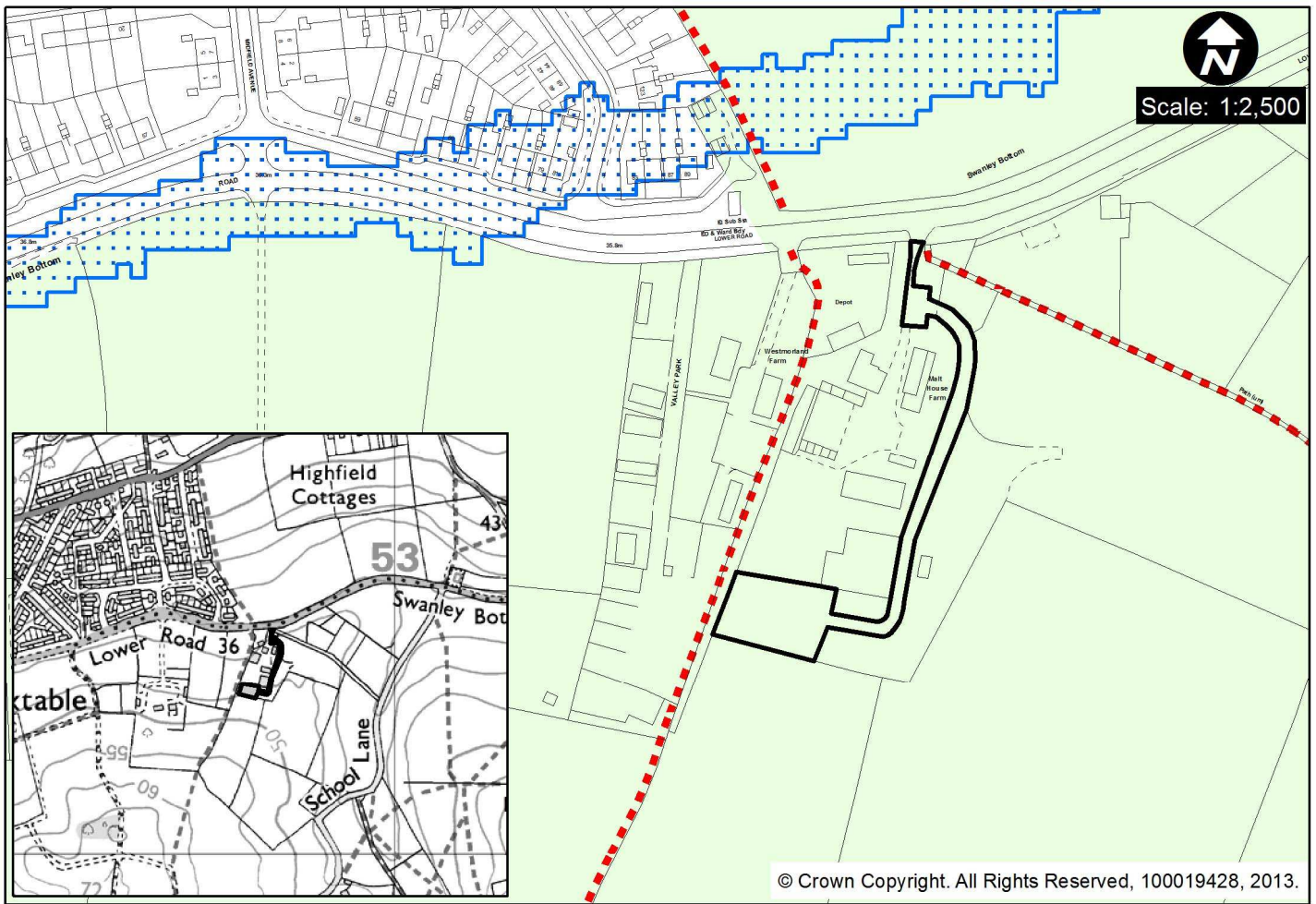
	prominent site in the landscape with views in and out of the site, and can be viewed from several locations along Hever Road.	impact on existing residents due to the distance from other properties. The site is however situated in close proximity to the public traveller site on Hever Road.	from Hever Road is considered to be suitable. However this is a busy road and there is no pedestrian pavement.
<b>Suitability:</b>	<p>The site is located along a busy road forming part of the existing frontage leading into Edenbridge Town centre, so is considered to be fairly well connected to the local service centre. The site is also located outside of any AQMAs and is not subject to any nature or heritage designations. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 7 years and in all other respects is considered suitable for 7 pitches. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for Gypsy and Traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with potential mitigation measures such as further landscaping and screening to conserve local character, and sustainable drainage mitigation measures, following further advise to be sought from the EA) are considered a potentially suitable option when assessed against the criteria for suitability.</p>		
<b>Deliverability:</b>	<p>The site is available. It currently has temporary planning permission until February 2017.</p> <p>A Phase 1 contaminated land assessment may be required as there is a former landfill on the site.</p>		

Allocate?



<b>Potential Capacity</b>	7 total permanent pitches.
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

**Site Address:** Malt House Farm, Lower Road, Hextable



<p><b>Site Description:</b></p>	<p>This is a temporary site of 0.19ha containing 1 pitch. It is situated adjacent to a bus depot site and another existing permanent Gypsy and Traveller site.</p>			
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>		<p><b>Application History</b></p>	
	<p><b>10/01514/FUL</b> Change of use of land to station one mobile home (retrospective)</p>	<p><b>Approved (28/10/10)</b> Temporary permission granted for the named applicants for 3 years. No more than two caravans (one being static) can be stationed on the site at any time.</p>		
<p><b>13/02372/CONVAR</b> Variation of conditions 1 and 3 of SE/10/01514/FUL - Change of use of land to station 1 mobile home - with amendment to allow continued use for another 3 years</p>	<p><b>Approved (07/01/14)</b> Temporary permission granted for a further 3 years as it was found that the very special circumstances put forward in the previous application that was granted were still found to be relevant. However, a temporary rather than permanent permission will accord with the provision of the Gypsy and Traveller Plan work programme.</p>			
<p><b>Constraints:</b></p>	<p>Green Belt</p>	<p>Flood Risk</p>	<p>Topography</p>	<p>Connection to local services</p>

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	<p>This site lies fully within the Metropolitan Green Belt</p>	<p>The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.</p>	<p>The driveway to the site rises up away from the road where the mobile home and farm buildings are sited. The land rises to the east where the site becomes more open.</p>	<p>Site is considered to be well connected to the village. Whilst there is not a footpath in this particular location on either side of the highway, the site is located in close proximity to an established residential frontage on the opposite side of Lower Road and adjacent to a permanent Gypsy and Traveller site. Therefore it is considered a sustainable location within suitable walking distance to the local services at Hextable, which include a village store and Post Office, a primary school and secondary school, and a doctor's surgery.</p>
	<p><b>Noise and Air Quality</b></p>	<p><b>Privacy of Site for Occupier</b></p>	<p><b>Landscape (e.g. AONB), Biodiversity</b></p>	<p><b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b></p>
	<p>The site is not located within an AQMA nor are there any unacceptable noise constraints.</p>	<p>The mobile home is set back and well integrated in the wider farm complex so has a fair amount of privacy for the occupier. There is however a PROW running along the western boundary of the site,</p>	<p>This site is not in the AONB and has no national or local nature conservation designation.</p>	<p>The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.</p>

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		adjacent to Valley Park (an existing permanent Gypsy and Traveller site). Further screening may be required to mitigate any potential privacy impacts.		
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	There is a public footpath running alongside the edge of the site. The site not very prominent from the road, but becomes quite open in the countryside and can be clearly seen from approx. 50-100 metres along the footpath where the tree line ends. Domestic paraphernalia can be clearly seen from this viewpoint. The Farm complex rather than mobile home itself becomes more prominent.	The site is not considered to impact upon the amenity of existing residents as the site	The site has an existing vehicular access from Lower Road.	
<b>Suitability:</b>	The site is well located in relation to local services and facilities, and is located outside of an area of flood risk and protected land such as AONB. The site will not have an impact on existing residential amenity, and with some additional screening to the west of the site, would not considerably impact the local landscape character. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt since permission was first granted two and a half years ago and in all other respects is considered suitable for 1 permanent pitches. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with the proposed mitigation measures such as additional screening along the western boundary of the site) are considered to be potentially suitable when assessed against the suitability criteria.			
<b>Deliverability:</b>	<p>The site is available. It currently has temporary planning permission until January 2017.</p> <p>A Phase 1 contaminated land assessment may be required due to the location next to a potentially contaminated site.</p>			

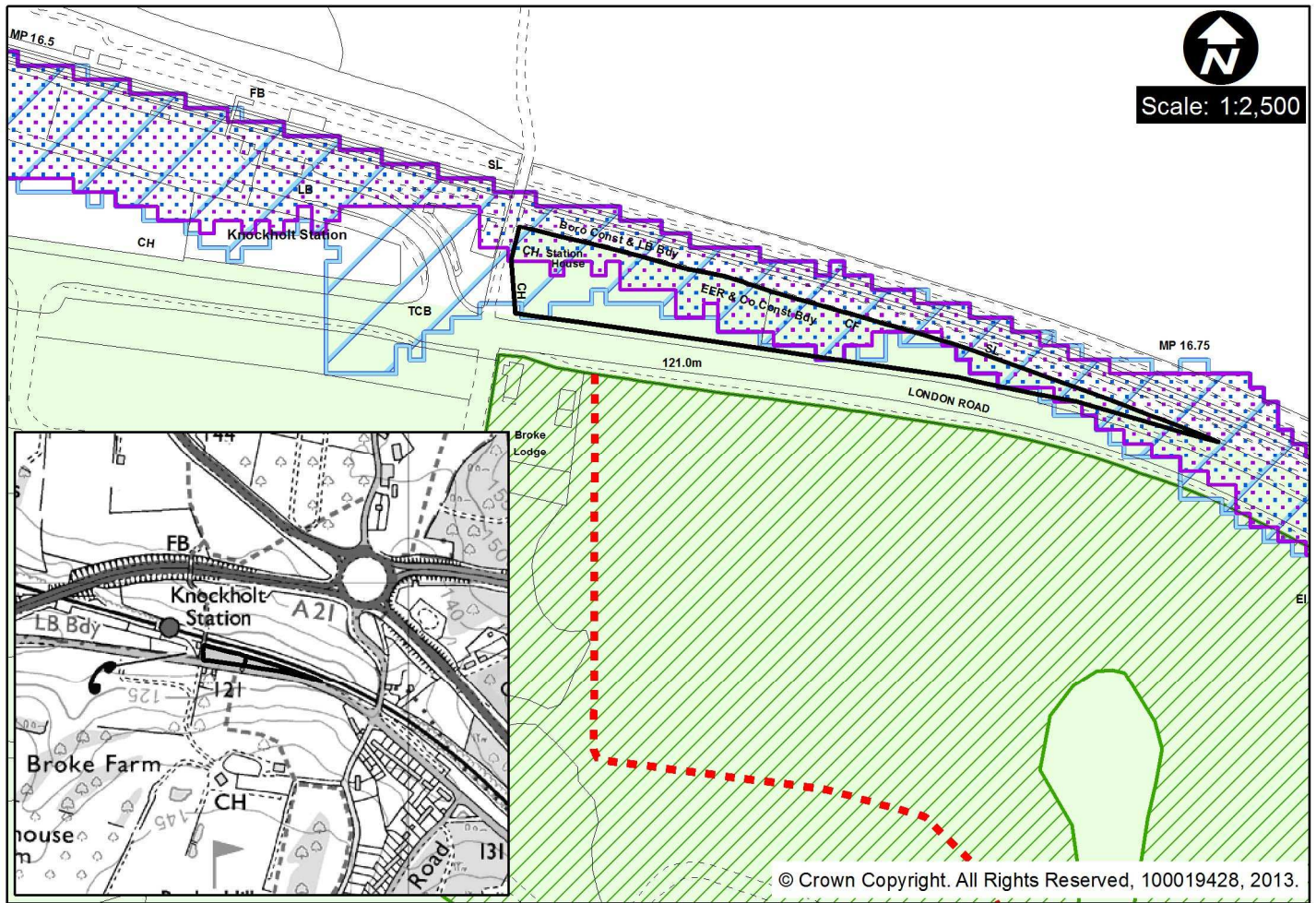
Consult on potential to allocate?



Potential Capacity	Total of 1 permanent pitch.
Design Parameters: Design and Layout Landscape Access	
Phasing	

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**Site Address:** Land east of Knockholt Station, Halstead.



<p><b>Site Description:</b></p>	<p>This is a temporary site which lies at the bottom of a gently sloping valley. It is situated between a main road, railway line, and a public footpath. The site is 0.40ha. The site is being considered for the temporary use to be made permanent as well as an additional 6 pitches to be accommodated permanently on site.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>03/00292/FUL</b> Use of land as a private gypsy caravan site (6 pitches).</p>	<p><b>Refused (02/04/03)</b> Reasons for refusal include harm caused to the openness of the Green Belt, and Special Landscape Area.</p>
	<p><b>06/03260/FUL</b> Use of land as a private gypsy caravan site (6 pitches).</p>	<p><b>Approved at appeal (18/06/08)</b> Granted temporary permission on appeal for a 3 year period and for the named applicants. Permission is granted for the stationing of 7 caravans, which no more than 3 shall be static and 4 touring caravans.</p>
	<p><b>11/01510/FUL</b> Permanent use of the land as a gypsy and traveller caravan site including proposed amenity buildings.</p>	<p><b>Approved (02/09/11)</b> The site was granted temporary permission for a period of 3 years, rather than permanent. The permission is for no more than 7 caravans, of which only 3 can be static, to be stationed on the land</p>

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				at any one time for the named applicants. It was considered by the Council that permanent permission would be premature to the formal consideration process of allocating sites with a Gypsy and Traveller Plan.
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site fully lies within the Metropolitan Green Belt.	Site is partly situated within EA fluvial Flood Zone 3, and Strategic Flood Risk Assessment Flood Zone 3b (functional floodplain). The EA have advised that the site is not at risk of flooding due to being located within a dry valley. KCC have advised that there may be a chance of some surface water accumulation during exceptionally wet periods, but are unaware of any previous significant flooding events from any water sources.	The site is flat	The site is located on a main road where there is a mix of commercial uses. The site is not a significant distance from the main residential development of Badgers Mount, which is also served by public bus services to the surrounding towns of Bromley and Tunbridge Wells.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Assets (incl. Schedule Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	Site is located adjacent to the railway line but is not considered to experience significant continuous noise or air quality issues.	There is fencing along the main road provided screening to the site.	The site is not in the AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.

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<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>
	The site is situated along a built frontage of a mix of commercial uses, and the railway station. The land use is compatible with the surrounding land uses and is not prominent from the street scene with only shallow roofs visible.	The site is currently well screened along the main road, and is not considered to impact upon the amenity of neighbouring residents at Brooke Lodge. The other neighbouring land uses are a mix of commercial uses, which this site does not impact upon in terms of amenity value.	Vehicular access is currently gained from London Road and no objections were raised in the recent permission by Kent Highways to this access. There is a public right of way of way running opposite the site alongside Brooke Lodge.
<b>Suitability:</b>	The site will have limited impact on the local character of the area and neighbouring residents. It has good access, and is also very accessible in terms of public transport. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 5 years and in all other respects is considered suitable for 6 pitches. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with potential mitigation measures such as further screening adjacent to the footpath and sustainable drainage) is considered to be potentially suitable when assessed against the suitability criteria.		
<b>Deliverability:</b>	The site is available. It currently has temporary planning permission for 6 pitches until September 2015. The proposed site option to make the temporary pitches permanent will need to be considered in line with the additional 6 pitches promoted through the call for sites to be accommodated on the same site.  It is likely that Phase 1 and Phase 2 contaminated land assessments will be required due to the former use of the site and associated adjacent land use.		

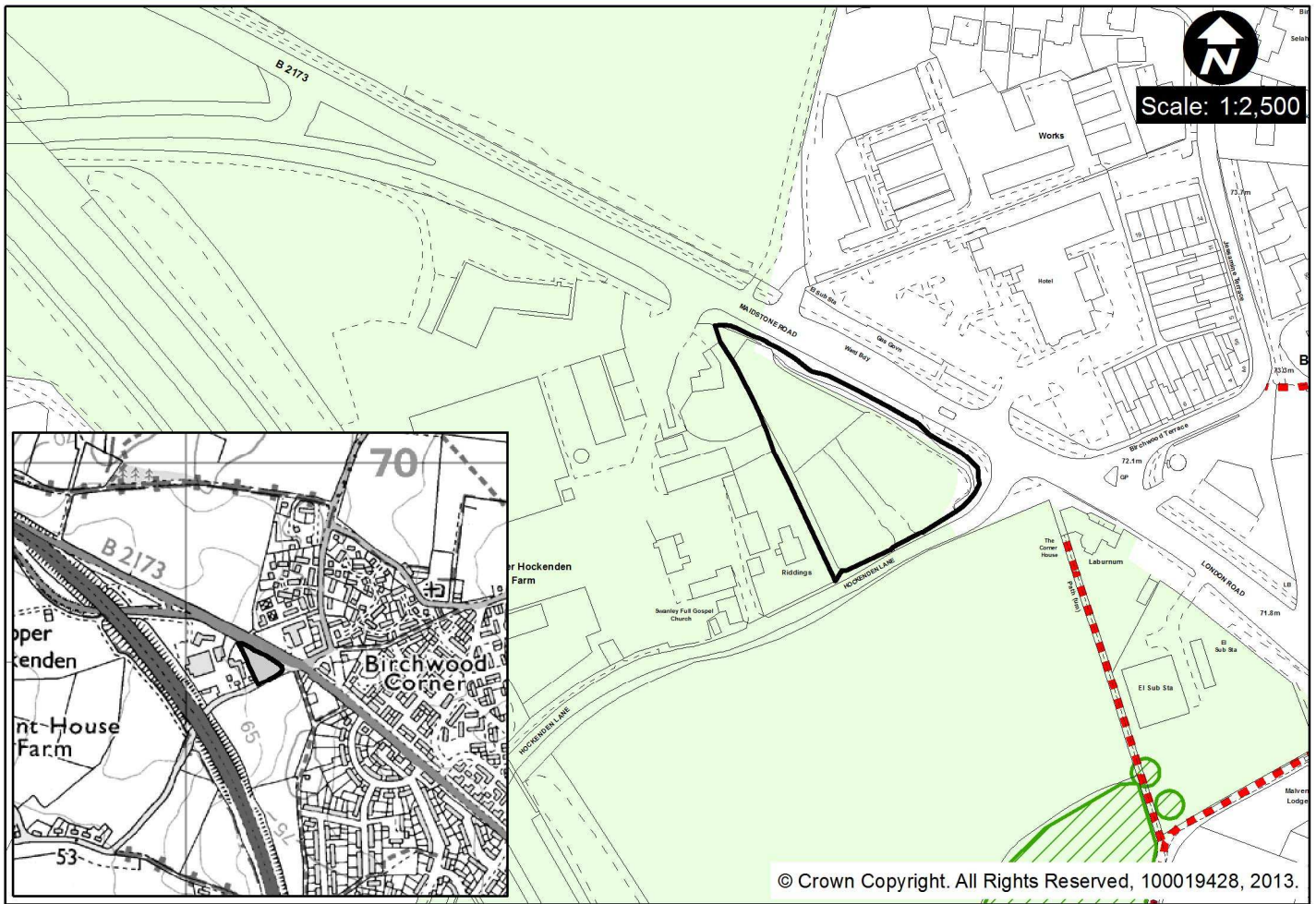
Consult on potential to allocate?



<b>Potential Capacity</b>	Total 12 permanent pitches (6 temporary to be made permanent and 6 additional pitches)
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	



Site Address: Holly Mobile Home Park, Hockenden Lane, Swanley



<p><b>Site Description:</b></p>	<p>This is a temporary site containing 3 pitches and is 0.38 ha in size. The site is a triangular parcel of land located on the corner of Hockenden Lane and London Road/Maidstone Road, which have established residential frontages, and lies opposite a hotel and restaurant complex.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>04/02643/FUL</b> Change of use to residential caravan site for two gypsy families with 4 caravans and one transit pitch.</p>	<p><b>Refused and Appeal Dismissed (29/11/05)</b> Reasons for refusal include harm to the Green Belt in this area of undeveloped land; no provision made for adequate visibility at the access point and could result in harmful conditions to road safety; and the proposal would not be in keeping with the open countryside and rural character of this area.</p>
	<p><b>07/03543/FUL</b> Change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the</p>	<p><b>Approved (15/08/08)</b> Permission granted for 3 years for the named applicants. No more than 5 caravans, 3 of which to be static can be stationed on the land at any one time.</p>

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	site.			
	<b>11/02120/CONVAR</b> Variation of condition 1 of SE/07/03543/FUL - (Change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks are proposed on the site.) To either make the site permanent or renew the time limited condition for a further temporary period.		<b>Approved (16/12/11)</b>  Permission granted for 3 years for the named applicants. No more than 5 caravans, 3 of which to be static can be stationed on the land at any one time, and no commercial activity can be carried out.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is flat	Site is considered to be well connected to local services and public transport routes.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designated Heritage Assets (incl. Scheduled Monuments, Listed Buildings, Registered parks and Gardens, and Conservation Areas)</b>
	The site is not located within an AQMA. There may be potential noise impacts due to the proximity to the M25 motorway.	Site is currently fairly well screened from the main road. It is visible from Hockenden Lane at the entrance way, but has further screening along the western edge.	The site is not in the AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>		<b>Vehicle and pedestrian access</b>
	Whilst the site lies outside of the built up area of Swanley, there are several other low	This is a well kept site, with some soft landscaping acting as screening for existing		The current access had no objections from the local Highway Authority in the most recent

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	level buildings in the surrounding area. The site also lies opposite a larger hotel and restaurant complex. The site is not considered to be intrusive in the landscape or impact the local character of the area.	residents. It is therefore not considered to impact significantly on the amenities of surrounding residents.	permission. It is close to the junction with London Road.
<b>Suitability:</b>	<p>This site is considered to be sustainable in terms of location and connection to local services. It is currently a well kept site, with some existing soft landscaping providing a degree of screening for both current occupiers, and surrounding neighbours, lessening the impact on the local character of the area. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 5 years and in all other respects is considered suitable for 3 permanent pitches. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers is considered to be potentially suitable when assessed against the suitability criteria.</p>		
<b>Deliverability:</b>	<p>The site is available. It currently has temporary planning permission until December 2014.</p>		

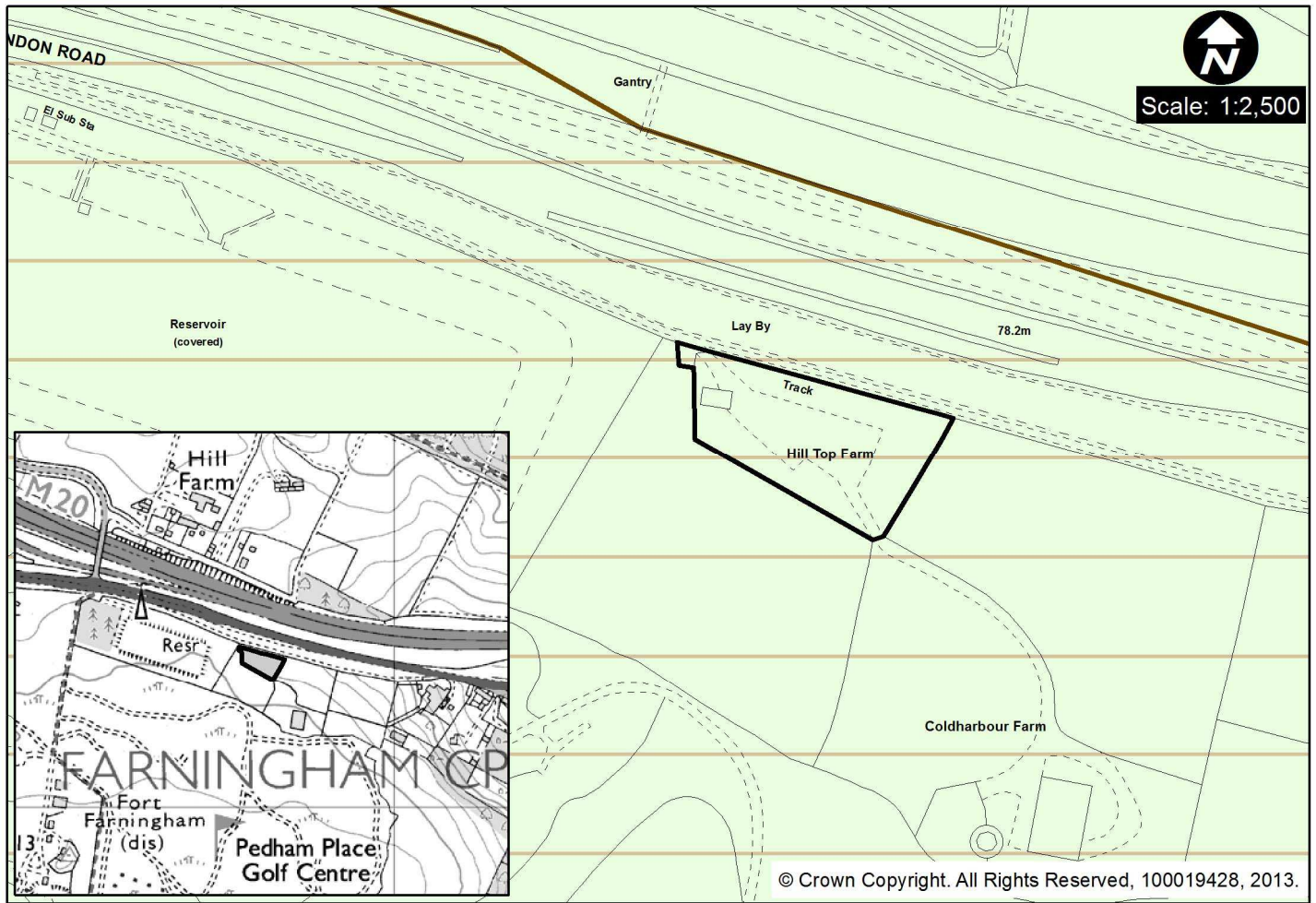
Consult on potential to allocate?



<b>Potential Capacity</b>	Total of 3 permanent pitches.
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

# Agenda Item 8

Site Address: Hilltop Farm, London Road, Farningham



<b>Site Description:</b>	This is a temporary site containing 5 pitches, and is 0.36ha in size. The site is situated adjacent to a golf course and covered reservoir.	
<b>Relevant Planning History</b>	<b>Application Details</b>	<b>Application History</b>
	<b>04/01814/FUL</b> Change of use to residential stationing of ten caravans and mobile homes for an extended gypsy family.	<b>Refused and Appeal dismissed (26/10/05)</b> The Secretary of State disagreed with the Inspector's decision and dismissed the appeal. Substantial weight was given to the potential harm caused to the Green Belt. The special circumstances put forward by the applicant and the fact that there is a shortage of provision were not considered sufficient to outweigh the harm caused to the Green Belt, and so temporary permission was not considered appropriate.
<b>07/01984/FUL</b> Retrospective application for a change of use to a caravan site with the stationing of ten caravans (up to five of which can be mobile homes) to accommodate one extended gypsy	<b>Refused (11/09/08)</b> Refused retrospective change of use to a caravan site with the stationing of 10 caravans. The first reason for refusal given was that the proposal would be harmful and inappropriate development	

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	family.		in the Green Belt. The two other reasons given were that the site lies adjacent to an AQMA and that it had not been demonstrated that the site was not subject to impacts of travel pollutants, and it had not been demonstrated that the site would be suitable for residential use given its proximity to the A20 and M25 in terms of impacts of traffic noise.	
	<b>09/00444/FUL</b> Change of use to include the stationing of caravans to accommodate one extended gypsy family.		<b>Approved (07/03/12)</b> Temporary permission granted for 3 years for the named applicants only for the stationing of no more than 9 caravans, which no more than 5 shall be static, to be stationed on the site at any one time. No commercial activities shall take place on the site or the storage of any materials. The decision was issued in 2012 therefore the permission has not yet expired.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is in a raised location above London Road. The site gently slopes upwards towards the south-eastern corner.	Site is not considered to be well connected to local services due to its fairly remote location. There is however a public right of way adjoining the entrance of the driveway which runs through the adjacent golf course.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designated Heritage Assets (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, and Conservation Areas)</b>
	Site is within an AQMA buffer zone. Potential noise quality issues due to traffic impacts	There is some existing screening along the northern, southern, and western edge of the site.	Site is fully within the Kent Downs AONB. It has no local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.

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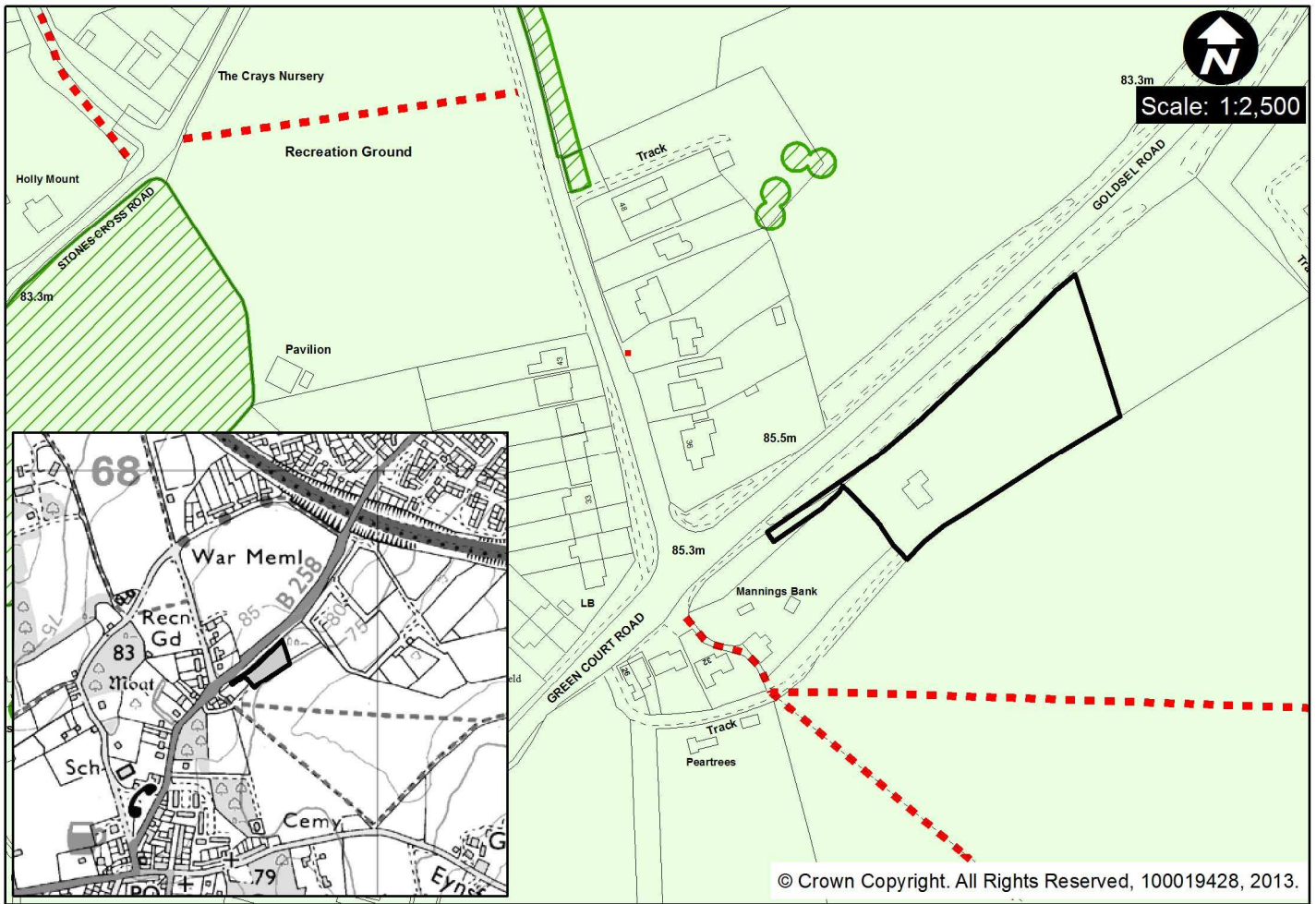
Impact:	Impact on local character and identity of local surroundings	Impact on amenity for existing residents	Vehicle and pedestrian access
	There are some longer views into the site from the north-eastern corner.	It is considered that there is limited impact on residential amenity due to the distance from neighbouring properties.	Current access is off London Road and is a private track. Pedestrian access would be from the same location.
Suitability:	<p>The site has existing access from London Road, and will not impact upon neighbouring land uses or residential amenities. Within the NPPF, great weight is given to conserving the landscape and scenic beauty in the District's Areas of Outstanding Natural Beauty, and conserving the openness and character of the Green Belt. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, the existing site contains some screening, and could be further screened, significantly reducing any adverse impact on the landscape character. As the site has been occupied by caravans for 3 and a half years, retention of the existing caravan would not impact further on the character of the AONB. The need for the continued use of this site as a caravan site by persons defined as Gypsies and Travellers (with the proposed mitigation measures of additional landscape screening); the suitability of the site in other respects and the limited harm to the AONB make this site potentially acceptable as an allocation, and is proposed that the consultation document should include a proposal for 5 permanent pitches.</p>		
Deliverability:	<p>The site is available. It currently has temporary planning permission until March 2015. A Phase 1 contaminated land assessment may be required due to the adjacent land use.</p>		

Consult on potential to allocate?



Potential Capacity	Total of 5 permanent pitches.
Design Parameters:	
Design and Layout	
Landscape	
Access	
Phasing	

Site Address: Robertsons Nursery, Goldsel Road, Swanley



<p><b>Site Description:</b></p>	<p>This is a temporary site containing 1 pitch and is 0.42 ha in size. It is located opposite some residential properties on the edge of the settlement of Crockenhill on the border with Swanley.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>08/02349/FUL</b> Retention of mobile home and hard standing and proposed utility building</p>	<p><b>Approved (24/07/09)</b> This was a temporary permission for a period of 3 years approved for the stationing of two caravans, one of which is to be static, for the named applicants only. No commercial activities shall take place on the land or the storage of materials other than for the keeping of horses in need for isolation. No building, enclosure, or temporary structures shall be erected other than those on the approved utility block plan.</p>
	<p><b>12/00894/FUL</b> Retention of mobile home &amp; hard standing &amp; proposed utility building.</p>	<p><b>Approved (28/06/12)</b> This is a temporary permission for a period of 3 years approved for the stationing of two caravans, one of which is to be static, for the named applicants only. No commercial activities or the storage of materials shall take place on</p>

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		the land. No building, enclosure, or temporary structures shall be erected other than those on the approved utility block plan.		
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zone 2 and 3 and is not liable to flooding.	Low-lying and gently sloping down from the entrance drive.	The site is considered to be well connected to the local facilities and services of Crockenhill, providing a primary school, local shop and post office, and fairly well located to the larger urban area of Swanley.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monument, Listed Building, Registered Park and Garden, Conservation Area)</b>
	The site is located within the buffer zone for an AQMA.	The site is not considered to have any issues regarding privacy for occupants. It is well screened and located on lower lying land than the adjacent main road.	The site is not in the AONB and has no national or local nature conservation designations.	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site is currently fairly well screened, and is not considered to impact upon the local character of the area, which consists of fairly low density housing. It is not prominent from the main road and is not intrusive to the countryside.	The site is situated close to existing residential properties, but its location on the opposite side of Goldsel Road and location on lower ground means that it does not significantly impact on the amenities of existing residents.	The existing site access is off London Road, and is considered suitable both for vehicles and pedestrians.	



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<b>Suitability:</b>	This site is considered to be well connected to local facilities and services, and will not have an intrusive impact on the landscape, or impact upon local residential amenities. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 4 years and in all other respects is considered suitable for 1 pitch. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers, is considered to be potentially suitable when assessed against the suitability criteria.
<b>Deliverability:</b>	The site is available. It currently has temporary planning permission until June 2015.

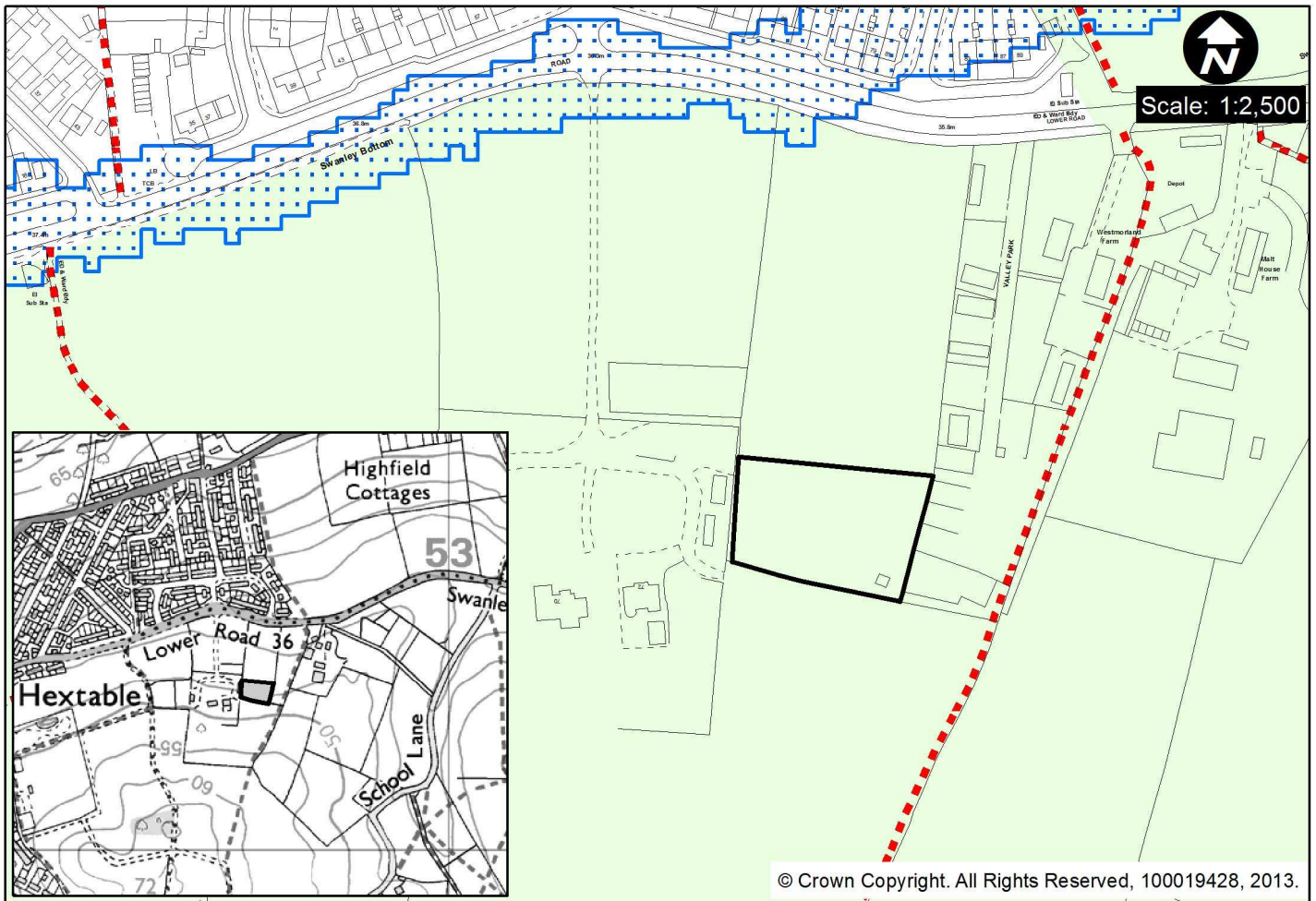
Consult on potential to allocate?



<b>Potential Capacity</b>	Total of 1 permanent pitch.
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

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Site Address: Land adj. Valley Park south, Lower Road, Hextable.



<p><b>Site Description:</b></p>	<p>This site is located adjacent to an existing permanent Gypsy and Traveller site known as Valley Park, associated with the adjoining Westmorland Farm, and opposite an established residential area. Adjacent to the western boundary of the proposed site are nos. 70-72 Lower Road, where both of which include a mobile home within their curtilage. The proposed site is approximately 0.28ha. The rear of the site is used for the keeping of horses. This site is proposed for 5 pitches providing an extension to the existing Valley Park site.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b> None</p>	<p><b>Application History</b> None</p>
<p><b>Relevant Planning History on adjacent sites</b></p>	<p><b>Valley Park – 90/02091/HIST – 90/02098/HIST</b> 8 separate applications each for the change of use for stationing of residential mobile home and one touring caravan on one plot each.</p>	<p><b>All Allowed on Appeal (29/05/92)</b> Temporary permission granted for the collective site of 8 pitches for 3 years for the named applicants.</p>
	<p><b>Valley Park - 94/02230/HIST</b> Use of land for caravan site for 8 pitches as amended by letter received on 14.12.94</p>	<p><b>Approved (08/03/95)</b> Temporary permission granted for 3 years for 8 pitches (Plots 1, 2, 3, 11, 12 and 12a to have 1 mobile home and 1 touring caravan stationed at any one time. Plots 10 and 10a to have no more than 1 mobile home stationed on the land at any one time). Permission granted for the</p>

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		named applicants, and in the event of an owner ceasing to occupy that part of the land, the land cannot be used for the stationing or storage of caravans without arrival from the Council. No vehicles are to be parked along the central access.
	<p><b>Valley Park - 98/00290/HIST</b> Continued use of land as 8 pitch gypsy caravan site without complying with condition 1 of SE/94/2230 decision notice.</p>	<p><b>Approved (21/08/98)</b> Permanent permission was granted for continued use of the land as a gypsy caravan site for 8 pitches. The decision also removed the condition regarding the named applicants.</p>
	<p><b>Valley Park - 99/02400/CONVAR</b> Variation of condition no 1 - SE/98/0290 to enable two mobile homes to be stored and stationed on the land instead of one mobile home and one touring caravan.</p>	<p><b>Approved on Appeal (21/06/00)</b> The Inspector considered there were very special circumstances that outweigh any additional harm to the Green Belt and allowed the appeal granting personal permission for two mobile homes to be stationed on the land instead of one mobile home and one touring caravan.</p>
	<p><b>Westmorland Farm - 99/00455/HIST</b> Varied personal permission to include immediate family of occupant for stationing of a mobile home and the storing of a caravan (allowed at appeal of enforcement notice in 1984)</p>	<p><b>Approved (21/09/99)</b> Permanent personal permission granted in 1984, varied in 1999 to include immediate family, for one mobile home and one touring caravan. In the event of an owner ceasing to occupy that part of the land, the land cannot be used for the stationing or storage of caravans without arrival from the Council.</p>
	<p><b>Westmorland Farm -99/02626/FUL</b> Use of land as a four pitch gypsy caravan site.</p>	<p><b>Allowed on Appeal (23/02/01)</b> Permission granted for no more than two touring caravans or one mobile home and one touring caravan to be placed on each pitch at any one time. No named applicants, but to be occupied only by gypsies falling within the statutory definition.</p>
	<p><b>Westmorland Farm - 02/01984/FUL</b> Creation of three additional plots for gypsy families.</p>	<p><b>Allowed on Appeal (05/02/04)</b> Temporary permission granted for 5 years for 3 pitches (additional to the 4 permanent pitches previously permitted above). The permitted use cannot take place until the existing mobile unit or portakabin used for educational purposes on the southern part of the site is removed. No more than two touring caravans or one mobile home and one touring caravan shall be stored on each plot at any one time. No named</p>

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			applicants, but to be occupied only by gypsies falling within the statutory definition.	
	<b>Adjacent site 72 Lower Road – 06/00532/FUL</b> Retention and siting of residential mobile home for the joint lives of dependant relatives		<b>Refused</b> The stationing of this mobile home lies outside of the curtilage of the residential property. It was refused permission due to the impact on the openness of the Green Belt and countryside.	
	<b>Adjacent site 72 Lower Road – 310/83/162</b> Enforcement notice for the making of a material change in the use of the land as a residential caravan site without planning permission.		<b>Allowed on Appeal (19/12/08)</b> The Inspector granted personal permission for the stationing of no more than one caravan at any one time on the land, and be restored to its previous condition within two months of the cease of the use by the named applicants. The caravan did not fall within the curtilage of the residential property to which it was ancillary to. Permission was granted due to very special circumstances surrounding the health matters of the gypsy occupants, and connection of family residing in the property at 72 Lower Road.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site very gently slopes to the south away from the highway.	Site is considered to be well connected to the village. The site is located opposite an established residential area. Therefore it is considered a sustainable location within suitable walking distance to the local services at Hextable, which include a village store and Post Office, a primary school and secondary school, and a doctor's surgery.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled</b>

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				<b>Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is very open from Lower Road, and can be seen from both the highway and the residential properties to the west. It is also adjacent to an existing permanent Gypsy site, which is bounded by a wall so provides screening.	The site is not within an AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	Whilst the site lies adjacent to an existing permanent Gypsy site, with numerous planning permissions (outlined above), additional pitches here may cause a cumulative impact on the character of the countryside. The rear of the site is less visible from Lower Road, and could be viewed in the wider landscape as part of the existing permanent Gypsy site adjacent.	The site is very open and can be viewed from Lower Road and the neighbouring residential development opposite. It is also in close proximity to two residential buildings at 70 and 72 Lower Road, which the upper floors are visible from this site.	There is vehicular access for the adjacent valley park site and two PROWs in close proximity.	
<b>Suitability:</b>	The site is well located in relation to local services at Hextable, and lies outside of an AONB. It is also not affected by air or noise quality issues. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site lies adjacent to an existing Gypsy and Traveller site established within the Green Belt for 23 years and in all other respects is considered suitable for 5 pitches. Due to the concentration of number of pitches already permitted within the existing site, a lesser number of pitches than the government's guideline for an appropriate figure of 15 pitches on new sites is being considered as a site option. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with potential proposed mitigation measures) is considered to be potentially suitable when assessed against the suitability			

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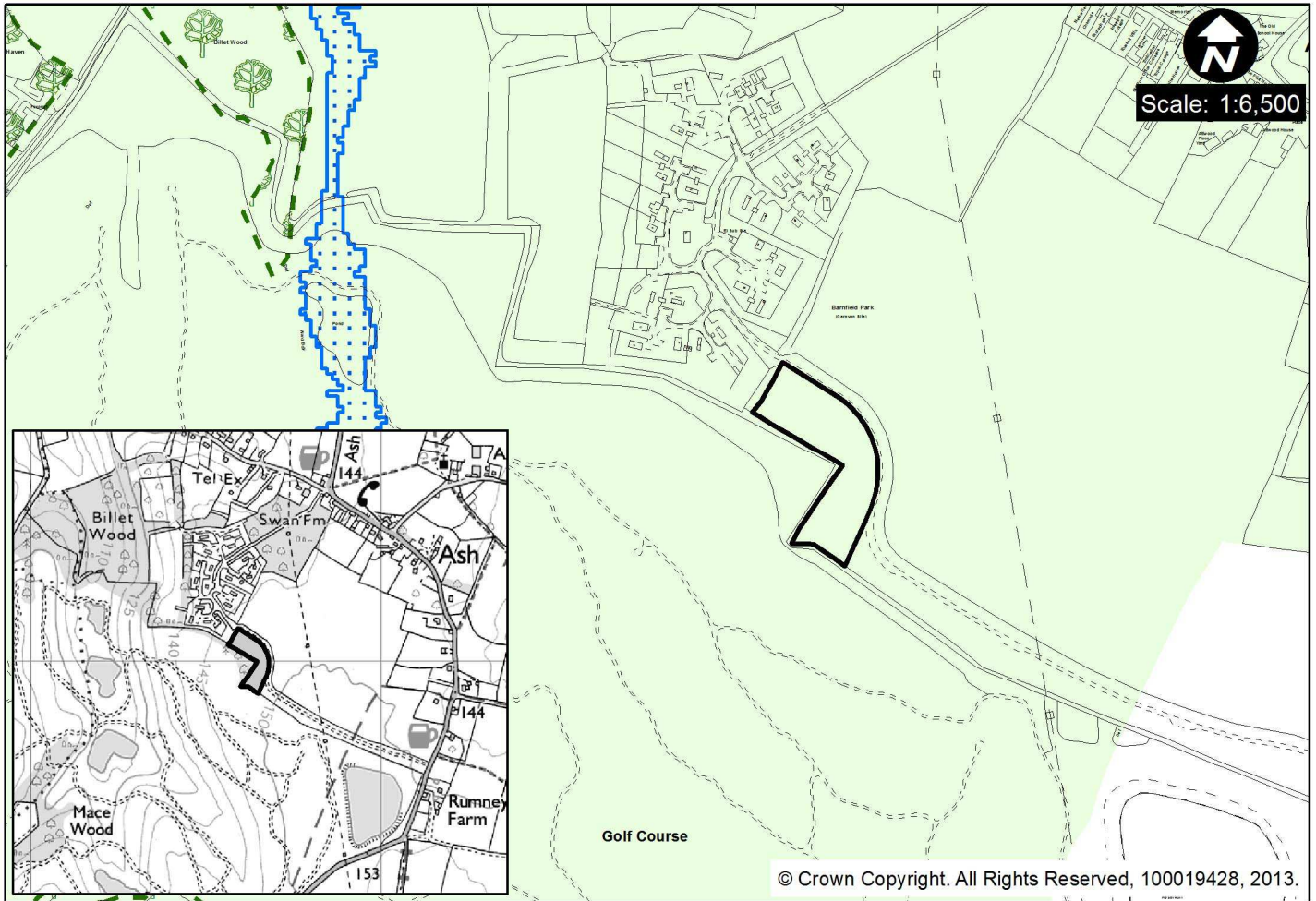
	criteria.
<b>Deliverability:</b>	The site is available and is being actively promoted.

Consult on potential to allocate?



<b>Potential Capacity</b>	<p>5 pitches.</p> <p>The site was promoted during the call for sites in August 2012 for a wider area of land adjacent to Valley Park, fronting the highway to the north. After having assessed the suitability of the originally promoted site, the Council consider this portion of the site to be suitable for the provision of Gypsy and Traveller pitches.</p>
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

Site Address: Barnfield Park, Ash



<b>Site Description:</b>	The site is approximately 0.96ha and lies adjacent to the entrance way of Barnfield Park, which is an existing public Gypsy and Traveller site containing 35 pitches.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	<p><b>92/01141/HIST</b> Change of use of land to provision of Gypsy Caravan Site for 35 pitches (45 caravans maximum), landscaping, amenity woodland, paddock, reclamation for agriculture and provision of new access and ancillary amenity/toilet blocks</p>		<p><b>Approved by SoS (28/06/95)</b> The SoS approved this application on the grounds that the benefits of the proposal outweigh the harm it will cause, with very special circumstances existing to justify granting permission. No more than 35 pitches shall be provided on the site, containing no more than a total of 45 caravans, whether in residential use or not. No additional shed, washroom, or any other structure whatsoever shall be erected anywhere on the site without the prior consent in writing of the County Planning Authority.</p>	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan	The SFRA indicates that the site is not within	The site is flat, with a large ditch running alongside	The site is fairly well connected to the local service

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	Green Belt.	Flood Zones 2 and 3 and is not liable to flooding.	both sides of the access road.	centre of Ash, providing a community hall and public house. Access would largely be by vehicle due to the nature of the rural lanes in this area. However, there is a network of PROWs on the opposite of The Street, with one approx. 400m from the site entrance.
	Noise and Air Quality	Privacy of Site for Occupier	Landscape (e.g. AONB), Biodiversity	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The adjoining land use is a Gypsy and Traveller site, therefore in order to maintain occupier privacy, the current screening would need to be maintained or re-provided.	The site is not in the AONB and has no national or local nature conservation designation.	The site does not contain any designated Heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site would form an extension to an existing public Gypsy and Traveller site. The site is well screened from the west and south, fronting onto the entrance drive to the established site. The otherwise of the entrance drive is a fence separating off an open field, adjoining residential properties to the north along The Street. This	The site would not impact upon neighbouring residential properties along The Street as they are not in close proximity, and there is current screening.	There is an existing vehicular access onto The Street. This also serves as pedestrian access, but with no separate footpath.	



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	field is however well screened from the residential properties.		
<b>Suitability:</b>	<p>The site is considered to have a limited additional impact on the local character of the area, and is outside of an AONB. It is also not affected by air quality or noise issues and does not impact upon any heritage assets or the setting of such assets. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site forms an extension to a public site that has been established in the Green Belt for 18 years and in all other respects is considered suitable for 8 pitches. Due to the concentration of number of pitches already permitted within the existing site, a lesser number of pitches than the government’s guideline for an appropriate figure of 15 pitches on new sites is being considered as a site option. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with additional screening measures and other potential mitigation measures) it is considered to be potentially suitable when assessed against the suitability criteria.</p>		
<b>Deliverability:</b>	<p>The site is available and has been identified through discussion with KCC who manage the existing site of Barnfield Park.</p>		

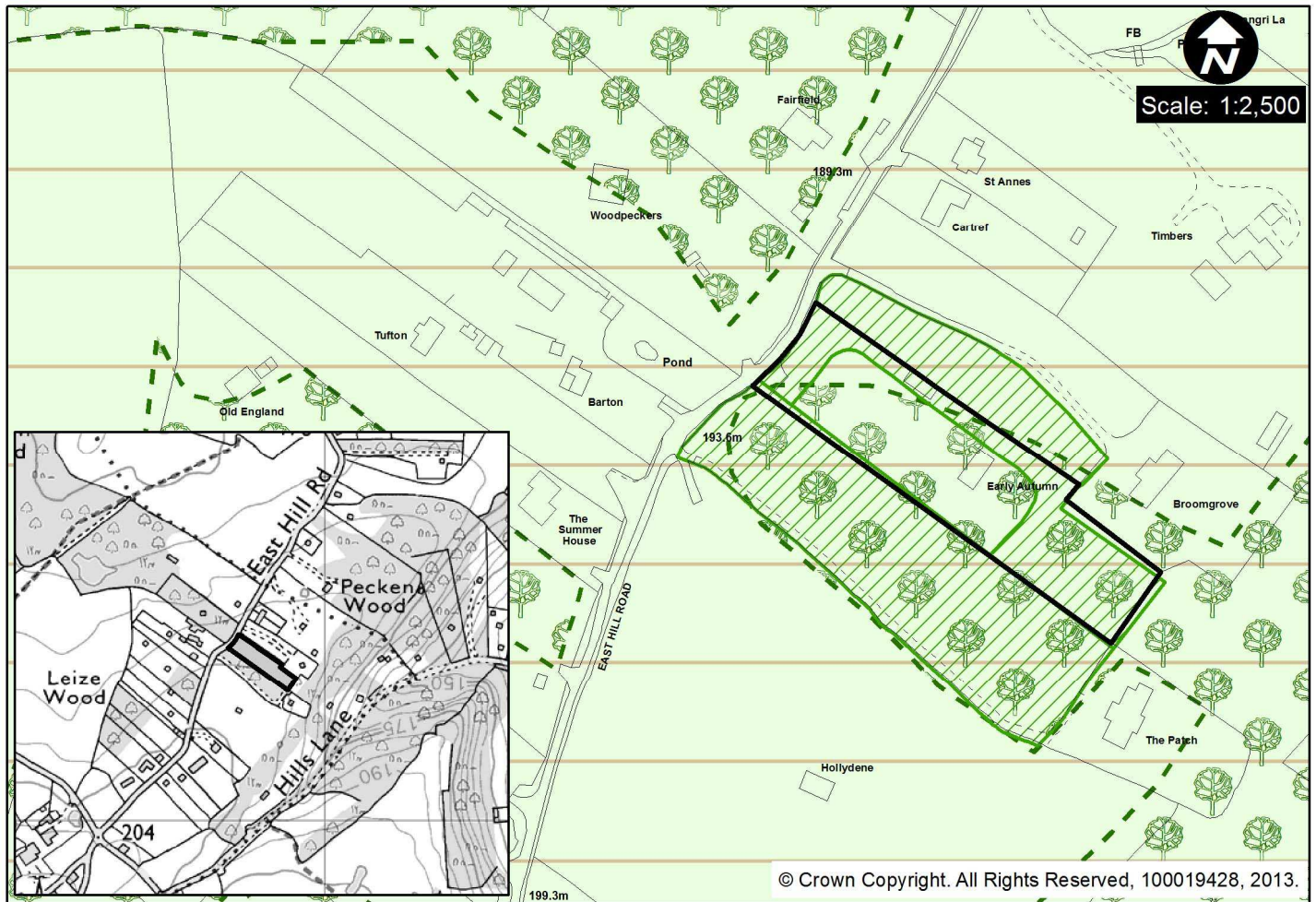
Consult on potential to allocate?



<b>Potential Capacity</b>	Total 8 additional pitches as an extension to the existing public site.
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

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Site Address: Early Autumn, East Hill Road, Knatts Valley



<b>Site Description:</b>	This site currently contains 2 permanent pitches, and is approximately 0.57ha. It is located within an area of sporadic residential development on large plots. The site is being considered for 1 additional pitch.	
<b>Relevant Planning History</b>	<b>Application Details</b>	<b>Application History</b>
	<b>93/01554/HIST</b> Retention of mobile home for 1 Gypsy Family, Stables Building and septic tank.	<b>Approved (03/06/94)</b> Temporary permission granted for one mobile home and one touring caravan for a period of 5 years. The permission was for the named applicant and his partner/spouse only.
	<b>99/00300/HIST</b> Variation of conditions 1 and 2 of planning permission SE/93/1554.	<b>Approved (11/01/01)</b> Permission granted to remove conditions to provide permanent permission for the named applicants for one mobile home and one touring caravan.
	<b>01/00664/FUL</b> Construction of 'Dayroom' ancillary to existing mobile home.	<b>Refused and Appeal Dismissed (03/01/02)</b> The proposal would result in harm to the Green Belt which it was felt by the Inspector could not be outweighed by the special circumstances put forward by the applicant.

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	<b>02/00685/CONVAR</b> Variation of condition 1 of planning permission SE/99/0300 removal of personal restriction and imposition of restriction to gypsy family.		<b>Refused and Appeal Dismissed (21/07/03)</b> The proposal was deemed to be inappropriate development within the Green belt and not outweighed by special circumstances put forward by the applicant.	
	<b>06/02637/FUL</b> Variation of condition 3 imposed on planning permission SE/99/00300 to permit a second mobile home and second touring caravan.		<b>Allowed on Appeal (31/12/07)</b> Permanent permission granted for an additional touring caravan and mobile home for the named applicants. The existing stables on the site are only to be used for purposes incidental to the residential use of the site.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	Site is relatively flat.	The site is situated along a rural lane without any nearby PROWs. However, the site is set within an established very low density residential area, whereby access to local services at Knatts Valley and West Kingsdown is already accepted to be by private transport.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is considered to provide sufficient privacy for the occupier due to its existing use.	The site lies fully within the Kent Downs AONB. Some of the site is covered by a TPO, which surrounds it. The site is surrounded by ancient woodland. The site is however situated within an open area within the woodland.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets
<b>Impact:</b>	<b>Impact on local character</b>	<b>Impact on amenity for</b>		<b>Vehicle and pedestrian</b>

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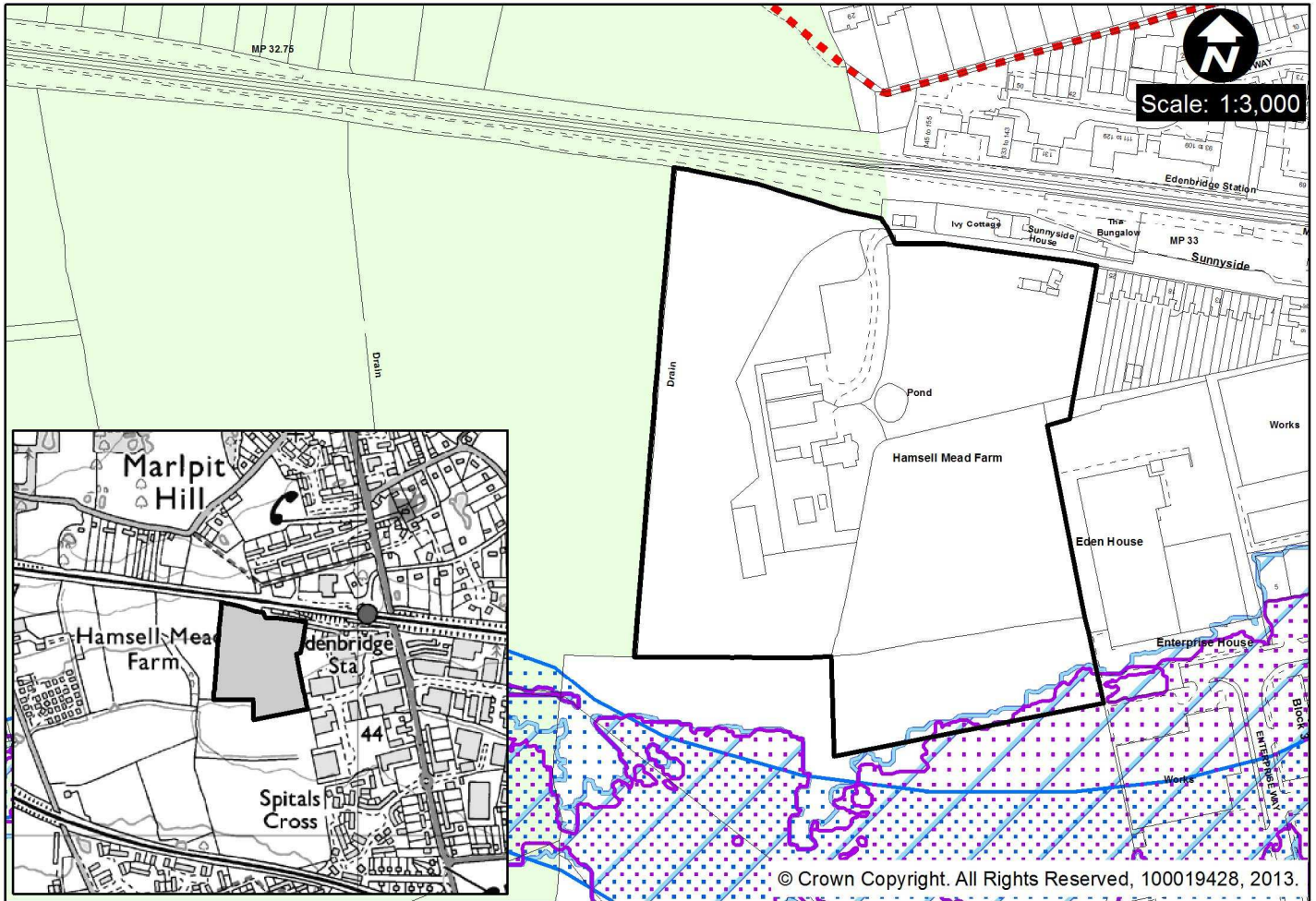
	and identity of local surroundings	existing residents	access
	The site is fairly well screened, but parts of it can be viewed from the highway. There would be limited impact upon the local character of the area which is predominately large plots of low density housing, which this type of accommodation would be more modest in size.	The site is not considered to have any impact upon the amenity for neighbouring residents due to the existing use of the site and nature of the surrounding low density residential development.	The site has an existing vehicular access onto East Hill Road. Pedestrian access is not provided.
<b>Suitability:</b>	The site is located outside of an AQMA and not subject to any noise constraints, and is also not liable to flooding. Although access to local services and facilities is via private transport, this has already been accepted in principle due to the existing residential properties in this area and the existing permanent pitches approved on the site. Whilst the site lies within an area of ancient woodland, the potential developable area of the site is an open section. Whilst the NPPF does not consider gypsy and traveller sites to be appropriate development within the Green Belt, this site has been established in the Green Belt for 19 years and in all other respects is considered potentially suitable for 3 pitches. Substantial weight is given to any harm to the Green Belt in Sevenoaks District but in the light of the need to meet the objectively assessed need for gypsy and traveller pitches, the advantages of permanently allocating the existing site as a caravan site by persons defined as Gypsies and Travellers (with additional screening to mitigate any impact on the local character of the area, and mitigation advise to be sought from the Tree Officer with regard to the area of ancient woodland) it is considered potentially suitable when assessed against the suitability criteria.		
<b>Deliverability:</b>	The site is available and is actively being promoted for 1 additional pitch.		

Consult on potential to allocate?



<b>Potential Capacity</b>	Total 3 permanent pitches (1 in addition to the 2 existing permanent pitches on the site)
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

Site Address: Land west of Enterprise Way, Edenbridge.



<p><b>Site Description:</b></p>	<p>The site, of approximately 3.76ha, currently forms part of a wider site allocated in the Core Strategy as Reserved Land. It contains a collection of agricultural buildings at Hamsell Mead Farm, and is bounded by an industrial estate to the east, and residential properties to the north. To the south and west is open countryside.</p>			
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>		<p><b>Application History</b></p>	
	<p><b>Hamsell Mead Farm - 84/01260/HIST</b> Caravan Storage (15) – (Continued use of land)</p>		<p><b>Refused</b> Reasons for refusal include unsuitable access for any further development, impacting upon the traffic flow, and detrimental to the amity of existing residents using the access way. Also caravans would be inappropriate development in the open countryside, impacting the rural character of the area.</p>	
<p><b>Constraints:</b></p>	<p><b>Green Belt</b>  The site is not within, but lies adjacent to the Metropolitan Green Belt. It is within the</p>	<p><b>Flood Risk</b>  The SFRA indicates that a small portion of the site at the south is within Flood Zone 3b,</p>	<p><b>Topography</b>  The site is gently sloping</p>	<p><b>Connection to local services</b>  The site is well connected to the local services provided in Edenbridge, such as a post office,</p>

## Agenda Item 8

	settlement boundary of Edenbridge.	and Environment Agency Flood Zone 3.		doctor's surgery and supermarket.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	This site is not located within an AQMA. There may be potential noise impacts due to the close proximity to the railway line. Consideration will need to be given in this respect to the potential layout of any caravans/mobile homes.	The site is currently fairly open, so would require screening along the eastern boundary with the industrial estate.	This site is not within an AONB and has no national or local nature conservation designation.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	Dependent upon the layout of the site, the proposal would have limited impact upon the character of the local area due to being seen in the wider landscape as part of the existing industrial area and agricultural buildings.	There are existing residential properties to the north east of the site, north of the industrial estate and adjacent to Hamsell Mead Farm. Proposal may impact upon the amenity of these properties, but can be mitigated through good layout design and screening.	Vehicular and pedestrian access can be gained from Enterprise Way.	

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<b>Suitability:</b>	<p>This site is not constrained by national or local landscape designations, and is not subject to air quality or noise issues. It is well located to the town of Edenbridge, and could be served by public transport. Whilst there is a small degree of flood risk, this can be mitigated by appropriate sustainable drainage methods, and good layout design of the site will also mitigate against any potential noise impacts. Further landscape screening can be provided in order to mitigate against any impacts upon the rural character of the site, the amenities of the existing residents to the north west of the site, and the privacy of future occupiers. Therefore this site is considered suitable for 15 pitches.</p>
<b>Deliverability:</b>	<p>The site is currently allocated in the Core Strategy under Policy LO6 as reserved Land to be brought forward for development after 2015 only if required to maintain a five year supply of housing land in the District, and is therefore available late in the plan period. The Council would, in view of its size, see it as having scope for a mix of different types of affordable and market housing, and will consider whether there might be scope for including some provision for Gypsy and Traveller accommodation.</p> <p>A Phase 1 contaminated land assessment may be required due to the former use of the site.</p>

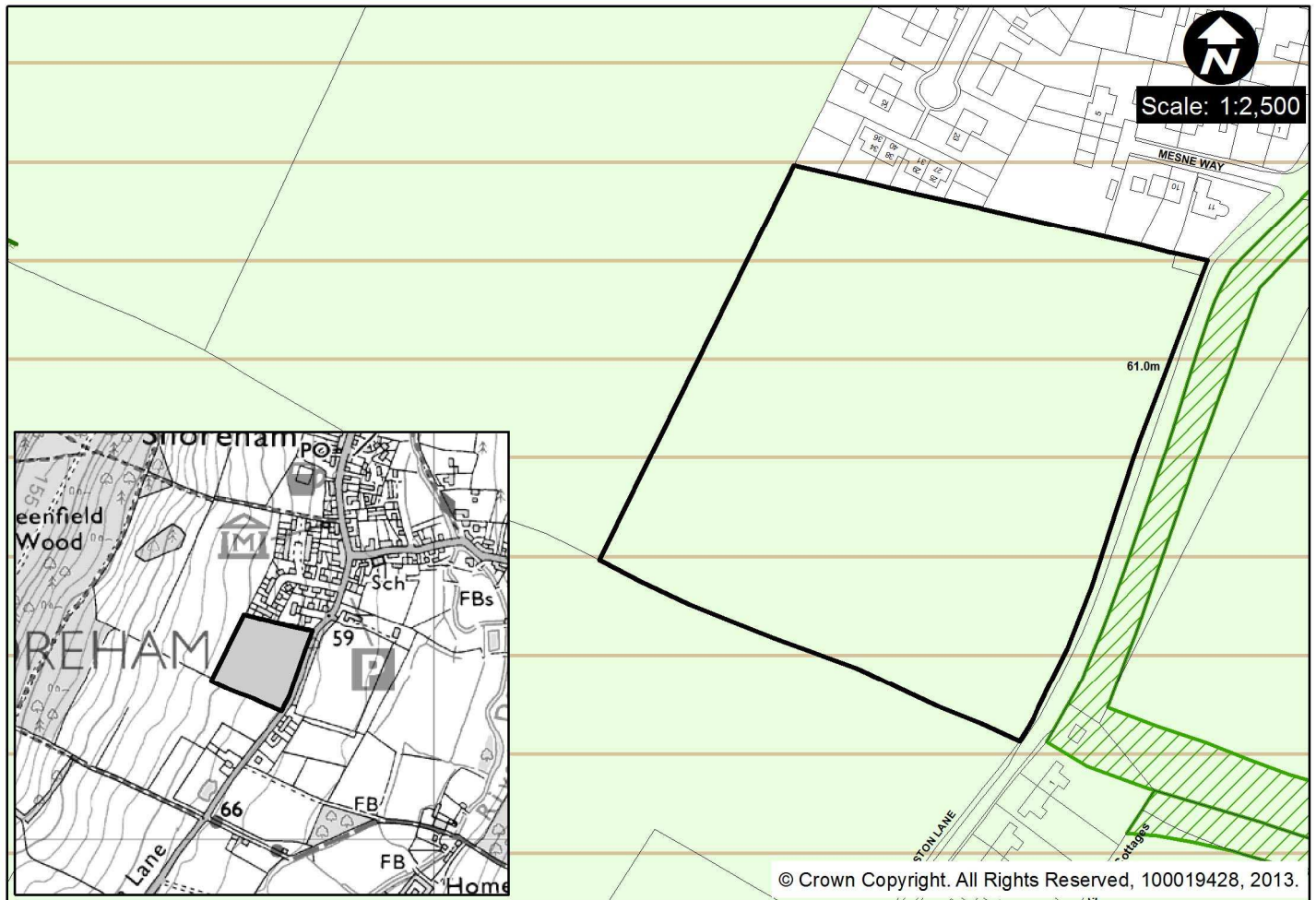
Consult on potential to allocate?



<b>Potential Capacity</b>	15 permanent pitches
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

# Agenda Item 8

**Site Address:** Land south of Mesne Way, part of Timberden Farm, Shoreham



<b>Site Description:</b>	This site is situated on the edge of an established residential area at the southern end of Shoreham High Street. The site is approximately 2.71 ha and is currently in agricultural use.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	There is no relevant planning history for the site			
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is relatively flat.	Site is well located within walking distance to the village centre at Shoreham.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designated Heritage Assets (incl. Scheduled Monuments, Listed buildings, Registered Parks and Gardens, and</b>



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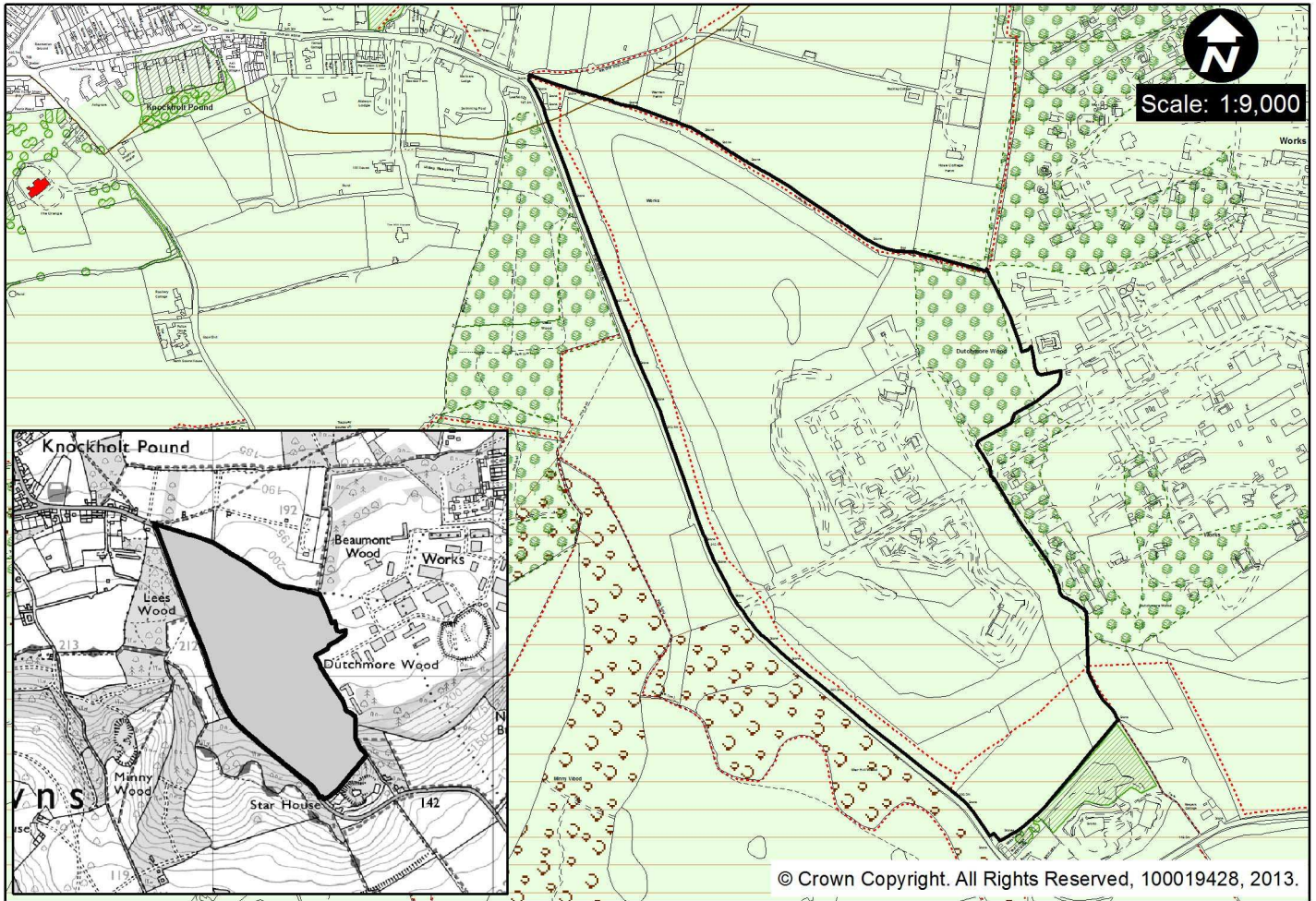
				<b>Conservation Areas).</b>
	The site is not within an AQMA or AQMA buffer zone.	The site is relatively open. However screening could be incorporated into the design and layout of the site.	The site lies fully within the Kent Downs AONB	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site is visible from the public footpath along this section of the North Downs. However, the existing residential development is currently visible in this area. Additional screening could be incorporated into the design and layout of the site.	The site is visible from properties on the edge of Mesne Way. However screening could be incorporated into the design and layout of the site.	Vehicular access into the site can be made from the High Street	
<b>Suitability:</b>	Whilst this is a greenfield site within the Green Belt and Kent Downs AONB designations, it is considered to be very well connected to the settlement boundary of Shoreham. Shoreham is defined in the Settlement Hierarchy as a Service Village, and the site would be in walking distance of a number of local facilities including a primary school, a local shop, train station and several public houses. The site is currently in active agricultural use and not used for the grazing of livestock.			
<b>Deliverability:</b>	The site is available and has been promoted through discussions with the Council's Property Team acting in behalf of the Council as landowner.			

Consult on potential to allocate?



<b>Potential Capacity</b>	<b>Total 15 pitches</b>
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	

Site Address: Land at Fort Halstead, Halstead



<b>Site Description:</b>	The site forms the wider part of Fort Halstead, outside of but adjacent to, the proposed Policy EMP3 'redevelopment of Fort Halstead' in the draft ADMP. The site is approximately 33.83ha.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	None applicable		None applicable	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt	The SFRA indicated that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site steeply slopes to the south and south east, being relatively flat on the areas of higher ground.	There is limited public transport traveling passed the site but not currently serving it. It is not particularly well connected to a local service centre. However, there is other residential use established in this area, which would require private

## Agenda Item 8

				transport to reach the larger local centre of Halstead, providing educational, convenience, and community facilities.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints	There is a degree of screening currently on the site through tree cover. However further landscaping and similar mitigation measures would need to be considered to ensure appropriate privacy.	There are some parts of the site with heavy tree cover including ancient woodland, and a small section covered by TPO. The site lies within the Kent Downs AONB	The site surrounds, but is not included within the boundary of a Scheduled Ancient Monument.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	There are quite extensive views looking out of the site from the south west, interspersed by tree coverage. There are residential properties to the north of the site, which are not visible from the wider landscape. Therefore, dependent upon layout and design, there would be limited impact upon the landscape.	The site is adjacent to an existing residential area. However, the nature of the proposal would cause fewer disturbances than the industrial nature of the current use of the site, and would be considered as part of a wider redevelopment.	The site currently has two vehicular access points, at the north and west of the site. Pedestrian access is limited, but can be accessed from the north of the site adjacent to the residential area.	

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<b>Suitability:</b>	The site is not located in an area at risk of flooding nor is it located in an area of air and noise quality impacts. Parts of the site are well screened with heavy tree coverage, which includes some ancient woodland. The site is not within walking distance to the nearest local service centre of Halstead, and has a limited exposure to public transport. However there are some residential properties in this area which would require reliance on private transport. Any redevelopment of Fort Halstead in accordance with the criteria proposed in Policy EMP3 of the ADMP will enable this location to increase in terms of sustainability for the location of Gypsy and Traveller accommodation, through improved infrastructure and public transport provision.
<b>Deliverability:</b>	<p>The site has been considered alongside the land included within the proposed Policy EMP3 allocation site of the Allocations and Development Management Plan. The landowners of this site have provided information to demonstrate that the inclusion of provision for Gypsy and Traveller accommodation as part of any redevelopment of Fort Halstead will render the scheme unviable. However this area under consideration lies outside of the Policy EMP3 site and is being considered separately.</p> <p>It is likely that a Phase 1 and Phase 2 contaminated land assessment will be required due to the land use at the associated Fort Halstead site.</p>

Consult on potential to allocate?

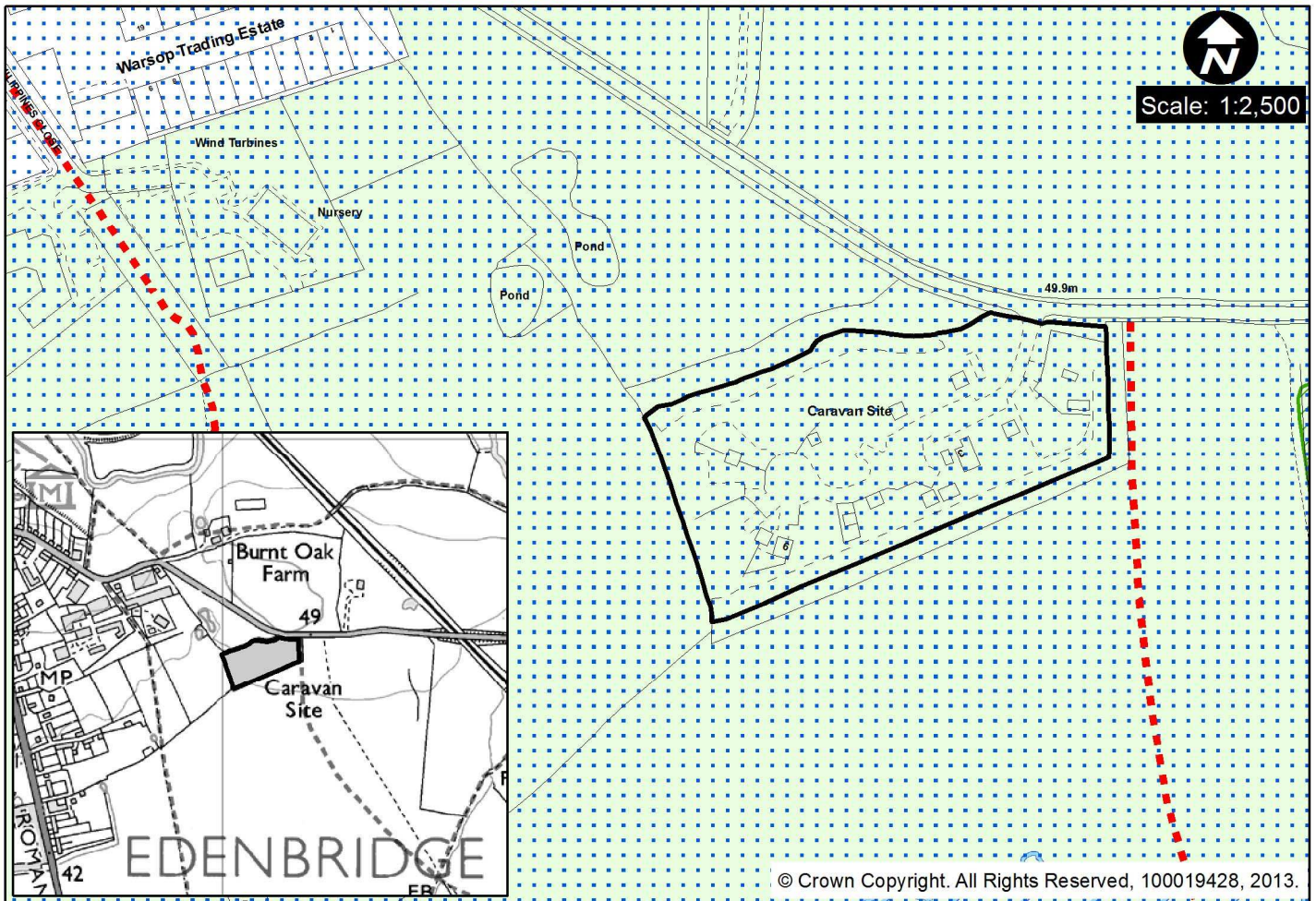
<b>Potential Capacity</b>	Total 15 permanent pitches
<b>Design Parameters:</b>	
Design and Layout	
Landscape	
Access	
Phasing	



**GYPSY AND TRAVELLER PLAN  
SITE OPTIONS ASSESSMENTS:  
SITES NOT CONSIDERED TO BE SUITABLE**

**MARCH 2014**

Site Address: Hever Road Caravan Site, Edenbridge



<p><b>Site Description:</b></p>	<p>This is an existing permanent public Gypsy and Traveller site containing 17 pitches. It is approximately 1.11ha and is situated at the eastern edge of a built up residential area in Edenbridge, and opposite a private temporary site containing 6 pitches.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>78/01774/HIST</b> The continued use of land as an encampment for Gypsies for seven years</p>	<p><b>Approved</b> Temporary permission granted for 7 years in order to review the position in line with the proposals contained within the Kent Structure Plan at the end of this period.</p>
	<p><b>86/02042/HIST</b> Retention of the use of the land for encampment for Gypsies</p>	<p><b>Approved</b> Temporary permission granted for 7 years in order to review the position in line with the proposals contained within the Kent Structure Plan at the end of this period.</p>
	<p><b>94/00166/HIST</b> Redevelopment &amp; extension of existing 8 pitch gypsy caravan site to form a 12 pitch caravan site.</p>	<p><b>Approved</b> The number of caravans on the extension site should not exceed 8. No storage, industrial or other commercial activity should take place on this site, nor any trading operations take place from</p>

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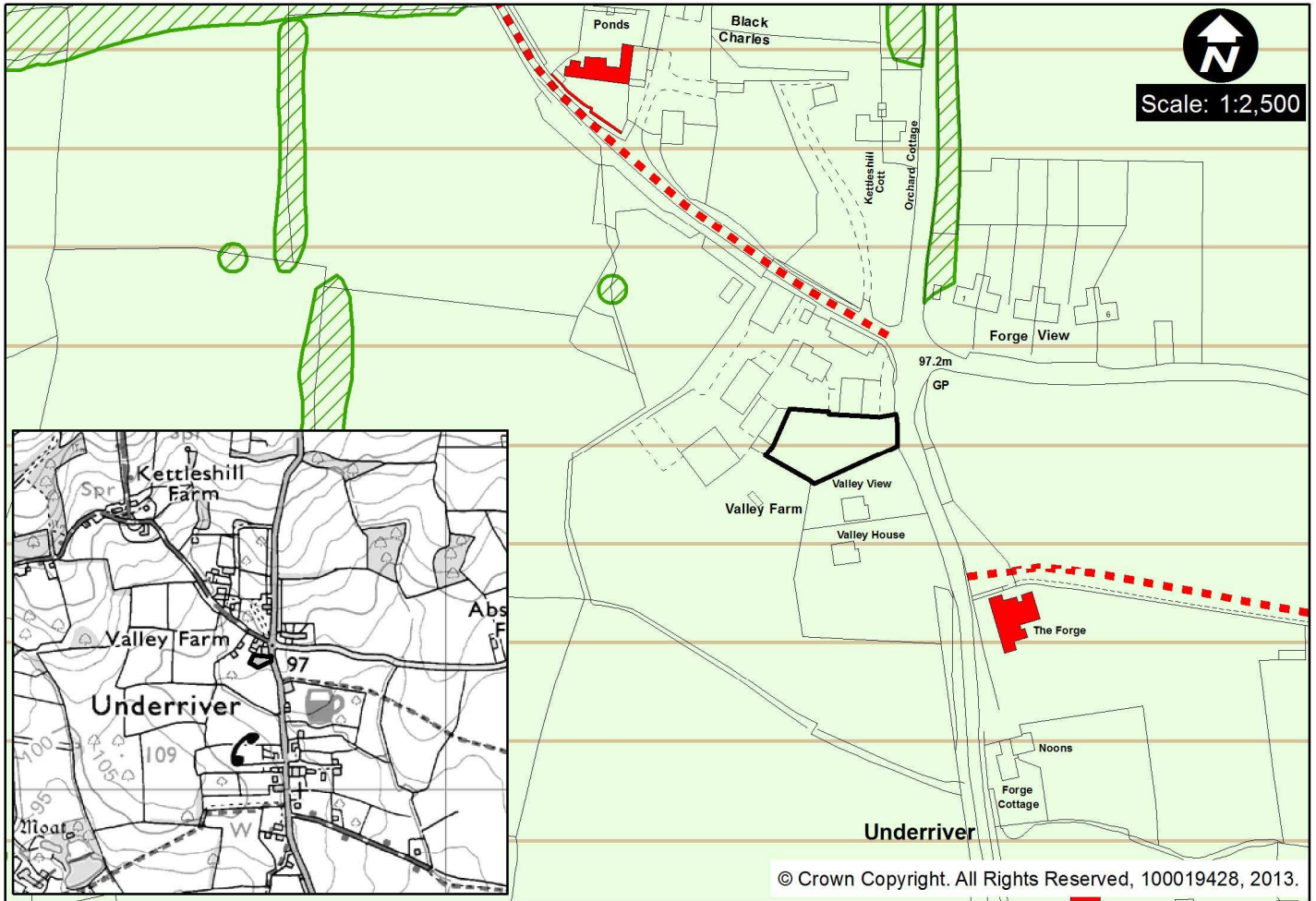
			the site.	
	<b>06/02494/FUL</b> Provision of 3 additional pitches on existing gypsy caravan site (from 12 to 15 pitches).		<b>Approved</b> No more than 2 caravans shall be stationed on each of the additional pitches. The pitches permitted should only be used by those who meet the definition of Gypsies and Travellers in Circular 01/06	
	<b>08/01242/FUL</b> Six Caravan Pitches on existing Caravan Site and associated works/facilities (including revision to 3 pitches and associated works already approved under reference SE/06/02494/FUL).		<b>Approved (12/09/08)</b> No more than one mobile home can be stationed on each pitch at any given time.	
	<b>10/01598/FUL</b> Four Caravan Pitches on existing Caravan Site and associated works/facilities including replacing existing amenity blocks.		<b>Approved</b> No more than one mobile home can be stationed on each pitch at any given time. No outbuildings shall be erected within the four approved pitches.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is within Flood Zone 3b (functional floodplain). The site has been in existence for several years before this designation came into effect.	Site is flat.	Site is considered to be fairly well connected to local convenience, health, and educational facilities provided at Edenbridge Town centre; however these would be access by road as there is not a footpath provided. The site is surrounded by a network of PROWs, but these do not provide direct access into Edenbridge
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are	The site is considered to provide a	The site is not within the AONB and has no national	The site does not contain any designated

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	there any unacceptable noise constraints.	sufficient degree of privacy for occupiers.	or local nature conservation designation.	Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	Whilst there are some long views out of the site into the open countryside to the rear of the site, it is fairly well screened from the highway, with existing fencing along the frontage.	This is an established site and would not be increasing any existing impact on amenity.	Existing vehicular access from Hever Road is considered to be suitable. However this is a busy road and there is no pedestrian pavement.	
<b>Suitability:</b>	This site is considered to be at full capacity and therefore is unable to accommodate any further pitches to meet the identified need. The surrounding land is not available therefore the site is unable to expand to provide an extension for additional sites.			



Site Address: Valley Farm North, Carter's Hill, Underriver



<b>Site Description:</b>	This site is situated adjacent to the complex of Valley Farm and a residential property. It is approximately 0.08ha. The site is located in close proximity to a cross road whereby existing residential properties are situated.	
<b>Relevant Planning History</b>	<b>Application Details</b>	<b>Application History</b>
	<p><b>91/00805/HIST</b> 6 no. x two bedroom houses (3 pairs) with garages and access (OUTLINE)</p>	<p><b>Refused (03/07/91)</b> Reasons for refusal include that the site would cause harm to the openness of the Green belt, and would be detrimental to the visual amenity of the AONB.</p>
	<p><b>92/01206/HIST</b> Forestry workers dwelling with double garage and storage barn, access road and development of tree nursery/plantations amended by letter dated 25.9.92.</p>	<p><b>Refused (06/10/92)</b> Reasons for refusal include that the site would cause harm to the openness of the Green belt, and would be detrimental to the visual amenity of the AONB.</p>
	<p><b>13/01179/FUL</b> Demolition of a dwelling and erection of a new dwelling.</p>	<p><b>Granted (15/08/13)</b> The permission is conditioned to be used by a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or w widow or widower of such a person, and to any resident dependents.</p>

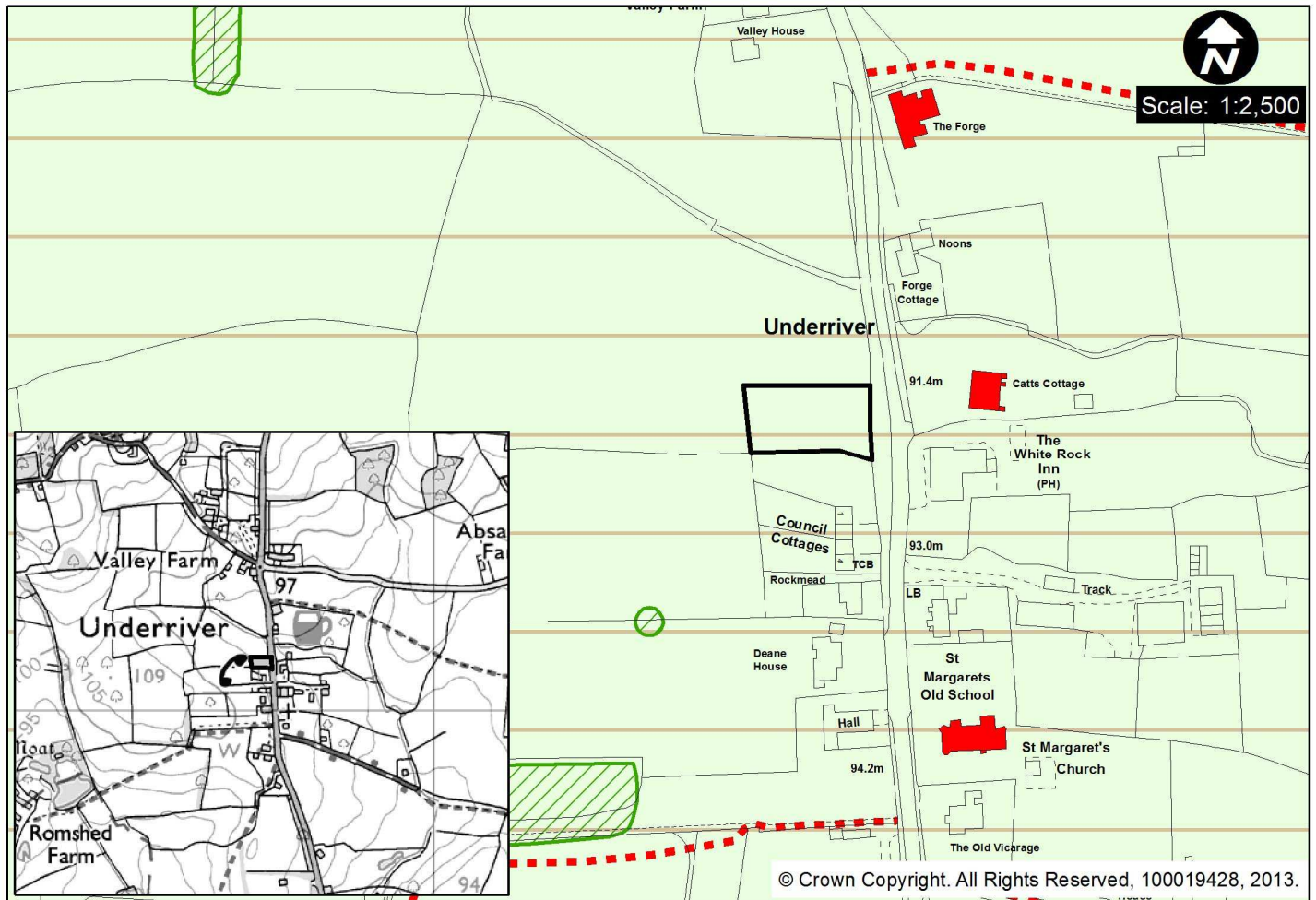
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Constraints:	Green Belt	Flood Risk	Topography	Connection to local services
	The site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	Site is flat	The site is within walking distance to the village centre at Underriver, containing a public house and community hall.
	Noise and Air Quality	Privacy of Site for Occupier	Landscape (e.g. AONB), Biodiversity	Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site lies adjacent to an agricultural complex, so would require some screening as this would not be connected to any proposed pitch/es	The site lies fully within the Kent Downs AONB.	The site lies in close proximity to The Forge which is a listed building.
Impact:	Impact on local character and identity of local surroundings	Impact on amenity for existing residents	Vehicle and pedestrian access	
	This site adjoins the existing built curtilage of Valley Farm, and the residential properties of Valley View and Valley House, therefore would not greatly impact on the local character. The site is also in close proximity to the existing low density residential frontage at the junction with Underriver House Road.	Capability of securing good standards of amenity for existing residents	There is vehicular access connected to Valley Farm. There is a public right of way opposite the site and adjacent to the farm buildings of Valley Farm.	

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<b>Suitability:</b>	This site lies in a remote location, away from the centre of Underriver, which in itself is not considered to be a sustainable location for new development. The site is located adjacent to an area of land covered under an injunction order against the use of the land as Gypsy and Traveller accommodation. The site is not considered to be compliant with a number of suitability criteria and therefore is not considered a suitable site option.
<b>Deliverability:</b>	Since the time the site was promoted during the Call for Sites 2012, permission has been granted for the demolition of a dwelling and erection of a new dwelling for an agricultural worker. Therefore the site is no longer being promoted for use of Gypsy and Traveller accommodation.

Site Address: Valley Farm South, Carter Hill's, Underriver



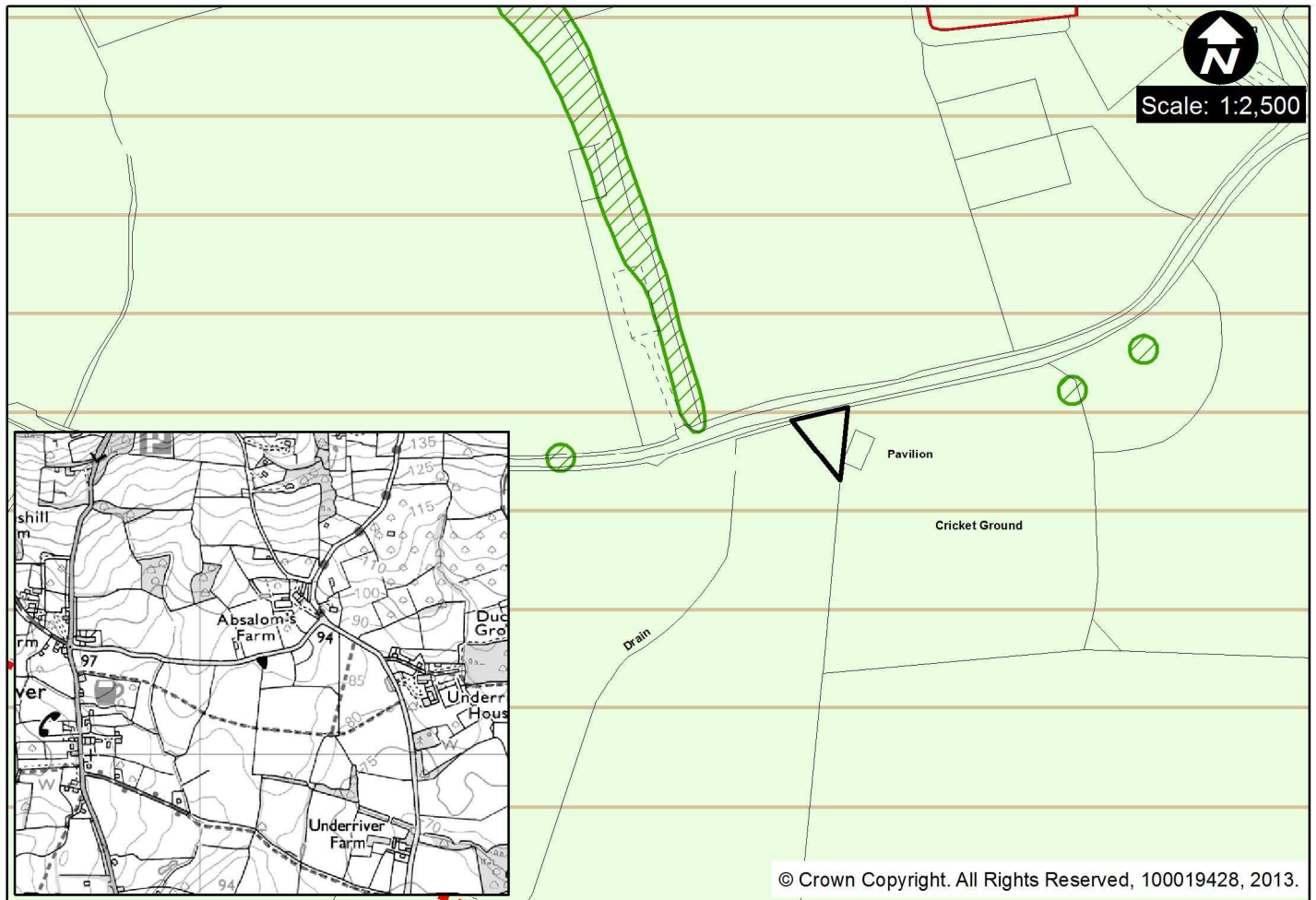
<b>Site Description:</b>	The site is currently in agricultural use and is approximately 0.11ha. It lies between the main built area of Underriver village, and Valley Farm complex.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	No relevant planning history		No relevant planning history	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	Site is flat	The site is within walking distance to the village centre at Underriver, containing a public house and community hall.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings,</b>

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				<b>Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is very open in the landscape, containing no current screening.	The site lies fully within the Kent Downs AONB.	The site lies in close proximity to both The Forge and Catts Cottage, which are listed buildings
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site is very open in the countryside along this section of Carters Hill, with a small degree of screening reducing far reaching views. There is some scattered development opposite the site.	The site lies opposite two residential properties, but would not cause overlooking.	Access to the site can be gained from the highway, but does not have an existing access point. Pedestrian access can be gained from the same point but would be onto a rural lane.	
<b>Suitability:</b>	The site is currently an agricultural field, and very open in the landscape. It also forms part of the wider setting for two listed buildings. Whilst there is some scattered residential development opposite the site, it is not well connected to the built form of the village or associated with the built complex of Valley Farm, and would therefore be intrusive in the landscape. This site lies in a remote location, away from the centre of Underriver, which in itself is not considered to be a sustainable location for new development. The site is located adjacent to an area of land covered under an injunction order against the use of the land as Gypsy and Traveller accommodation. The site is not considered to be compliant with a number of suitability criteria and therefore is not considered a suitable site option.			

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Site Address: Land adj. Cricket Pavilion, Underriver



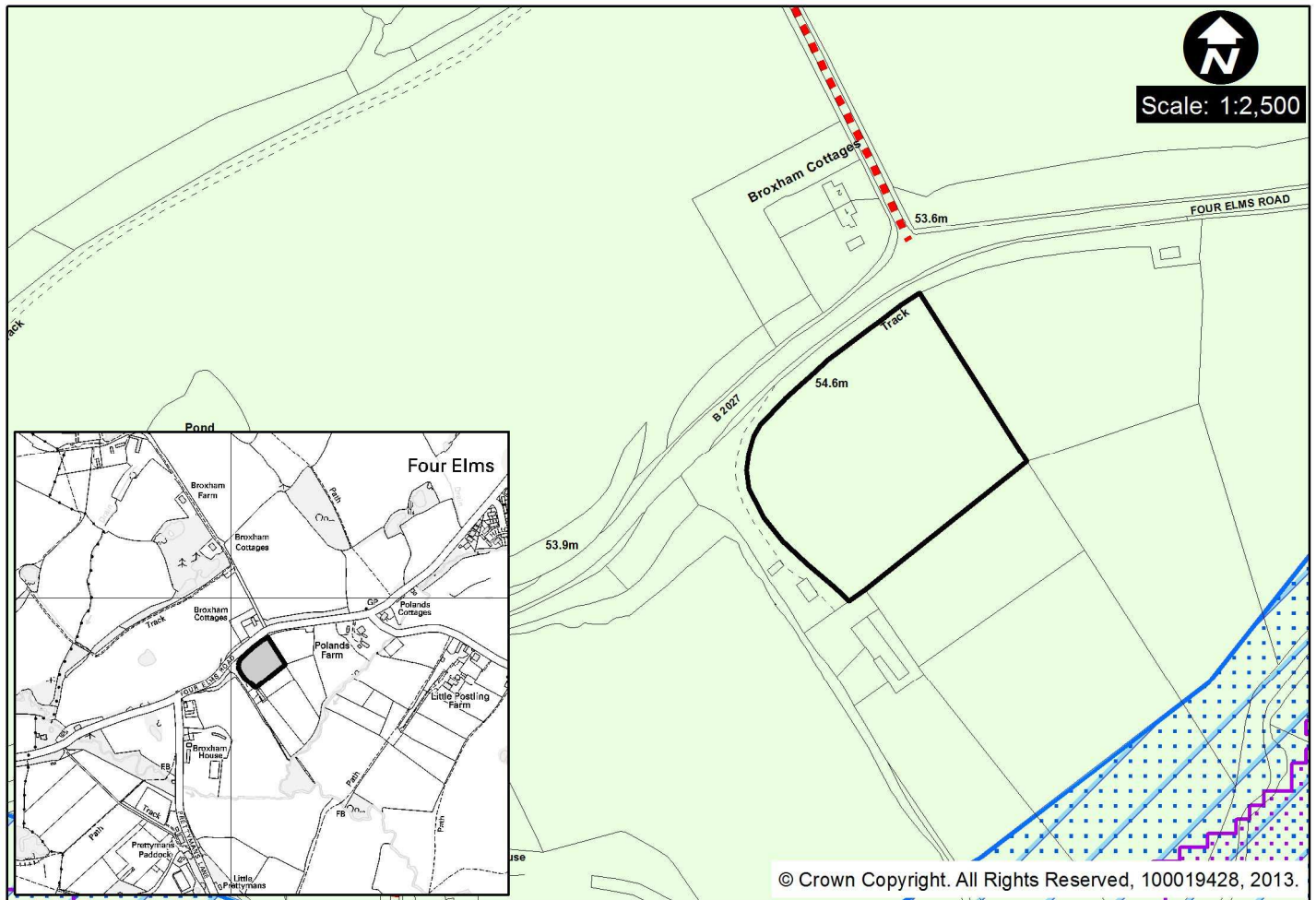
<b>Site Description:</b>	The site lies adjacent to a cricket pavilion, and is approximately 0.02ha. The adjoining land uses are open cricket field and agricultural land.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	<p><b>04/00444/FUL</b> Change of use of land from agricultural to a mixed agricultural/equestrian use. Erection of six stables, tack room, feed store and associated works including 6 car parking spaces.</p>		<p><b>Refused (11/05/04)</b> Reasons for refusal includes the proposal would cause significant harm to the openness of the Green Belt, the character of the AONB, and would detract from the character and appearance of the SLA.</p>	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	Site is flat.	The site is isolated in the open countryside and not well connected to the local services at Underriver village.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl.</b>

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				<b>Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is very open in the landscape, containing no current screening.	The site lies fully within the Kent Downs AONB.	The site does not contain any designated heritage assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site would be intrusive in the open countryside and not reflect the character of the surrounding area.	The site lies adjacent to the cricket pavilion, but is otherwise isolated from other development, therefore would have little impact on neighbouring amenities.	Access to the site can be gained from the highway, but does not have an existing access point. Pedestrian access can be gained from the same point but would be onto a rural lane.	
<b>Suitability:</b>	The site is located outside of an AQMA and does not have any issues of noise quality. It is also not at risk of flooding. However, the site would impact upon the local landscape character of the area as it is a very open site within both the Green Belt and AONB. The site is not well connected to the established built form within Underriver village, which in itself is not considered to be a sustainable location for new development. There is no planning history on this site for use for Gypsy and Traveller pitches, and developing this site would therefore set a precedent for this land use in the open countryside, green belt, and AONB.			

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Site Address: Deers Leap Farm, Four Elms Road, Edenbridge



<b>Site Description:</b>	The site is approximately 0.99 ha, and is situated along a main rural lane in an area of fairly open countryside. Immediately opposite the site are two residential properties. The nature of development in this area is fairly sporadic.	
<b>Relevant Planning History</b>	<b>Application Details</b> <b>03/00557/FUL</b> Retrospective application for the change of use of the land for the siting of 6 caravans and 6 mobile homes, and associated hard standing and fencing.	<b>Application History</b> <b>Refused and Appeal Dismissed</b> Reasons for refusal were that the proposal would involve new development outside the confines of a town or village and be inappropriate development harmful to the maintenance of the character and openness of the Green Belt. It would be intrusive development in the countryside, thus harmful to its character, and fail to give long term protection to the Area of Local landscape Importance designation covering the site. The proposal would cause noise and disturbance to neighbouring residential amenity. The location is deemed to be unsustainable on grounds of being unrelated to local community services, not served by public transport, has no footways, cycle ways or street lighting,



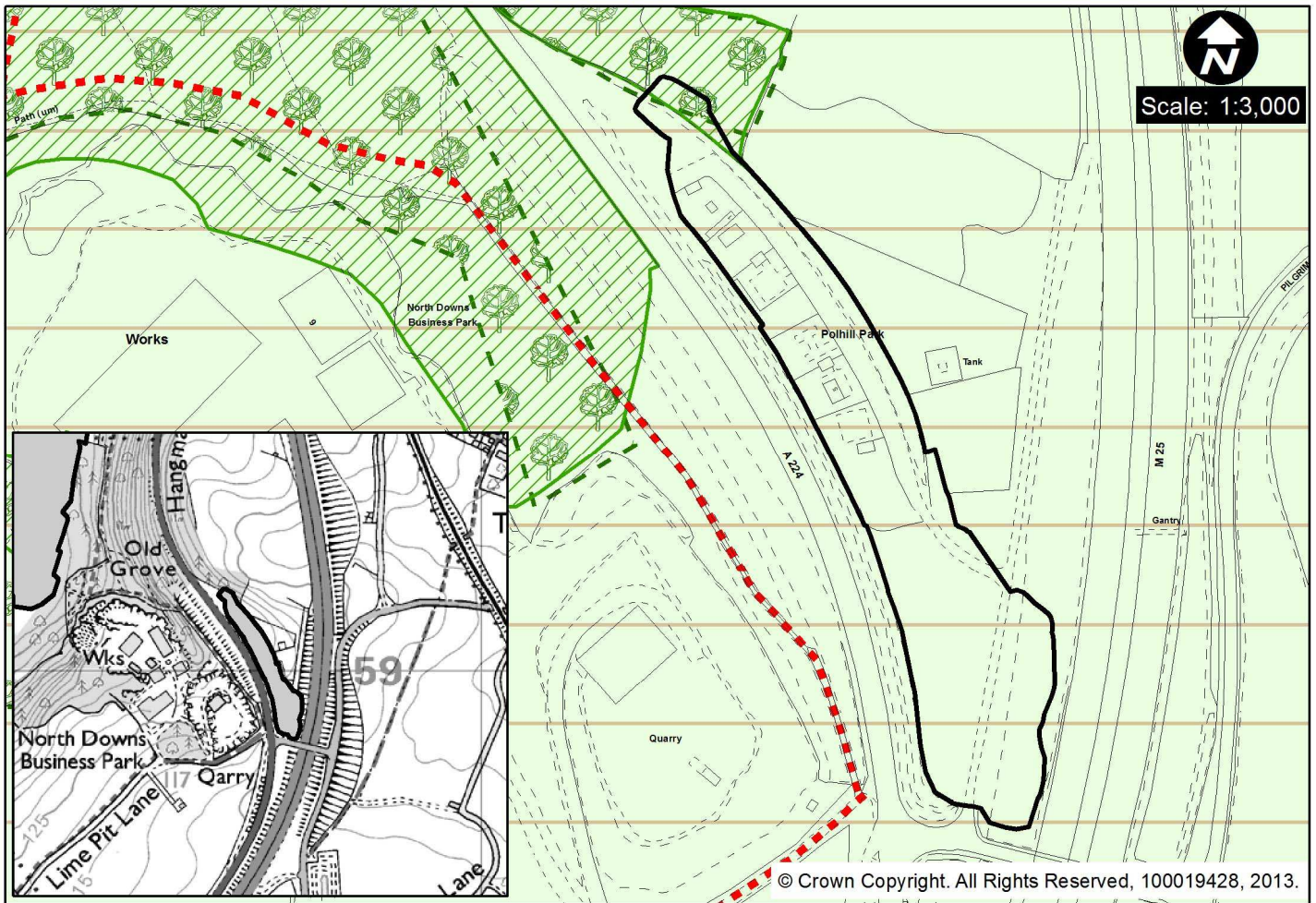
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				and does not provide a proper safe access.
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt.	The SFRA indicates that the site is not within, but is located in close proximity to land within Flood Zone 3b to the south of the site.	Site is gently sloping.	The site is in an area of sporadic development, situated along a rural lane leading into the local centre of Four Elms, which provides a garage, public house, and shop. Although there is a PROW located opposite the site, this does not lead into Four Elms. Main facilities for convenience, educational or medical needs would have to be accessed by private transport, as public transport in this area is very limited.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not within an AQMA nor are there any unacceptable noise constraints.	There is screening around the boundary of the site, but it is very visible from the highway.	The site is not within an AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>		<b>Vehicle and pedestrian access</b>
	The site is very visible	The site is within an area		There is reduced visibility

## Agenda Item 8

	from the highway. It is bounded by landscaping providing screening at the rear of the site, but is very open in nature when looking into the site from the highway.	of sporadic development, with residential properties opposite.	at this point in the road due to a curve in both directions, therefore vehicular access is restricted. There is no pedestrian access, and no footpaths along the highway.
<b>Suitability:</b>	The site is very open in the countryside, and very visible from the highway. The site does not benefit from any previous planning permissions for this land use. It is not connected to the local settlement of Four Elms, which in itself is not considered to be a sustainable location for new development. For these reasons, and the reason of inappropriate development in the Green belt the site is not considered to be a suitable option to potentially provide any Gypsy and Traveller pitches.		
<b>Deliverability:</b>	There is a vast planning enforcement history on this site, including a compulsory purchase order undertaken by the Council to ensure the land could be restored back to its original state. The land is not available and therefore not considered deliverable for Gypsy and Traveller accommodation.		

Site Address: Polhill Park, Halstead

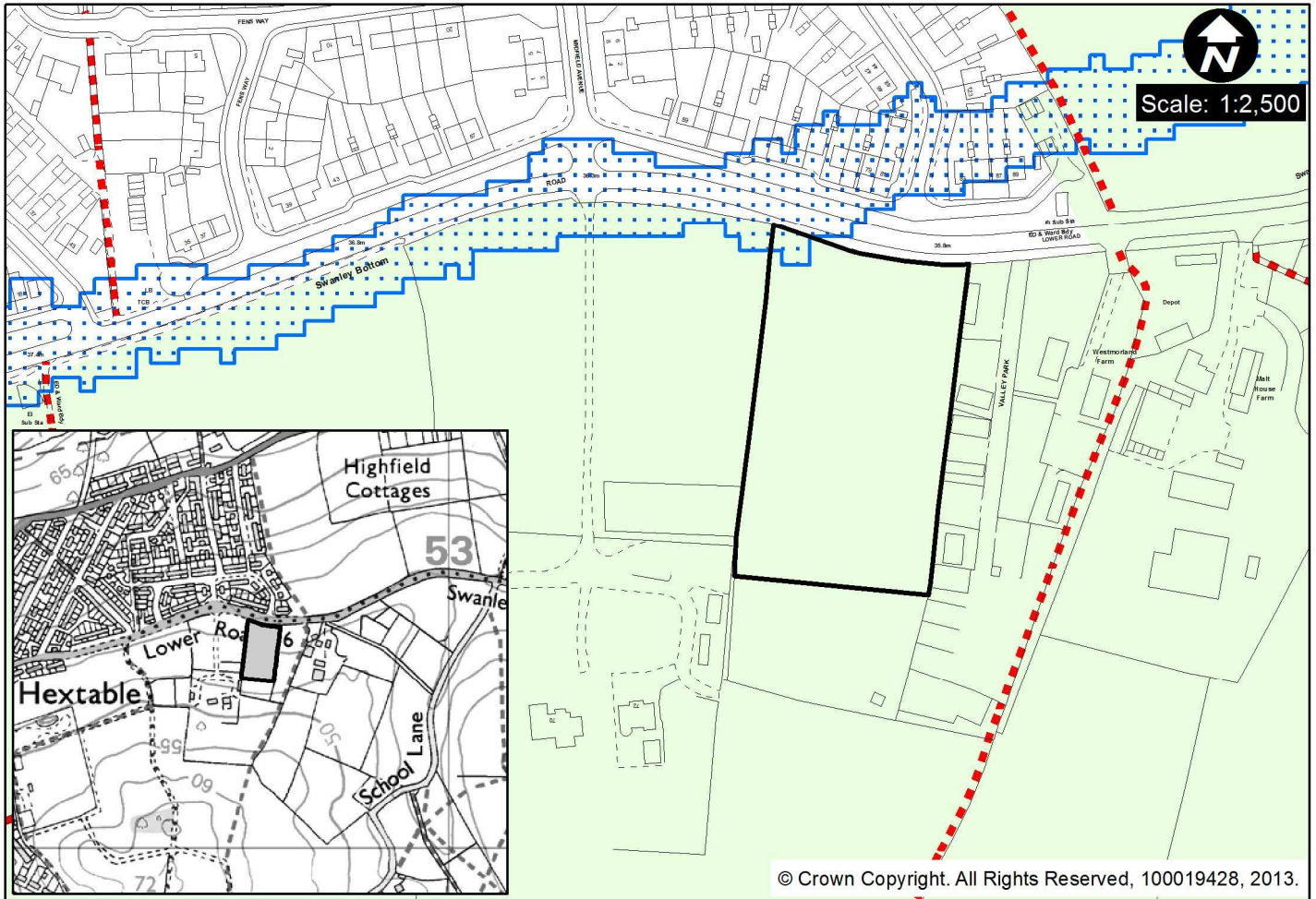


<b>Site Description:</b>	This is an existing permanent public Gypsy and Traveller site containing 9 pitches. The site is approximately 1.45ha, and is situated between the M25 motorway, a quarry, and North Downs Business Park.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	92/01262 Provision of a gypsy caravan site for 7 pitches (totalling 14 caravans)		Approved (29/06/93) Permission granted for no more than 14 caravans (7 pitches) to be stationed on the site whether in residential use or not. No more than 2 caravans may occupy a pitch at any given time.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	Site is relatively flat	The site is not considered to be well connected to the local services at Halstead. There are PROWs in close proximity to the site, but daily facilities such as convenience shops and educational

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				facilities would require private transport to reach.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site lies within the buffer zone to the M25 AQMA.	The site is well screened so considered to have a suitable level of privacy for occupants.	The site is fully within the Kent Downs AONB. Adjacent to the north west boundary is a large group of TPOs, and a very small part of the site at the northern boundary contains ancient woodland.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	The site is well screened from the public highway and is not considered to impact on the local character and identity of the area.	The site is at capacity so any further pitches would impact upon the amenity of existing residents but causing over crowding.	There is an existing vehicular access onto the road connecting Polhill with Pilgrims Way West, across the M25 motorway.	
<b>Suitability:</b>	This site is considered to be at full capacity and therefore is unable to accommodate any further pitches to meet the identified need. The surrounding land is not available therefore the site is unable to expand to provide an extension for additional sites.			

Site Address: Land adj. Valley Park north, Lower Road, Hextable.



<p><b>Site Description:</b></p>	<p>This site is located adjacent to an existing permanent Gypsy and Traveller site known as Valley Park, associated with the adjoining Westmorland Farm, and opposite an established residential area. Adjacent to the western boundary of the proposed site are nos. 70-72 Lower Road, where both of which include a mobile home within their curtilage. The proposed site is approximately 0.28ha. The rear of the site is used for the keeping of horses. This site is proposed for 5 pitches providing an extension to the existing Valley Park site.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b> None</p>	<p><b>Application History</b> None</p>
<p><b>Relevant Planning History on adjacent sites</b></p>	<p><b>Valley Park – 90/02091/HIST – 90/02098/HIST</b> 8 separate applications each for the change of use for stationing of residential mobile home and one touring caravan on one plot each.</p>	<p><b>All Allowed on Appeal (29/05/92)</b> Temporary permission granted for the collective site of 8 pitches for 3 years for the named applicants.</p>
	<p><b>Valley Park - 94/02230/HIST</b> Use of land for caravan site for 8 pitches as amended by letter received on 14.12.94</p>	<p><b>Approved (08/03/95)</b> Temporary permission granted for 3 years for 8 pitches (Plots 1, 2, 3, 11, 12 and 12a to have 1 mobile home and 1 touring caravan stationed at any one time. Plots 10 and 10a to have no more than 1 mobile home stationed on the land at any one time). Permission granted for the</p>

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		named applicants, and in the event of an owner ceasing to occupy that part of the land, the land cannot be used for the stationing or storage of caravans without arrival from the Council. No vehicles are to be parked along the central access.
<b>Valley Park - 98/00290/HIST</b>	Continued use of land as 8 pitch gypsy caravan site without complying with condition 1 of SE/94/2230 decision notice.	<b>Approved (21/08/98)</b> Permanent permission was granted for continued use of the land as a gypsy caravan site for 8 pitches. The decision also removed the condition regarding the named applicants.
<b>Valley Park - 99/02400/CONVAR</b>	Variation of condition no 1 - SE/98/0290 to enable two mobile homes to be stored and stationed on the land instead of one mobile home and one touring caravan.	<b>Approved on Appeal (21/06/00)</b> The Inspector considered there were very special circumstances that outweigh any additional harm to the Green Belt and allowed the appeal granting personal permission for two mobile homes to be stationed on the land instead of one mobile home and one touring caravan.
<b>Westmorland Farm - 99/00455/HIST</b>	Varied personal permission to include immediate family of occupant for stationing of a mobile home and the storing of a caravan (allowed at appeal of enforcement notice in 1984)	<b>Approved (21/09/99)</b> Permanent personal permission granted in 1984, varied in 1999 to include immediate family, for one mobile home and one touring caravan. In the event of an owner ceasing to occupy that part of the land, the land cannot be used for the stationing or storage of caravans without arrival from the Council.
<b>Westmorland Farm -99/02626/FUL</b>	Use of land as a four pitch gypsy caravan site.	<b>Allowed on Appeal (23/02/01)</b> Permission granted for no more than two touring caravans or one mobile home and one touring caravan to be placed on each pitch at any one time. No named applicants, but to be occupied only by gypsies falling within the statutory definition.
<b>Westmorland Farm - 02/01984/FUL</b>	Creation of three additional plots for gypsy families.	<b>Allowed on Appeal (05/02/04)</b> Temporary permission granted for 5 years for 3 pitches (additional to the 4 permanent pitches previously permitted above). The permitted use cannot take place until the existing mobile unit or portakabin used for educational purposes on the southern part of the site is removed. No more than two touring caravans or one mobile home and one touring caravan shall be stored on each plot at any one time. No named

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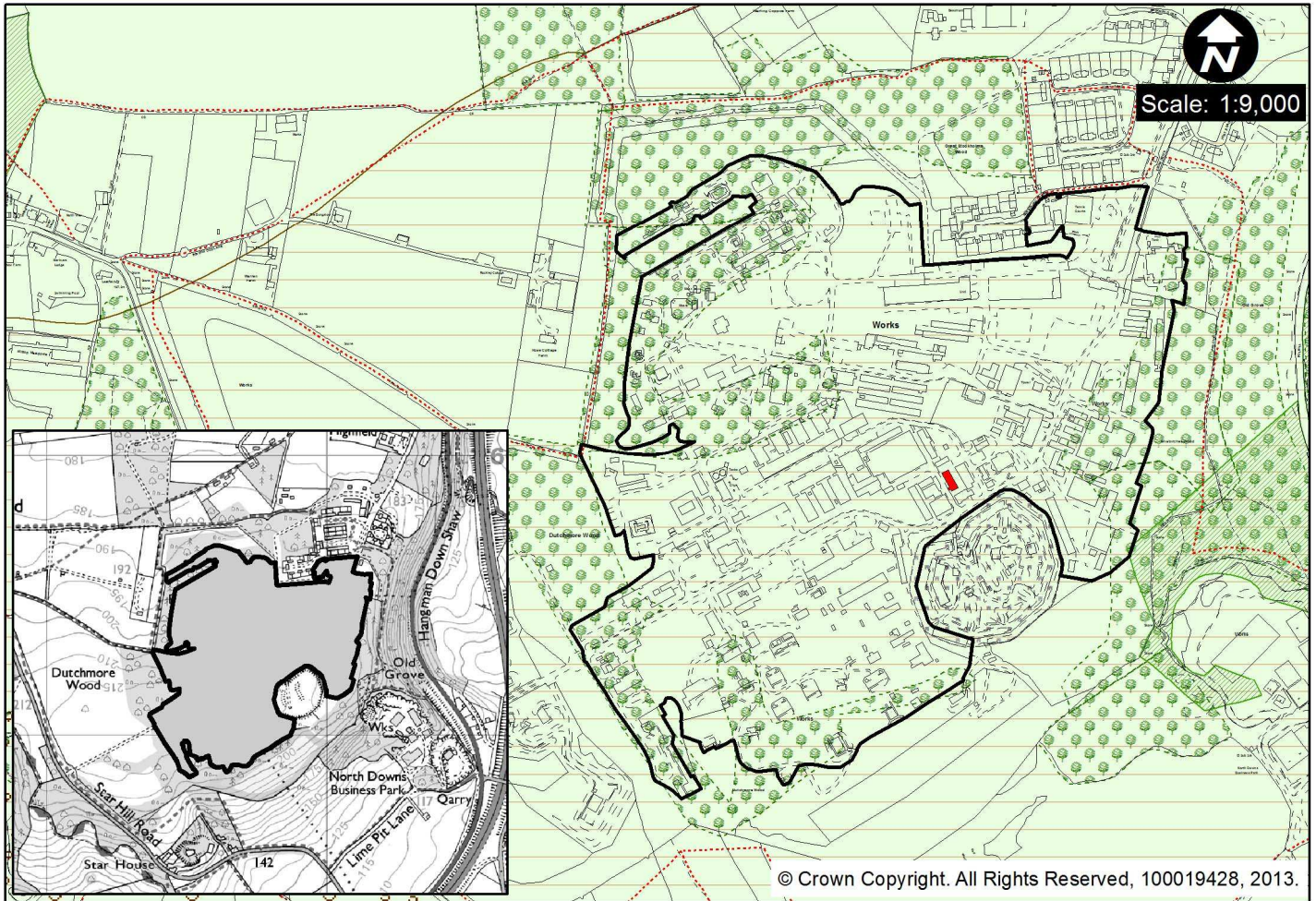
			applicants, but to be occupied only by gypsies falling within the statutory definition.	
	<b>Adjacent site 72 Lower Road – 06/00532/FUL</b> Retention and siting of residential mobile home for the joint lives of dependant relatives		<b>Refused</b> The stationing of this mobile home lies outside of the curtilage of the residential property. It was refused permission due to the impact on the openness of the Green Belt and countryside.	
	<b>Adjacent site 72 Lower Road – 310/83/162</b> Enforcement notice for the making of a material change in the use of the land as a residential caravan site without planning permission.		<b>Allowed on Appeal (19/12/08)</b> The Inspector granted personal permission for the stationing of no more than one caravan at any one time on the land, and be restored to its previous condition within two months of the cease of the use by the named applicants. The caravan did not fall within the curtilage of the residential property to which it was ancillary to. Permission was granted due to very special circumstances surrounding the health matters of the gypsy occupants, and connection of family residing in the property at 72 Lower Road.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	This site lies fully within the Metropolitan Green Belt.	The SFRA indicates that a very small area of the site at the north-west corner is within Flood Zone 3b (functional floodplain)	The site very gently slopes to the south away from the highway.	Site is considered to be well connected to the village. The site is located opposite an established residential area. Therefore it is considered a sustainable location within suitable walking distance to the local services at Hextable, which include a village store and Post Office, a primary school and secondary school, and a doctor's surgery.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled</b>

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				<b>Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is very open from Lower Road, and can be seen from both the highway and the residential properties to the west. It is also adjacent to an existing permanent Gypsy site, which is bounded by a wall so provides screening.	The site is not within an AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	Whilst the site lies adjacent to an existing permanent Gypsy site, with numerous planning permissions (outlined above), additional pitches here may cause a cumulative impact on the character of the countryside.	The site is very open and can be viewed from Lower Road and the neighbouring residential development opposite. It is also in close proximity to two residential buildings at 70 and 72 Lower Road, which the upper floors are visible from this site.	There is vehicular access for the adjacent valley park site and two PROWs in close proximity.	
<b>Suitability:</b>	The site is well located in relation to local services at Hextable, and lies outside of an AONB. It is also not affected by air or noise quality issues. However, the original site promoted during the 2012 Call for Sites included both this land and the site option being considered to the south. The originally promoted site included a new point of access from the highway into the site, and 25 additional pitches. After having assessed the site for the suitability of this level of additional pitches, it was not deemed suitable due to the number of existing pitches on the adjacent land, creating a potential cumulative impact on the landscape (also taking into account the adjacent site of 70-72 Lower Road).			



Site Address: Fort Halstead, Halstead



<b>Site Description:</b>	The site is currently classified as a major developed site within the Green Belt, and is subject to Policy SP 8 of the Core Strategy ‘Economic Development and Land for Business’, and the proposed Policy EMP3 ‘redevelopment of Fort Halstead’ in the draft ADMP. The site is approximately 40.1ha.			
<b>Relevant Planning History</b>	<b>Application Details</b>		<b>Application History</b>	
	None applicable		None applicable	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt	The SFRA indicated that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site steeply slopes to the south and south east, being relatively flat on the areas of higher ground.	There is limited public transport traveling passed the site but not currently serving it. It is not particularly well connected to a local service centre. However, there is other residential use established in this area, which would

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				require private transport to reach the larger local centre of Halstead, providing educational, convenience, and community facilities.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints	There is much tree coverage along the western and southern boundary of the site, which would provide privacy for the occupier.	Adjacent to the south-east of the site is an area of land covered by a TPO. The site lies within the Kent Downs AONB	The site surrounds, but is not included within the boundary, a Scheduled Ancient Monument.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	
	There are quite extensive views looking out of the site from the south west, interspersed by tree coverage. There are residential properties to the north of the site, which are not visible from the wider landscape. Therefore, dependent upon layout and design, there would be limited impact upon the landscape.	The site is adjacent to an existing residential area. However, the nature of the proposal would cause fewer disturbances than the industrial nature of the current use of the site, and would be considered as part of a wider redevelopment.	The site currently has two vehicular access points, at the north and west of the site. Pedestrian access is limited, but can be accessed from the north of the site adjacent to the residential area.	
<b>Suitability:</b>	The site is not located in an area at risk of flooding nor is it located in an area of air and noise quality impacts. The site contains very extensive views looking out over the wider landscape, and is located in a prominent position. It is however well screened and any development would potentially be limited in terms of impact on the landscape. The site is not within walking distance to the nearest local service centre of Halstead, and has a limited exposure to public transport.			

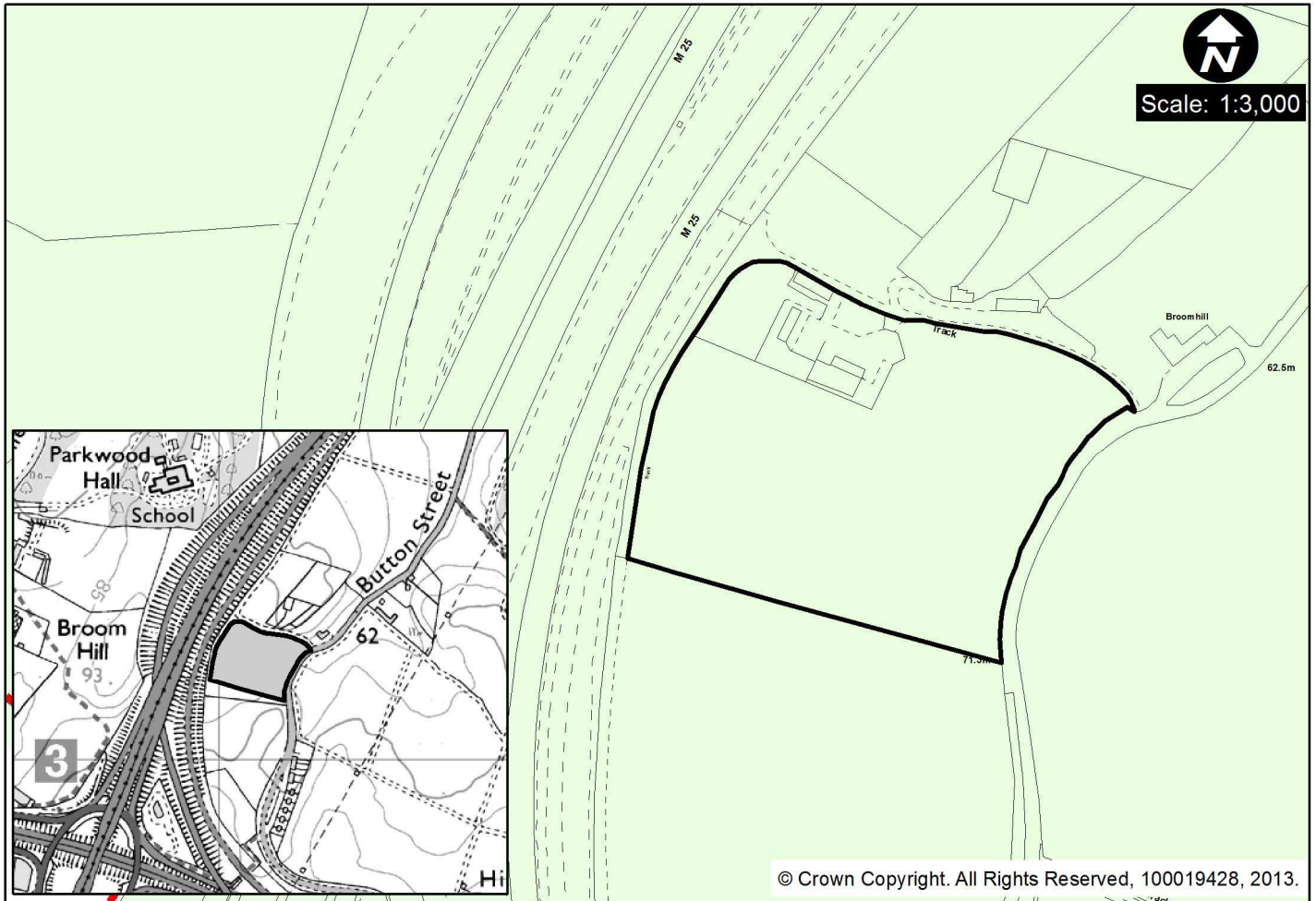
<b>Deliverability:</b>	<p>The Council has commissioned and published an assessment of the viability of the landowner's emerging redevelopment proposals. This assessment finds that, whilst viable opportunities for the redevelopment of the site exist, many mixed use development scenarios that could re-provide the number of jobs on the site are of marginal viability. At present, it is, therefore, not considered that there is scope for introducing additional uses with relatively low development values, such as gypsy and traveller pitches, within a redevelopment of the Major Employment Site area. This issue can be kept under review as the Gypsy and Traveller Plan develops and plans for the redevelopment of the site evolve between now and 2018 when DSTL is expected to have relocated away from the site.</p>
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**GYPSY AND TRAVELLER PLAN  
SITE OPTIONS ASSESSMENTS:  
SITES WITH A LIVE PLANNING APPLICATION**

**MARCH 2014**

Site Address: Land South West Broom Hill, Swanley



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<b>Site Description:</b>	The site is approximately 2.28ha and is situated in close proximity to the M25 motorway. It is in a fairly open rural location, set back from any residential development.	
<b>Relevant Planning History</b>	<b>Application Details</b>	<b>Application History</b>
	<b>03/00624/FUL</b> Stationing of two mobile homes for two Gypsy families and change of use from grazing to residential.	<b>Refused and Appeal Dismissed</b> Reasons for refusal include that the proposal constitutes inappropriate development which is by definition harmful to the Green Belt, and openness and quality of the landscape. No special circumstances were deemed to outweigh this harm. Harm was also found to highways safety and the promotion of sustainable patterns of development.
	<b>07/00178/FUL</b> Continuation of residential use of land by gypsy families with two mobile homes, one touring caravan and ancillary structures.	<b>Allowed on Appeal</b> Temporary permission granted for 4 years for 2 mobile homes and 2 touring caravans for the named applicants only. No commercial activities can take place on the land.
<b>12/03287/CONVAR</b> Variation of condition 1 (limited period of 4 years) and condition 2 (cease	<b>Refused</b> The reason given for refusal was that the applicant failed to demonstrate that the	

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	use) of SE/07/00178/FUL (Continuation of residential use of land by gypsy families with two mobile homes, one touring caravan and ancillary structures) - to allow permanent use of the land		location will ensure satisfactory environment for permanent residential occupancy due to the adverse impacts from air quality and noise generated by the nearby motorway.	
	13/03227/FUL Continuation of residential use of land by gypsy families with two mobile homes, two touring caravan and ancillary structures.		To be determined	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site lies fully within the Metropolitan Green Belt	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is relatively flat with a slight slope up from Button Street to the motorway.	The site is fairly well connected to the local services provided in Swanley, providing large scale convenience retail facilities, and educational facilities. There are however no PROWs so access to these facilities would be by private transport.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site lies within an AQMA Buffer Zone. This itself does not indicate the site is constraint by noise or air quality issues, but that it could have an impact upon the AQMA.	The privacy of the occupiers has not been raised as an issue previously when temporary permission was granted so is not considered to be an issue.	The site is not in the AONB and has no national or local nature conservation designation.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local</b>	<b>Impact on amenity for existing residents</b>	<b>Vehicle and pedestrian access</b>	

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	<p><b>surroundings</b></p> <p>The site is located in an area of fairly open countryside.</p>	<p>There is limited impact on the amenity for existing residents due to the fairly isolated location of the site.</p>	<p>There is an existing vehicular access onto Button Street.</p>
<p><b>Suitability:</b></p>	<p>Due to the current application on this site still to be determined, it would not be appropriate to make an initial judgement against some of the criteria to decide whether it is suitable enough to be put forward as a site option. However the site does have previous planning history for the stationing of 1 mobile home, which can be considered as part of its potential suitability. The site is located outside of an AONB and is not constrained by other nature designations or impacts the setting of any Heritage Assets. It does however lie within an AQMA buffer zone and has potential air and noise quality impacts.</p>		
<p><b>Deliverability:</b></p>	<p>The site is available and currently has an application to be determined for the continued use of the land for 2 residential caravans.</p>		

Site Address: Fordwood Farm, New Street Road, Hodsoll Street



<p><b>Site Description:</b></p>	<p>This site is approximately 0.13ha and is an unauthorised site. It currently has an application to be determined for the stationing of 1 mobile home and 1 touring caravan. The site lies within an area of scattered and sporadic development with a dwelling to the north, and farm to the south.</p>	
<p><b>Relevant Planning History</b></p>	<p><b>Application Details</b></p>	<p><b>Application History</b></p>
	<p><b>03/00623/FUL</b> Change of use to residential, stationing of one mobile home and one touring caravan for a Gypsy Family.</p>	<p><b>Refused and Appeal Dismissed</b> Reasons for refusal include inappropriate development that would be harmful to the maintenance and openness of the Green Belt, and detract from the rural character of the countryside.</p>
	<p><b>05/00126/ENF</b> Without planning permission the making of a material change in the use of the land by the change from agriculture to use for the stationing of caravans for residential purposes.</p>	<p><b>Appeal Allowed and Enforcement Notice quashed (24/04/06)</b> Planning permission granted by appeal for the stationing of no more than 1 mobile home and 1 touring caravan at any one time for a temporary period of 3 years. No other buildings, structures, containers or lorry bodies shall be erected or placed on the land. No more than one commercial vehicle shall be parked on the land.</p>



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	<b>09/00822/CONVAR</b> Change of use from agricultural land to agricultural with standing caravan for residential purposes.		<b>To be determined</b> Application is for temporary permission for a further 3 years for 1 mobile home and 1 touring caravan to vary the condition for the permission granted by the earlier appeal.	
<b>Constraints:</b>	<b>Green Belt</b>	<b>Flood Risk</b>	<b>Topography</b>	<b>Connection to local services</b>
	The site is within the Metropolitan Green Belt.	The SFRA indicates that the site is not within Flood Zones 2 and 3 and is not liable to flooding.	The site is flat	The site is in a fairly remote location approx. 1.8 miles to the west of the site from the main centre of New Ash Green.
	<b>Noise and Air Quality</b>	<b>Privacy of Site for Occupier</b>	<b>Landscape (e.g. AONB), Biodiversity</b>	<b>Designate Heritage Asset (incl. Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, Conservation Areas)</b>
	The site is not located within an AQMA nor are there any unacceptable noise constraints.	The site is well screened at the rear and public view points along the roadside.	The site is not in an AONB and has no national or local nature conservation designations.	The site does not contain any designated Heritage Assets nor would it affect the setting of any such assets.
<b>Impact:</b>	<b>Impact on local character and identity of local surroundings</b>	<b>Impact on amenity for existing residents</b>		<b>Vehicle and pedestrian access</b>
	Wide or long views into and from the site are not affected, reducing the visual impact of the site in the landscape.	The neighbouring properties are at a sufficient enough distance to not be impacted by this site in terms of amenities.		Vehicular access is from New Street Road, which was considered to be adequate by the Inspector of the 2006 Appeal, and no issues raised by Kent Highways. Pedestrian access would be from the same point. However this is a rural lane and there are no pavements or PROWs in close proximity.

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<b>Suitability:</b>	Due to the current application on this site still to be determined, it would not be appropriate to make an initial judgement against some of the criteria to decide whether it is suitable enough to be put forward as a site option. However the site does have previous planning history for the stationing of 1 mobile home, which can be considered as part of its potential suitability. The site is located outside of an AONB, AQMA, and is not constrained by other nature designations or impacts the setting of any Heritage Assets.
<b>Deliverability:</b>	The site is available. It is currently an unauthorised site and is awaiting the determination of an application for temporary planning permission.

**Addendum to Gypsy and Traveller Site Options Consultation Documentation:**

**Schedule of minor amendments to the consultation documentation**

Page numbers in this schedule refer to page numbers in the individual documents (where currently included) rather than page numbers in agenda papers.

<b>Document title and section</b>	<b>Amendment</b>	<b>Reason for amendment</b>
Appendix 2: Initial Site Assessments	Add page numbers	Ease of reference when viewed in isolation from the agenda pack
Appendix 1: Site Options Consultation Document, para. 7.7 p. 22  Appendix 2: Initial Site assessments – Land SW Broom Hill, Button Street, Swanley	Include ward title of Farningham, Horton Kirby and South Darenth in brackets after the address of Land SW Broom Hill, Button Street Swanley.	Factual update to add clarity. The planning application and history refers to this site address as Swanley.
Appendix 2: Initial Site assessments – Holly Mobile Home Park	Under the heading ‘Noise and Air Quality’ amend ‘M25’ to ‘A20’	Factual amendment
Appendix 2: Initial Site assessments – Land South of Mesne Way, part of Timberden Farm, Shoreham	Under the heading ‘Vehicular and Pedestrian Access’ amend ‘High Street’ to ‘Filston Lane’	Factual amendment
Appendix 2: Initial Site assessments – Hollywood Gardens, School Lane, West Kingsdown	Include the latest planning application details under the Relevant Planning History section:  <b>13/00919/CONVAR</b> Variation of condition 2 of 10/00824/CONVAR to vary the time	Factual update

	<p>limit of 05/02960/FUL to Change of use of the land to a gypsy/traveller site for one family and the retention of a static caravan and outbuilding to allow continued use of the land as a gypsy/traveller site for one family and the retention of a static caravan and outbuilding.</p> <p><b>Approved (18/04/13)</b> Temporary permission is granted for 3 years for no more than two caravans (of which no more than one shall be a static caravan or mobile home) for persons defined as Gypsies and Travellers under annex 1 of the DCLG Planning Policy for Traveller Sites.</p>	
Appendix 2: Initial Site assessments – Barnfield Park, Ash	<p>Under the heading ‘Connection to local services’ amend ‘the site is fairly well connected to the local service centre of Ash, providing a community hall and public house’ to ‘the site is fairly well connected to the village of Ash, which contains only very limited facilities’.</p> <p>Under the heading ‘Vehicle and Pedestrian access’ amend ‘The Street’ to ‘South Ash Road’</p>	Factual amendment
Appendix 1: Site Options Consultation Document, Table 3 p. 22  Appendix 2: Initial Site assessments – Land at Fort Halstead	Add ‘outside of Major Developed Site boundary’ in brackets after ‘Land at Fort Halstead’	Factual amendment to add clarity to distinguish between the two different site boundaries considered in the consultation document at Fort Halstead
Appendix 1: Site Options Consultation Document, para 1.3 p. 3 after the 1 <sup>st</sup> sentence	<p>In the three locations add the following text:</p> <p><b>The consultation presents an initial assessment of the site options proposed to the Council and identified by it. Inclusion in this document does not necessarily mean that a site will be taken</b></p>	To add emphasis and clarity that this consultation is also seeking respondents to suggest other sites they feel may be suitable for proving

<p>&amp; after para 6.11 on p18</p> <p>&amp; between the first and second text boxes on p23 of the consultation document</p>	<p>forward as the plan progresses to examination and adoption. The Council will positively consider any proposed alternatives to the sites in this consultation document.</p>	<p>gypsy and traveller accommodation.</p>
<p>Appendix 1: Site Options Consultation Document, 6.8 p. 17</p>	<p>Add a new heading after para. 6.8 titled 'Areas of Outstanding Natural Beauty' to provide context and explanation for the assessment of sites that are within the AONB designations. To state:</p> <p>Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. Gypsy and Traveller sites are not precluded from being located within Areas of Outstanding Natural Beauty. However, in order to comply with policy on AONBs, a site must not have an adverse impact on landscape and scenic beauty. In some circumstance it will be possible to overcome an impact through screening that is consistent with the local character. However, in other circumstances sites will be so visible in the landscape that no amount of mitigation will be able to overcome the impact. As the most suitable sites are selected going forward in subsequent stages of the Gypsy and Traveller Plan preparation, any design and layout guidance will need to consider how any impacts can be suitably mitigated, if possible.</p>	<p>To add further clarity to the assessment criteria.</p>
<p>Appendix 2: Initial Site assessments – Seven Acres Farm, Hever Road Edenbridge</p>	<p>Under the 'Flood Risk' heading add information to confirm that whilst the SFRA (2008) details this site as being within Flood Zone 3b, updated Flood Map information from the EA confirms that this site is actually located fully within Flood Zone 1 and therefore this land use is considered to be appropriate.</p>	<p>Factual update</p>
<p>Appendix 2: Initial Site assessments – Hever Road Caravan Site, Edenbridge</p>	<p>Under the 'Flood Risk' heading add information to confirm that whilst the SFRA (2008) details this site as being within Flood Zone 3b, updated Flood Map information from the EA confirms that this</p>	<p>Factual update</p>

	site is actually located fully within Flood Zone 1 and therefore this land use is considered to be appropriate.	
Appendix 1: Site Options Consultation Document, para. 3.1 p.7	Amend 'Borough' to 'District'	Factual amendment
Appendix 1: Site Options Consultation Document, Table 3 p. 20-22  Appendix 2: Initial Site assessments – Fordwood Farm, New Street Road, Hodsoll Street	Add Fordwood Farm site to the potential site options in Table 3, and remove from para 7.7 p. 22 as this site now has temporary planning permission granted for 1 pitch. Adjust the total number of potential pitches accordingly.  Amend the details in the 'Deliverability' section of the site assessment to reflect this change of circumstance.	Factual update

**Update for LPEAC (25 March 2014) on Item 6 - Gypsies and Traveller Plan - Site Options consultation**

**In relation to Land West of Enterprise Way, Edenbridge (the 'Reserve' Land)**

The 'Gypsy and Traveller Plan - Site Options' draft consultation document currently includes a site (Land west of Enterprise Way, Edenbridge, known as the 'Reserve' Land) that has also been discussed as part of the Allocations and Development Management Plan (ADMP) hearings over the past two weeks.

The Planning Inspector who is examining the ADMP has outlined that he plans to recommend a 'main modification' to the document, to allocate this site for housing development, under Policy H1. He therefore has indicated that it would be incompatible for this site also to be considered for Gypsy and Traveller pitches and has therefore asked the Council to re-consider the inclusion of the site in the consultation document (see attached PA019 document from the Inspector). The Inspector asked for clarification as to whether the consultation document can be amended before it is taken to Cabinet (on 10 April), and officers advised that this LPEAC can recommend amendments to the document to Cabinet.

The risk of continuing to include this site in the Gypsy and Traveller Plan - Site Options consultation document is that the ADMP Inspector could then question the deliverability of this site for housing and whether the Council is providing sufficient housing in the District, and therefore potentially call into question the soundness of the ADMP.

In addition, the Council will be required to demonstrate that sites that are proposed for Gypsy and Traveller pitches are 'available', for example being promoted by the landowner. In the case of this site, the representatives of the landowner made it quite clear to the Inspector at the ADMP hearings that they would not support such a use on their site.

Therefore it recommended to LPEAC that this site is deleted from the consultation document, before it is considered by Cabinet on 10 April.

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**PA 019**

Note of the Inspector re Gypsy and Traveller Plan  
Site Options: 20<sup>th</sup> March 2014

The Council has published a Gypsy and Traveller Plan Site Options Consultation Document which is to be considered by the Local Planning and Environment Advisory Committee on 25<sup>th</sup> March 2014.

I must stress that this document is not before me for consideration.

However, it is possible that a Main Modification to the ADMP that I am currently considering could have implications for the Site Options document.

Assuming that the current Reserve Site at Edenbridge is allocated for housing, that site will have the same status as other allocations in ADMP policy H1. It will also be subject to the advice in paragraph 3.33 of the ADMP which states that 'it is unlikely that a site currently proposed for housing development would be re-allocated as a gypsy site.'

I suggest that the Council may like to consider the implications of allocating the reserve site at Edenbridge for housing development in terms of the content of the Site Options document and let me know the outcome of their deliberations by Friday 28<sup>th</sup> March 2014.

David Hogger  
Inspector

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## **ESTABLISHMENT OF LOCAL AUTHORITY TRADING COMPANY STRUCTURE**

### **Cabinet – 10 April 2014**

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Finance and Resources Advisory Committee – 26 March 2014

Key Decision: Yes

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**Executive Summary:** To authorise in principal the creation of a local authority trading company structure to facilitate opportunities for income generation in order to reduce the reliance on Government grants.

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**This report supports the Key Aim of** effective management of Council resources

**Portfolio Holder** Cllr. Ramsay

**Contact Officer(s)** Mrs. Christine Nuttall – Ext. 7245

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### **Recommendation to Cabinet:**

- (a) That the Chief Officer Legal and Governance be authorised to incorporate a company wholly owned by the Council so as to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011.
- (b) That the broad governance and funding arrangements for the trading company, as set out in this report, be approved and the Chief Officer Legal and Governance in consultation with the Chief Executive, Chief Finance Officer and Portfolio Holder for Finance and Resources be given delegated authority to settle the detailed arrangements for the establishment of the company.
- (c) That consideration be given by the Cabinet as appropriate to any individual business cases in respect of the use of the Council's trading powers as part of the development of the future strategy for income generation.

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**Reason for recommendation:** To allow the Council to undertake trading activities in order to generate additional income in order to be less reliant on Government funding.

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### **Introduction and Background**

- 1 Following the recent Peer Challenge the Peer Review Team suggested that in order to enable the Council to become more self reliant as set out in its Corporate Plan,

## Agenda Item 9

it would need to generate more income. The legal framework to enable that to be achieved would require the Council to set up a trading company.

- 2 This report proposes that Sevenoaks District Council (“SDC”) establishes a generic trading company, wholly owned by the Council, to enable the Council to take advantage of the powers to trade for profit introduced under the Local Government Act 2003 and the Localism Act 2011, where opportunities to do so arise and it is appropriate to use the company as a vehicle for the trading activity proposed.
- 3 The legal framework to allow local authorities to undertake trading activities has become relaxed in recent years. There are specific powers contained in the Local Government Act 2003 which allow a local authority to undertake trading activities. In addition, under the “general power of competence” introduced by Section 1 of the Localism Act 2011 local authorities now have a general power that enables them to do anything that a private individual is entitled to do, subject to certain statutory limitations. However, it should be noted that things done for a commercial purpose even under the Localism Act 2011 must be done through a company.
- 4 It is now timely for the SDC to take the necessary preparatory steps to be in a position to utilise its trading powers where individual business cases may be identified. It is therefore proposed that a trading company structure be established.

### **Company Structure**

- 5 There are a number of different types of corporate vehicle available. These break down as follows:
  - Company limited by share;
  - Company limited by guarantee;
  - Industrial and provident society.

There are some other vehicles, such as a community interest company, a limited liability partnership or a joint venture company. However, for the purposes of general trading it is unlikely that such vehicles would be considered to be appropriate.

In practice a Company Limited by Shares tends to be used for those operations which have a commercial character and a Company Limited by Guarantee or Industrial & Provident Society for those which are set up to deliver community purposes or are set up for charitable purposes.

- 6 Given that it is essential that there is a proper examination of a business case before a local authority uses the power to trade in any particular circumstance this will align with the approach SDC is taking to explore appropriate options which would include the development of business cases. Individual business cases relating to trading activity would then be implemented through the trading company structure. However given there is the potential over a period of time for

a range of different business cases to be developed, it may prove advantageous to establish over time a group company structure with a number of subsidiary companies being undertaken to deliver the individual business cases.

### **Company Requirements**

- 7 In setting up the trading company, the following issues need consideration and definition.

Company Name

Purpose of the Company

Aims of the Company

Set up Requirements and Costs

There will be a number of other detailed matters to be resolved and it is suggested that an appropriate delegation be granted to enable these to be settled as set out in the recommendation.

### **Company Name**

- 8 It is proposed that the Members' Communications Working Group be tasked with choosing the name of the Company. Any subsidiary companies that may be developed over time may have a different trading name.

### **Governance Arrangements**

9. The Company must legally appoint Directors. The Directors of the company must ensure that the company does everything it is obliged to do by law and that any decisions they make are in the best interests of the company.

It is proposed that initially the small Board of Directors as set out below be appointed from the senior officers of the Council.

#### **Roles in Company**

#### **Roles at Sevenoaks District Council**

Finance Director –

Chief Finance Officer

Commercial Director –

Chief Officer Environmental & Operational Services

Managing Director –

Chief Executive

Company Secretary –

Chief Officer Legal and Governance

It is envisaged that there will be 3 non executive Directors who will be Members of SDC to be nominated by the Leader of the Council.

Chief Officers in the above roles may need to draw upon the support from an outside firm of accountants or lawyers if necessary.

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Further Directors, including independent Directors who are neither members nor officers may be appointed in the future if it is believed they may benefit the business of the company.

10. The Memorandum of Association will need to be completed. This will set out the company's objects which are proposed to be 'to carry on business as a general commercial company'. It also shows details of the company's share capital.
11. The Articles of Association will also need to be completed. These set out the regulations governing the running of the company's affairs.
12. It is envisaged that an off the shelf company will be purchased which will have wide trading powers including property investment.
13. A major Governance issue is the relationship with SDC (the Shareholder) and the Company's internal processes. It is important that the Company is able to act quickly in order to generate and sustain business but on the other hand the Council needs to manage risks and to be able to determine whether it is appropriate for the Company to enter into a particular contract(s). Therefore, it is proposed that a provision be included in the Articles of Association whereby the Council's consent via its Shareholders be granted before a particular property acquisition or business contract is entered into by the Company. The Council being the Shareholders would be represented by Cabinet especially as property acquisition and disposal is a Cabinet function. Cabinet will be able to approve any proposed acquisition or disposal by the Company up to a value of 5 million pounds and an emergency meeting of Cabinet may be called if there is a need for an urgent decision.
14. It is likely that some of the Governance structure of the Company or group of Companies will evolve over a period of time. However, it is envisaged that the Cabinet will be responsible for overseeing the Company's overall trading activities. It is suggested that the Directors of the Company or any of its subsidiaries should not be the members of the Cabinet. The Executive Directors will be officers of the Senior Management Team ("SMT") who will be accountable to the Cabinet, with Cabinet acting on behalf of Council who will be the Shareholders.
15. It is also proposed that there is a monthly shareholder meeting at which the Council (the Shareholders) are represented by the Cabinet to which the Executive Directors of the Company i.e. the relevant Officers of the SMT would report.

### **Accounting and Banking Arrangements**

16. The Company will have to comply with all the regulatory requirements of the Companies Acts and additionally with the regulatory regime for local authority companies under the Local Government and Housing Act 1989.
17. The company may need to charge VAT and will be liable for corporation tax on its profits. However, given that SDC must ensure that it fully recovers the cost of all staffing resources and other goods and services provided, it is anticipated that the company's tax liability could be minimised.

18. It is envisaged that the Company will not have a separate bank account from the outset, but all transactions will be posted through the Council's bank account. This model will prevent cash flow implications and avoid the requirement for a working capital balance when the company begins trading.
19. The Company will use the Council's financial facilities. The accounting structure will ensure that all income, expenditure and VAT can be allocated to the Company by use of appropriate budget codes. The Company will use its own stationery for purchase orders and invoices and will facilitate the submission of the Company's VAT returns.
20. Balances held by the Company will be calculated on an annual basis. The Company will be responsible for providing its accounts and tax returns in the appropriate format within set deadlines.
21. The Company will be responsible for the engagement of an external auditor.
22. As the company will be controlled by the local authority a number of requirements may undoubtedly need to be met such as:
  - The company must state on company stationery that the company is controlled by a local authority, giving the name of the relevant authority.
  - The company must limit the remuneration and allowances paid to directors who are officers or members of the local authority to the amounts payable for comparable local authority duties, or as travelling and subsistence allowances.
  - The company must not publish party political material.
  - The company must provide information to the local authority's auditors.
  - The company must provide information to members of the local authority.

### **Business Case**

- 23 By setting up a generic trading company, the authority has the flexibility to operate it in a variety of ways.
- 24 The potential opportunities for trading are wide ranging and it is difficult to explore new services and routes to market without the company set up. Initially the main thrust of the generic trading company will be to invest in land and buildings that can increase SDC's income as set out in the Corporate Plan. The Corporate Plan sets out what the Council will do to make progress in delivering its promises over the next two years. "To help us get there we want to go further, to be truly ambitious and seek to become financially self sufficient. We want to break new ground and make the Council less reliant on Government funding".
- 25 The trading company will enable the Council to operate property investment on a commercial basis. The Report of the Chief Finance Officer entitled "Investment Strategy – Assets For Income" sets out an Investment Strategy for acquiring physical Assets and Cabinet will be asked to approve the proposed Investment

## Agenda Item 9

Strategy. The Business Case in relation to the Investment Strategy will be developed for consideration at a future Cabinet meeting and will cover the following aspects:

- The objectives of the property trading activities
- The investment and other resources required to achieve those objectives
- Any risks the business might face and how significant those risks are and
- The expected financial results of the business, together with any relevant outcomes the business is expected to achieve.

The precise funding mechanism for the property side of the Company will be considered as part of the development of the full business case. However, such a mechanism could include a loan or series of loans by the Council to the Company to allow it to invest in accordance with the Strategy and Business Case.

Under such circumstances, borrowing costs would be met by the Company. Loans would be made available to the Company on a basis which is compliant with the terms of funding which are similar to those which would be achievable by a private funder given the importance of Competition law and State Aid rules. Specialist advice may be sought as part of the development of the business case.

26 Examples of other areas of potential trading activities are as follows:

- Other local authorities and the private sector may use the expertise of Sevenoaks in order to improve their own services.
- Communications could be an area for possible trading activity.
- There may be possibilities for expanding our trade waste service. This can be done under the Goods and Services Act if the work is undertaken for other local authorities or public bodies.
- Events organisation is also another trading possibility leading on from the Council's successful involvement in delivering the Para Olympics

27 If the above outline company structure framework is established then this will expedite implementation of business cases which involve the use of trading as and when they may be approved in due course.

### **Staffing Implications**

28 The company will initially be operated on the basis of part-time secondments from the Council and as a result TUPE will not apply to transfer staff on SDC's terms and conditions to the company.

29 However, if new contracts are secured, or existing contracts are novated such that staff are required to be whole time employed on external contracts traded through the company, then either



- a) Staff could continue to be seconded to the company in the short term; or
- b) Staff will need to be employed directly by the company.

Long term, or for any significant number of employees, option a) above is less attractive because

- c) SDC will be liable for redeployment or for bearing the cost risk of potential redundancy of the employees if the company loses a relevant contract;
- d) Depending on the number of staff who may need to be seconded to the external company this may have an effect on the capacity for our present HR/payroll services which could result in additional costs.
- e) The District Auditor may query the inclusion of staff on SDC's payroll who are not employed at all in the provision of SDC services.

- 30 If the trading company employ staff directly, and former SDC staff are transferred to the Company under TUPE, the company will be required to offer any new staff comparable terms and conditions including pension rights. Staff who are TUPE transferred to an external contractor have the legal right to pension rights that are the same as, or broadly comparable to, or better than those s/he had as an employee of the authority.

### **State Aid**

- 31 In order to ensure transparency and competitiveness with the private sector and not to breach the rules in relation to State Aid the company must not be subsidised by the authority. This means that the authority must recover the costs of any accommodation, goods, services, employees or any other support it supplies to the company. It will be necessary to set up suitable systems and financial controls to ensure this is the case and to demonstrate independence of the company from the authority.
- 32 The Trading Company should be mindful of its trading impact on the local economy. In recognition of this concern it may be decided that new lines of business would only be taken on after a Market Impact Assessment had been carried out.
- 33 However, the trading company could fill gaps in the local market and could benefit local businesses by procuring goods and services to support the trading activity.

### **Key Implications**

#### Financial

- 34 The set up costs will come from existing approved budgets.
- 35 There may be a need to set up separate financial systems and accounting arrangements (including VAT). Future running costs may be offset to a degree against future income streams.

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- 36 It is anticipated that the trading company will use part time seconded staff, use council accommodation, equipment and services on the basis of recovering the full cost, and as a result start up costs should be minimised but would include matters such as insurance and auditors fees.
- 37 Financial advice will be required in relation to Prudential borrowing requirements especially in relation to the ability to borrow to invest in property.
- 38 It is envisaged that some legal advice will also be required in relation to the package put together by the Council's in house legal department prior to the Company launch taking place.
- 39 There are financial risks arising from the use of the Councils' trading powers. These would need to be analysed in detail as part of any individual business case put forward for the use of the trading powers. Although a trading company would be a separate legal entity with the benefit of limited liability it would be of doubtful propriety for the local authority as a public body and the single shareholder in the company not to honour any liabilities of the company to creditors in the event of significant trading losses occurring.
- 40 However as the Council will have effective control of the company, oversight of its on going operations would allow for early detection of any developing financial problems and the opportunity to take preventative action.

### Legal Implications and Risk Assessment Statement.

- 41 A local authority is able to establish a Local Authority Trading Company ("LATC") through powers in section 95 of the Local Government Act 2003. A local authority is permitted to trade in anything that it is authorised to do under its ordinary functions. The company can with good business planning generate a surplus which can be re-invested into services, or the council, being the single shareholder.
- 42 The Local Authorities (Goods and Services) Act 1970 (the 1970 Act) continues in force and it enables councils to provide services to other councils and to other public bodies but not to the private sector or the public in general. Successful trading has been undertaken by this authority under this legislation since 1970 enabling the saving of money and the achievement of efficiencies through economies of scale. The trading company will enable the authority to take advantage of trading opportunities that cannot be undertaken using the powers within the 1970 Act. However, it is anticipated that existing trading will continue to happen as it currently does under the 1970 Act as this is the most cost effective way to trade with other local authorities and public bodies.
- 43 Under section 1 of the Localism Act 2011 Local Authorities now have a general power that enables them to do anything that a private individual is entitled to do, as long as it is not expressly prohibited by other legislation.
- 44 The key strategic risks are as follows:
- L = Low          M = Medium   H = High

Risk	Likelihood/Impact		Risk Management
Failure to set up trading arrangement in strict compliance with legislation	L	M	Extensive consultation with other authorities and, appropriate, external legal advice on governance arrangements
Using trading powers where there is a statutory obligation to provide them	L	M	Every new service to trade via the company to list services in their Business Case and to consider statutory obligations.
Possibility of trading ultra vires	L	L	Every new service to trade via the company to consider statutory obligations
Possibility of challenge to state aid	L	L	Obtain full cost recovery
Possibility of conflicts of interest arising for members or officers as Directors	L	M	Abide by Codes of Conduct
Failure to arrange adequate insurance cover for the Company's liabilities/assets	L	H	Ensure Insurer for the company is kept up to date with any new areas of trading activity.
Failure to comply with taxation laws – corporation tax & vat	L	M	Advice to be sought on taxation planning
Consideration of potential TUPE implications	L	L	Review regularly
Trading Company failure	L	M	Benchmark fees and costs. Employ tight budgetary controls
Conflict of interest over workload priorities of Council projects and Company projects	L	L	Effective resource planning and compliance with Corporate Plan

## Agenda Item 9

Company credit rating	L	L	Council could act as guarantor and insurance to mitigate
Challenge from Council's Auditors	L	L	Follow CIPFA Code of Practice on LA Accounting. All transactions applicable to the company can be identified using unique transaction records and coding structures
Lack of capacity to manage additional work	L	L	Careful programming of staff resources and review of balance of staffing needs.
Contractual disputes	L	M	SDC's in house legal section to be employed to check all contracts before they are entered into
Poor investment acquisitions	L	L	Each investment acquisition will be of good quality with the potential of high income return set out in a business case
Poor rate of return on investment property	L	L	Annual valuation which sets a target rate of return and allows for financing costs and the generation of an annual surplus

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	There are no Equalities implications arising from this report.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

**Conclusions**

It is considered appropriate to make use of the increased power given by the Localism Act 2011 to enable trading to take place for profit through a limited liability company wholly owned by the Council in order for this authority to be less dependent upon Government funding.

**Background Papers:**

Templates for Business Plans:

- [Template developed by Mutual Ventures](#)
- [Barclays – Your Business Plan](#)

[Grant Thornton – Responding to the Challenge](#)

[Unison – Branch guide to local authority trading companies](#)

[General Power for Local Authorities to Trade](#)

[Information received from Surrey County Council](#)

[PropertyWeek.Com “Surrey council pioneers prop-co”](#)

[Sevenoaks District Council Corporate Plan](#)

**Christine Nuttall – Chief Officer Legal and Governance**

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## **RURAL BROADBAND**

### **Cabinet – 10 April 2014**

Report of: Chief Officer, Communities & Business

Status: For Decision

Also considered by: Rural Broadband Working Group- 5 February  
Finance & Resources Advisory Committee – 26 March  
Economic & Community Development Advisory Committee – 26 February 2014

Key Decision: Yes

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#### **Executive Summary:**

This report summarises the work that has taken place to improve broadband within the District. It also explores 5 options that Members may want to consider in order to improve services in the future.

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**This report supports the Key Aim of** the Community Plan (Dynamic and Sustainable Economy)

**Portfolio Holder** Cllr. Roddy Hogarth

**Contact Officer(s)** Lesley Bowles - Chief Officer, Communities & Business Ext.7335  
Joe Middleton- Economic Development Officer Ext.7128

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**Recommendation to Economic & Community Advisory Committee/Finance & Resources Advisory Committee:** That Members views are sought on the options for future broadband provision in the District and to make any recommendations to Cabinet.

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#### **Recommendation to Cabinet:**

Subject to any views of the Advisory Committees and Members views are sought on the options for future broadband provision in the District.

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#### **Reason for recommendation:**

To determine how the District Council should respond to the need for better broadband in the District.

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# Agenda Item 10

## Introduction and Background

- 1 In 2010 the government announced that it would be investing £530 million to stimulate commercial investment in superfast broadband infrastructure in rural areas.
- 2 Kent County Council were successful in bidding for £10 million from the BDUK funding; this has been combined with an additional £10 million from the KCC Regeneration Fund. Any private provider would be expected to match this. KCC entered a competitive procurement process and signed a contract with BT. The agreed targets with BT are as follows:
  - At least 95% of all properties in Kent will have access to higher speed fibre based broadband.
  - Every property in the County will be able to access a minimum of 2 mbps
  - A minimum of 91% of premises will get superfast broadband of at least 24 mbps
- 3 We have also been actively engaging with local communities to apply for funds from the DEFRA Rural Community Broadband Fund (RCBF). We have submitted a joint application with Tunbridge Wells Borough Council for funds to upgrade some of our 'hard to reach' rural areas with superfast broadband. This will benefit parts of Leigh, Chiddingstone, Penshurst, Cowden and Hever. Further information is given in the appendix to this report. This project will be delivered by BT as part of the BDUK rollout using the change control mechanism, thus avoiding a lengthy procurement process or difficult state aid sign off. A further pot of government funding will be released on the 17<sup>th</sup> March 2014. (See Appendix A and B for further details)
- 4 Members have expressed concerns that the BDUK and RCBF process will not provide adequately fast broadband services to our primarily rural District. Officers were tasked with looking at a number of options which the Council could undertake to improve broadband in the District, including those which may provide an income to the Council.
- 5 **OPTION 1 - Assist local communities in taking advantage of the BDUK and RCBF rollout .** We would continue to develop our relationship with BT and assist in delivery of the BDUK and RCBF projects.
- 6 **OPTION 2 - Work with small network providers to encourage them to invest in the District.** Develop our relationship with small private sector providers. Give them information about specific areas of the District that have subpar speeds. Put them in contact with local communities, parish councils and broadband working groups so that the companies can present to local communities.
- 7 **OPTION 3a - Invest with smaller companies to provide broadband services in the District.** Develop our relationship with small private sector providers, identify those areas with poor broadband connectivity and invest with these companies using Council funds. Those communities with continued poor speeds would get a significant upgrade. Like many investors, the Council is currently getting a poor return on its cash reserves. Investing in small broadband companies for the



remaining poor areas of coverage in the District could be a 'win-win' situation. The Council would receive a more beneficial return on its financial investment and rural communities would receive improved broadband speeds.

The Crockham Hill Community Interest Company (CHCIC) was started with a combination of KCC seed funding and considerable private investment. It delivers a wireless broadband solution with fibre backbone, which will eventually enable residents and businesses to gain speeds of over 100mb/s. So far, they have connected approximately 170 properties (both business and residential). They are currently seeking a further £100,000 funding to expand their network and reach further rural communities. The attractiveness of this model for many residents and businesses is that any profit is then redistributed in the local community.

- 8 **OPTION 3b- Invest in a Special Purpose Vehicle (SPV), which would then allocate funding to smaller companies to provide broadband services in the District.** Develop our relationship with small private sector providers, identify those areas with poor broadband connectivity and invest with these companies through the SPV. Those communities with continued poor speeds would get a significant upgrade. Like many investors, the Council is currently getting a poor return on its cash reserves. Investing in small broadband companies for the remaining poor areas of coverage in the District could be a 'win-win' situation. The Council would receive a more beneficial return on its financial investment and rural communities would receive improved broadband speeds. The fundamental difference between this and Option 3a is that this would bypass burdensome state aid regulations.
- 9 **OPTION 4 - Consider setting up a Community Interest Company to deliver broadband services.** It has been suggested by members that the District Council consider starting its own telecoms company.
- 10 **OPTION 5- Commission technical and demand surveys.** We already have information on which cabinets will be updated in the BDUK programme (**Appendix A**). However information on coverage and speeds has not been released. To better understand the future provision in the District we could get a technical broadband consultant to provide us with a study. In addition to this, it would be useful to have an in-depth needs survey for the whole District. This could then be used to attract investment and, in the future, purchased by those looking to invest so they know which areas are keen on what service.
- 11 Analysis of each of these options is given in this report and in the appendix.

### **Key Implications**

#### Financial

**OPTION 1** - There would be no financial implications associated with this option.

**OPTION 2** - There would be no financial implications associated with this option.

**OPTION 3a** - In order to take account of State Aid rules we would only be able to invest in areas which were in 'market failure'. There is a precedent for this. Northamptonshire are currently out at procurement for the most rural areas which are not covered under the

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BDUK contract. A number of areas of the District are already going to be covered by the following programmes/private companies:

- BDUK or RCBF
- Gigaclear (Underriver project)
- Crockham Hill CIC
- Callflow Solutions
- V Fast

None of the areas covered by these programmes or private providers will be in 'market failure'. This is likely to leave a small proportion of the District which would be eligible for an upgrade from public funds, making this investment less attractive for the Council.

A business case would need to be procured to assess demand and the financial implications for the Council. Privately provided rural broadband is extremely expensive. As an example, the Underriver project, being delivered by Gigaclear is costing approximately £1.1 million for 1,200 rural households.

The financial return from investing in either a private company or CIC is unknown and the payback period will be over the next 10-15 years. In the case of the Crockham Hill CIC, investment by the Council in the Crockham Hill company, whilst it would enable wider reach of the project, would not produce a financial return. However, the Council may be able to help steer how the profits, which are ploughed back into the community, could be spent. We may have to commission an independent review.

OPTION 3b- Investing in an SPV would bypass many of the state aid problems mentioned in Option 3a. However, there would still be a considerable financial outlay for the Council. The SPV would still be investing considerable amounts of public money. A business case would need to be procured to assess demand and the financial implications for the Council. Privately provided rural broadband is extremely expensive. As an example, the Underriver project, being delivered by Gigaclear is costing approximately £1.1 million for 1,200 rural households.

The financial return from investing in a private company is unknown and the payback period will be over the next 10-15 years.

**OPTION 4** - The Council would need to apply for an Electronic Communications Code licence which would cost the Council £10,000 for a successful application and then an annual fee, payable at the beginning of each financial year of £1000. There is no guarantee that this would be granted. Commercial providers are able to comment on the application and are known to oppose applications, particularly where they feel that State Aid regulations may apply.

As an estimate we would need four additional members of staff (a network administrator, two technical operators and a consultant to oversee and map the process). Investing in rural broadband is expensive. The approximate cost for the Underriver project (which covers approximately 1,200 households in West Kent) is £1.1 million.

Two very high profile DIY projects have failed, one of them in Kent. The financial consequences have been significant.

Digital Region was established in South Yorkshire in 2012 to deliver superfast broadband to over 526,000 homes in Sheffield, Barnsley, Doncaster and Rotherham. It was started with considerable European Regional Development Fund (ERDF) and local authority funding. The total funding was £95 million. With such funding the network expanded quickly. Unfortunately the project was plagued by low subscription rates and undercutting from competing private sector providers. The project closed earlier this year at a considerable loss to the taxpayer. It is still required to pay back the ERDF loan funding it received.

In another instance, Selling Parish Council received a £50,000 grant from Kent County Council to upgrade broadband services. They decided to embark upon a Fibre to the Premise (FTTP) solution. Three years later over £500,000 has been spent and only 36 properties have been connected to the service. Much like the Digital Region project, demand for the project was low, a number of communities were unconvinced and there was competition from larger private sector providers.

**OPTION 5** - We would need to go out to tender in order to commission the technical and demand study. The financial outlay is uncertain at this time.

Legal Implications and Risk Assessment Statement.

OPTION 2- There are no legal implications or risk associated with this option.

OPTION 5- There are no legal implications or risk associated with this option.

	Risk	Effect	Mitigation
Option 1	Risk to SDC reputation if the rollout is slow or misses out difficult to reach properties	Residents are unhappy that we have not been more proactive in getting better broadband to rural areas	Work with residents to understand other broadband solutions.
Option 3a and 3b	We would be investing into a very competitive, saturated market.	The company we invest in could become bankrupt or insolvent.	A large amount of due diligence would have to be done on any company in which we chose to invest.  Agreements would have to be in place with any company we invested with so that in the event of their insolvency the infrastructure (and subsequent service) would transfer to another

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	<p>Rural broadband is extremely expensive. It remains to be seen if the public would be sympathetic to the Council investing such large sums of money in relatively rural, small areas of the District.</p> <p>For 3a we may contravene State Aid regulations</p>	<p>The public may be critical of the Council spending large sums of money during a time of fiscal austerity.</p>	<p>provider.</p> <p>Public opinion would have to be monitored.</p>
Option 4	<p>We would be entering an extremely competitive, saturated market. There is a precedent for the public sector entering the telecoms market; the Digital Region project has proven a disastrous use of public money.</p> <p>The company could become under-cut by private sector providers</p> <p>Public sector models of this type face a competitive disadvantage compared with their private sector counterparts. Small providers are able to respond much faster to the market as they have a smaller regulatory burden.</p> <p>There is no guarantee we would be granted the Electronic Communications Code. The application process is lengthy, expensive and all private providers who currently have the code are asked to respond to the</p>	<p>-The company we set up loses customers and wastes taxpayer money.</p> <p>People would leave our service.</p> <p>The company becomes inefficient and unable to respond to market changes or innovation.</p> <p>The likely negative and severe response from</p>	<p>Meet with Digital Region and understand the pitfalls and risks of setting up a company to deliver broadband services.</p> <p>Prices would have to be monitored and kept competitive.</p> <p>A corporate working group would need to be created to encourage innovation and 'fast track' ideas.</p> <p>Communications would have to monitor the</p>

	<p>application in a 10 week consultation. We should expect the response to our application to be vigorous and negative.</p> <p>For this model to work we would have to take on 4-5 permanent new members of staff</p> <p>Large financial outlay. Rural broadband provision is expensive</p>	<p>both the public (cost) and the private sector will have a negative impact upon the Council's reputation.</p> <p>The trading company may not be able to afford to pay them.</p> <p>The company may become insolvent and the Council may lose the taxpayer's investment.</p>	<p>public response. We would have to meet with private providers.</p> <p>Ensure that proper risks are accounted for and understood before embarking on this type of project.</p>
<p>Option 5</p>	<p>It may be that, having commissioned technical and demand surveys, they show that there is no demand for broadband in addition to that being rolled out under the BDUK programme.</p> <p>It may be that companies would prefer to conduct their own technical and demand studies rather than purchase those undertaken by the Council</p>	<p>The data collected would not be valuable</p>	

Option 3a would both require some form of legal advice in relation to State Aid. Any investment in broadband over £200,000 over a two year period requires State Aid sign off. Any upgrade we would want to make would require us to contact BT in order to understand which areas are in 'market failure' to ensure that we can get State Aid sign off for any investment. The reason for this is that they are the only ones who currently hold the detailed information on which areas of the District will be upgraded using public

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money. We would need this information in order to prove that the areas we wanted to invest in fell within 'market failure'.

**Option 3b** would require some advice from legal and finance on the operation of an SPV.

**Option 4** will be technically exempt from State Aid regulations. The reason is that the Council would set up a private company which would then borrow money from the Council to deliver the service. It remains to be seen whether a private provider would put forward a legal challenge on this model.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The paper sets out options for future broadband provision.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Improved broadband services have the ability to be able to significantly improve well-being and access to services in rural areas of the District.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		The paper sets out options for future broadband provision.

### Community Impact and Outcomes

Increased broadband provision throughout the District would have a beneficial impact on rural communities.

#### Resource (non financial)

**Option 1** - No additional resource would be needed.

**Option 2** - No additional resource would be needed.

**Option 3a** - Considerable officer time would be spent designing a procurement process, going the Open Market Review (OMR) process and getting sign off for State Aid.

**Option 3b** - Considerable officer time would be spent designing a procurement process and working with the companies on delivery.

**Option 4** - Considerable officer time would be spent creating a business case, which would heavily involve the finance team. We would also have to spend time interviewing for new staff, procuring equipment, mapping the network and marketing.

**Option 5** - Some officer time will have to be spent tendering for the work. Officers will also have to spend time working with consultants. This should not be onerous.

**Conclusions**

Members views are sought on which options should be taken forward.

**Appendices**

*Appendix A- BDUK Cabinets to be upgraded in Q1*

*Appendix B- Superfast Broadband Availability after BDUK and RCBF Projects*

Lesley Bowles

Chief Officer Communities and Business

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**Appendix A- BDUK Cabinets to be upgraded in Quarter 1 – document available on request**

**Appendix A- BDUK Cabinets to be upgraded in Quarter 1 – document available on request**

**Appendix A- BDUK Cabinets to be upgraded in Quarter 1 – document available on request**

Appendix B – **document available on request**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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