

Elements of Call-In not considered by the Monitoring Officer as valid

Other arguments included within the Notice of Call-In not be considered to be valid and the Monitoring Officer's reasoning for this are set out below:-

Proportionality

The reasons (contained within the Call In Form) as to why the decision is not proportionate are stated as *"It is entirely reasonable and proportionate to request that full scrutiny of the financing and planning implications of this decision be carried out prior to committing the council to expending scarce resources on a planning application"*. A lack of scrutiny on a decision taken by the Executive does not in itself render the decision disproportionate to the outcome that the Council is trying to achieve. For this particular issue, the proportionality test is whether there is sufficient evidence that a temporary traveller site is required on land in the ownership adjacent to Junction 3 of the A14 and do all of the implications make it a proportionate decision.

Consultation

It is alleged that there has been no consultation with Ward Councillors and no formal consultation with adjacent Parish Councils, the wider community or the Traveller community on either the need for a Temporary Stopping Site or the desirability of various locations in comparison to the proposed location.

Para. 7 of the Executive report recognises that *"a focused engagement exercise was undertaken as part of the capital bid that was made to the Traveller Site Fund, administered by DHLUC, for the provision of a Temporary Stopping Place at Junction 3 of the A14 in June 2022, which was based on the same proposal. Apart from updates to the delivery cost, the proposal has not changed since the bid was made. This exercise engaged with the following stakeholder groups; 3 Local MP's, 3 Ward Councillors, Parish and Town Councils within local proximity to the proposed site, Northamptonshire Police, Northamptonshire Fire and Rescue, Local Gypsy and Traveller Community, Director of Public Health and other relevant council officers/departments and the NNC Gypsy and Traveller Forum for Parish Councils"*.

Whilst the consultation responses were not included as background papers, they were summarised within the relevant section of the report, and it was noted that *"the response to this engagement exercise with targeted stakeholders was positive and letters of support were received from the Police and 3 local MPs. There were concerns raised regarding the proposal, primarily from the 3 Ward Councillors and the local Town and Parish Council representatives. Negative responses were focused on the locality of the site, the possible impact on wildlife in the area and the shortness of the engagement exercise timeframe for the DHLUC bid"*. In accordance with the Gunning Principles, conscientious consideration must be given to the consultation responses before a decision is made. To satisfy this requirement, decision-makers should be able to provide evidence that they took consultation responses into account when making the decision. It is arguable that the summary contained within the report allowed the Executive to understand the key concerns, it is not a requirement for all responses to be considered individually.

It is also noted within the report that *"further detailed targeted public consultation on the proposal would be carried out with all relevant stakeholders as part of the process of submitting the scheme for planning approval, which will also require detailed assessment of all material impacts of the proposal as part of that process"*.

Considering that consultation has already taken place, it would not be a reasonable requirement to repeat the exercise just because the council is proposing to fund the decision rather than government. It is noted that this consultation did not consider alternative sites as these were rendered to be unsuitable and would not therefore be appropriate to consult upon as they would not be realistic options, the transparency and best value of this aspect is dealt with later.

The call-in form states that the emerging Rothwell Neighbourhood Plan identifies the area being of wildlife and nature interest and that this hasn't been taken into consideration. The Rothwell Neighbourhood Plan, led by the local community, is still at an early stage in its preparation, it is understood that a consultation and open event was held early last year, and that a questionnaire launch will be held on 17th January 2024, with a drop-in event the following week. A draft Neighbourhood Plan providing policies for comment is yet to be published for consultation, or responses to the consultation given consideration from the Neighbourhood Plan Group. No weight can be given to the Rothwell Neighbourhood Plan in its current form. It is acknowledged that pre-application advice obtained from the Planning Management team identified a lack of activity at the site over a prolonged period may have resulted in immigration of protected species and recommended a phase 1 habitat assessment be carried out. It remains however that this site has no protective ecological designation attached to it and therefore it would not be proper to consult the draft Plan in making a decision.

Human Rights

It is argued that the lack of consultation and any comprehensive Equality Impact Assessment that compares the suitability of all potential sites (in North Northamptonshire) in relation to existing Traveller community locations means that no recognition or assessment of the impact of this location has been made. An Equality Screening Assessment has been completed for the Travellers Temporary Stopping Site Capital Project which considered the impact of the proposals on the identified equality groups. An EIA should assess the impact of a decision on those with protected characteristics on the actual decision being made which has been completed and therefore valid reasons are not made out for this decision-making principle.

Best Value

It is alleged within the Call-In form that a decision made in isolation, prior to the scheduled Gypsy and Traveller Local Plan being agreed in March 2026 (timetable agreed on 16th November 2023) would not represent best value. The reasons for this is that all aspects of providing for the Traveller community should be considered rather than this specific project.

It is accepted that the Gypsy & Traveller Local Plan could be a vehicle for also identifying suitable sites for Emergency Stopping Places, however a need has already been established through the 2019 Gypsy & Traveller Accommodation Assessment (GTAA), it is recognised that to date no such provision to meet that need has been met. Work undertaken in updating the GTAA for the period 2021-41 shows the need for transit provision remains. Policy 31 of the North Northamptonshire Joint Core Strategy provides a series of criteria to assess new site allocations and applications for gypsy and traveller sites. This will form a basis for assessing applications for gypsy and traveller site provision. The Gypsy & Traveller Local Plan is at an early stage in its preparation, with a Pitch Deliverability Assessment in preparation with the Council's specialist consultants, Opinion Research Services. The need for Gypsy & Traveller accommodation is a part of the assessment ORS is undertaking with the Council in the form of a Gypsy & Traveller Accommodation Assessment (GTAA), including reporting on need for transit provision in the area.

It is arguable however that the Executive could have further considered if the decision should be made following the Gypsy and Traveller Local Plan and the specific reasons why it is not being done so and why this alternative option has been discounted. The GTAA is clear on the reasons why the decision is required; however, this could be explored by Scrutiny to ensure best value.

Within the call-in form, it also stated that the costings have not been updated from the 2022 submission and “inflation in building costs has outstripped headline inflation creating a completely unknown cost which is likely to increase further”. Para. 7.1.3 of the report states *“these costings have been based on the indicative design and full detailed project costings would need to be confirmed once the final detailed design had been commissioned and agreed which would also likely be subject to an uplift due to contract cost inflation for building materials and construction costs (10-15% per annum) since the project was previously costed back on 17th May 2022 (circa 18 months ago), therefore assumed 22.5% increase in costs”*. It is therefore acknowledged that prices have increased and the original figure of circa £900k has been increased to £1.3m.

It is also stated that the financial implications within the report “do not explain the source of capital funding and any interest due along with any Minimum Revenue Requirement (MRP) to be set aside in the accounts”. There is no period for the loan or interest attributable or interest lost. There is no medium-term financial plan to clearly set out the direct and indirect costs of building and maintaining the Site. It is therefore alleged that no proper judgement as to value for money can be made or relied upon. It is noted within the Executive report that funding will be taken from one of the projects which are in the Place and Economy development pool to ensure the Council remains within its estimated Capital Programme funding envelope related to costs of borrowing. It is arguable however that these costs should be considered by Scrutiny to ensure that the decision is proportionate and represents best value and therefore this could be explored by Scrutiny within call-in.

Alternative sites were determined as not viable and therefore the Executive can not compare to these sites when they would not be able to be developed upon, they would not therefore be realistic options.

References to comments which have allegedly been made locally from the Portfolio Holder and MP Philip Hollobone are not relevant to the call-in or the decision made by the Executive.

Transparency

It is argued that other sites which were considered but discounted should have been open and considered. It is correct that when coming to previous policy decisions, the council has included publishing multiple options and enabled community and partners to comment on them prior to making a decision. A list of potential sites for emergency stopping places on land owned by NNC was drawn up by Property Services colleagues on 28.09.21, following a review of all council land holdings, and was subsequently reviewed for suitability by the Northamptonshire Traveller Unit colleagues. The list was further reviewed by the Project Group leads convened to progress the DHLUC emergency stopping place bid and the proposed site at land NW of junction 3 of the A14 at Rothwell was selected as the preferred site. A call for sites was also undertaken as a part of the early preparation of both the North Northamptonshire Local Plan (formerly NN Strategic Plan) and the Gypsy & Traveller Local Plan, no sites were submitted through either of the exercises. It is arguable that the process for determining this list should be considered by Scrutiny to ensure that a process for determining alternative options has been considered and the decision represents best value.

Reasons for Decision

It is argued that “it is entirely unclear as to what the Council is trying to achieve by pulling this forward in isolation to Council’s stated and approved policy timeline”. It is also argued that there should have been consideration as to why there has traditionally been a lack of provision and a reference to research which shows that these facilities are very hard and complex to establish and maintain, are not liked by the Traveller Community and often result in permanent occupation which entirely defeats the purpose.

The report is clear that there is a strategic need to make provision for temporary stopping places to serve the North Northamptonshire area, as demonstrated by the 2019 Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA is however cited to be out of date within the call-in form. The 2019 GTAA is not considered out of date, it is less than 5 years old, and prepared to form an evidence base on need for the period to 2033. The GTAA is therefore still perfectly relevant and up-to-date. However, recognising that the period the Gypsy & Traveller Local Plan would cover would be 2021-41, it was considered important that a update to the 2019 GTAA be prepared to provide need for the extended period of this Local Plan, to 2041.

The 2019 GTAA considered the demand for transit provision in North Northamptonshire. Transit provision meets the needs of gypsy and traveller households who are visiting or passing through the area. This type of provision can include transit sites, emergency stopping places, temporary sites and stopping places, negotiated stopping places and fair and event sites. The 2019 GTAA identified that there are increasing numbers of unauthorised encampments in many parts of North Northamptonshire. There is currently no public transit provision, although the GTAA reported that there were instances of transit provision on some large private sites. The GTAA recommended that the Council should work to identify opportunities for the provision of emergency stopping places.

Currently there are no temporary stopping places for transient travellers passing through the NNC area to use which would provide safe and secure places to stop with suitable facilities. The report is clear that the provision of a temporary stopping place within the Council’s area would enable the Council and the Police to better manage UEs within the Council’s area and limit the adverse impacts of UEs on settled communities. Although non-Executive members may disagree with the reasons, it is not the case that the reasons for decision were not considered by the Executive.

There is an analysis of funding bids contained within the form. Funding bids will be approved by government according to the criteria they determine and there is a limited pot to fund from. The Council need only be concerned that it is a robust and lawful decision for it to make and not why government chose not to invest.