



**Epping Forest
District Council**

Report to the Cabinet

Report reference: C-017-2014/15

Date of meeting: 8 September 2014

Portfolio: Planning Policy

**Subject: Essex Gypsy and Traveller and Travelling Showpeople
Accommodation Assessment (July 2014)**

Responsible Officer: Ian White (01992 564066)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To include the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (July 2014) as part of the Evidence Base for the new Local Plan.

Executive Summary:

The Assessment suggests that there is a need to make provision for an additional 112 Gypsy and Traveller permanent pitches in the period 2013 to 2033 – this is in the context that the district currently (May 2014) has 117 permanent pitches. A need for an additional 2 yards for Travelling Showpeople has also been identified.

Reasons for Proposed Decision:

The study provides information on an aspect of future accommodation provision with its own specific national planning guidance (Planning policy for traveller sites) and which the National Planning Policy Framework recognises as an important issue for Local Plans. Its inclusion in the evidence base and its use to identify suitable policy approaches in the Local Plan will help develop a Local Plan which is more likely to be found “sound”.

Other Options for Action:

Not to include the Essex GTAA as part of the Local Plan Evidence Base. Without such evidence the Local Plan would be likely to be considered unsound at Examination in Public, as future needs, and thus the policy means of meeting these needs, could not be determined. This would mean the Council would have to carry out its own assessment of need to satisfy national planning policy guidance. This, in turn, would lead to further and probably significant delay in the Local Plan process, and also incur further costs – the Essex GTAA having been funded through the Essex Planning Officers’ Association and the Essex Housing Officers’ Group.

Report:

Background

1. The most recent national Government guidance on making provision for Gypsy and Traveller, and Travelling Showpeople, accommodation was published in March 2012 – “Planning policy for traveller sites” (CLG). This requires, inter alia, local planning authorities to make their own assessment of future need, and that Local Plans should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets.

2. Definitions used in the Assessment and in this report - a “pitch” is an area which is large enough for one Gypsy and Traveller household to occupy, and typically contains enough space for one or two caravans, but can vary in size. The primary use is residential. For Travelling Showpeople, a “yard” (often called a plot) tends to be mixed use, ie residential with space for storage and maintenance of showground equipment. A “site”, in the normal context used in this report, is a development exclusively for the travelling community and can include a variable number of pitches or yards.

3. In 2013 the Essex Planning Officers’ Association (EPOA) and the Essex Housing Officers’ Group (EHOG) commissioned the consultants Opinion Research Services (ORS) to undertake a Gypsy and Traveller Accommodation Assessment (GTAA), including Travelling Showpeople, for Essex and the unitary areas of Southend-on-Sea and Thurrock mainly to establish needs for future pitch and yard provision in the period up to 2033. Basildon Borough Council had previously commissioned ORS to prepare a GTAA for the borough and the results of that assessment, where relevant, are included in the Essex-wide study.

4. The methodology followed by the consultants is outlined below and has evolved over a number of years based on changes in Government guidance and the outcomes of Examinations in Public (EiPs) and planning appeals:

- Desk-based research to obtain details of all public and private sites and yards and including biannual Traveller Caravan counts and other relevant records held by the participating Councils.
- Stakeholder engagement – in-depth telephone interviews with a range of Council officers and Members (the Portfolio Holder for Planning, the then Director of Planning and Economic Development, the Forward Planning Manager and a Senior Enforcement Officer from this district were interviewed). The consultants also contacted Travelling Community representatives, the Showmen’s Guild, the Essex Countywide Traveller Unit and planning agents.
- Surveys of the travelling community – the consultants carried out interviews with traveller households present between June and August 2013. In all 305 interviews with Gypsies and Travellers throughout Essex were completed, 71 of these being in this district. 60 interviews of Travelling Showpeople were also carried out, the majority of these being in Thurrock.
- Communicating with neighbouring planning authorities to try to ensure that analysis of need addresses wider issues that could impact on the outcomes of the Assessment.

- Traveller households in bricks and mortar accommodation – the consultants advise that this is often a stumbling block in the preparation of Assessments, and figures are a frequent source of challenge at appeals and EiPs. Consequently they feel that the only practical approach is to go to disproportionate lengths to identify as many households in bricks and mortar as possible who may want to take part in an interview to establish their future accommodation needs, including whether there is a wish to move to a permanent pitch in the study area. Potential sources of information include knowledge of friends or family members currently living in bricks and mortar, and intelligence from Council officers and Members and other local stakeholders. The consultants also placed an advert on the Friends, Family and Travellers Facebook page. Despite these attempts, only 9 interviews were held with travellers living in bricks and mortar, including the separate Basildon study.
- Calculating current and future pitch and yard requirements – the key factors are (a) current supply of pitches; (b) current need; and (c) future need. The consultants advise that it is important to identify and address issues of double counting with some of these categories.
- (a) is the total of:
 - (i) current vacant pitches;
 - (ii) pitches with permission but yet to be developed;
 - (iii) pitches vacated by travellers moving to permanent housing or out of the study area; and
 - (iv) pitches vacated by the dissolution of households.
- (b) is based upon:
 - (v) households on unauthorised sites where planning permission is not expected;
 - (vi) concealed households – e.g. those still sharing with parents because of a lack of suitable accommodation;
 - (vii) households in bricks and mortar wishing to move to a site; and
 - (viii) households on the County Council waiting list for a public site.
- (c) is the sum of:
 - (ix) households on sites with temporary permission;
 - (x) new household formation (CLG issued updated advice on this earlier in 2014); and
 - (xi) in-migration.
- Conclusions – drawing together all the above evidence to provide figures for future need requirements.

5. It is difficult to obtain reliable data for some of the above categories – eg households in bricks and mortar, concealed households and in-migration. While the interviews with GRT households did provide useful data, the consultants have also used outcomes from similar studies elsewhere in the country to calculate some figures in the Assessment. This approach inevitably has more impact on areas which already have larger travelling community populations, but in terms of the overall figures for future provision, it does not add significantly to the individual authority totals in the period up to 2033.

6. A Steering Group of officers from Essex authorities (including EFDC) met regularly with the consultants to monitor progress with the assessment. The draft findings and conclusions were presented to separate meetings of EPOA/EHOG officers and to County and District Members and officers in July 2014.

A Summary of the Findings

7. The following figures for Gypsy and Traveller pitches take June 2013 as the base date. This means that they derive from the January 2013 caravan count updated as far as practical from individual Council records. In Essex (including Basildon, Southend-on-Sea and Thurrock) there were:

(a) 244 permanent authorised pitches on public sites – the highest provision being in Thurrock with 64 pitches, and Epping Forest being 8th (out of 14 authorities) with 16 – the Hop Gardens site at Toot Hill;

(b) 390 permanent authorised pitches on private sites – Epping Forest being the highest with 100, followed by Basildon with 90;

(c) 49 pitches with temporary permission – Brentwood being the highest with 27 and Epping Forest second with 10;

(d) 37 “tolerated” pitches – 20 in Thurrock, 13 in Basildon and none in Epping Forest;

(e) 97 unauthorised pitches – Braintree had 21 and Epping Forest was 4th with 10 (it is assumed that the Dale Farm pitches in Basildon were not included in this part of the analysis, as only 9 unauthorised pitches are reported).

8. In June 2013 only 6 of the Essex authorities made provision for Travelling Showpeople. By far the major concentration is in Thurrock (79 permanent and 121 temporary yards). Chelmsford is second highest with 41 permanent yards and Epping Forest next with 9 permanent yards comprising 39 caravans (at Lake View in Moreton).

9. The assessment concludes that the net overall requirements for additional Gypsy and Traveller pitches in Essex in the period 2013 to 2033 is 786, and for this district is 112. This is the second-highest requirement in the County after Basildon (255) and is closely followed by Thurrock with 104. These numbers result from (i) total current need comprising unauthorised developments seeking to stay in the area, concealed households and net movements from bricks and mortar; and (ii) total future needs which consist of pitches with temporary permission, net migration and net new household formation.

10. Total current need in this District is calculated as 28 pitches, made up from the 10 unauthorised pitches as at June 2013 (see para 7), and the estimated figures of 11 for concealed households and 7 for net movements from bricks and mortar. As at July 2014, the district actually had 16 unauthorised pitches – a significant increase from the base date figure in the assessment. Eight of these pitches were the subject of a Public Hearing in February 2014, and this case has been recovered by the Secretary of State, so his decision is still awaited. Two more of the unauthorised pitches will be considered at a Public Inquiry in September. As explained in para 5, the figures for concealed households and bricks and mortar residents are likely to be over-estimates.

11. Total future need in the District is estimated to be 84 pitches, made up of the 10 pitches with temporary permission (see para 7) and 74 from new household formation, ie natural growth of the district's travelling population based on a 2% annual growth rate. Net migration is assumed to be zero as is explained below (see para 12). The consultants argue strongly that a 2% growth rate for the Essex travelling population is more appropriate than the 3% figure used in earlier GTAA's elsewhere in the country, and which resulted from unclear guidance issued by the previous Government.

12. Estimating potential need from traveller households moving into Essex from anywhere in the country is the most difficult part of the calculation for this Assessment. The consultants advise that the Planning Inspectorate is requiring London Boroughs (traditionally a source of in-migration to Essex) to assess traveller needs and provide sites, otherwise their Plans will be considered to be unsound. Interviews with the travelling community and stakeholders indicate that there is much less travelling than was traditionally the case and indeed that about 70% of the community have been resident in Essex for over 5 years. Apart from the Dale Farm site in Basildon (and the Assessment proposes that these needs have to be met in that borough), the consultants have therefore concluded that it would be sensible to allow for a balanced level of migration (i.e. zero net migration) of the Gypsy and Traveller population into Essex. Officers feel that it is likely that this approach will continue to be challenged at planning appeals, and it may therefore be necessary to call on the expertise and experience of the consultants to refute any counter-arguments when these circumstances arise.

13. The Duty to Co-operate should encourage authorities to consider allocation of new sites across boundaries where one or more authorities are experiencing difficulties in meeting needs. It is, however, worth noting that para 25 of "Planning policy for traveller sites" states "...if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission." The onus is therefore firmly on local authorities to make adequate provision to meet their own identified needs, even in areas of significant Green Belt coverage, in the same way that they are expected to provide a sufficient supply of housing sites.

14. The Assessment includes a breakdown of the provision in five year periods, ie 2013-2018, 2018-2023, 2023-2028 and 2028-2033. The figures take into account the need to address any current backlog (ie the current need identified in para 10 above) and then projecting forward household growth based upon the size of the existing population and the new annual growth rate of 2%. This method suggests that the figures for this District should be:

- 2013-2018 54
- 2018-2023 18
- 2023-2028 19
- 2028-2033 21

15. Officers have some reservations about the value of this approach because the figures for concealed households and those in bricks and mortar are likely to be

less robust for reasons given earlier in this report. There are some appeals pending which may result in additional provision and attention will need to be paid in the short term to those pitches with only temporary permissions. They therefore feel it would be more sensible and practical to take a view on how the figures might be split over the period of the Plan as the Preferred Option version is worked up, based on the current authorised provision at the appropriate time, and using the evidence in the Accommodation Assessment.

16. The Assessment concluded that there was a need for an additional 183 yards in Essex to meet the future needs of Travelling Showpeople. The vast majority of these would be in Thurrock (165), and only 2 would need to be provided in this District.

Conclusions

17. Options for phasing provision over the next 20 years, and for identifying suitable sites for the next 5 years, will need to be considered as the Preferred Option Plan is developed ready for public consultation in spring 2015. It will be necessary to satisfy an Inspector at the Examination in Public that all reasonable options for making additional provision have been considered. The Council will be expected to make every effort to make adequate provision before exercising the option of requesting its neighbours, under the Duty to Co-operate, to take any unmet need.

Resource Implications:

The GTAA was funded by EPOA and EHOA. Future resource implications may depend on the tenure of suitable new sites. It is generally assumed that the travelling community in this district prefers private ownership. There is only one County Council managed site in the district, and there is now no direct Government funding for the provision of new public sites.

Legal and Governance Implications:

The CLG document "Planning policy for traveller sites" (March 2012) requires local authorities to make their own assessment of need. The Essex GTAA, by reporting findings at an individual authority level, satisfies this requirement, as well as the need to co-operate across administrative boundaries on matters of wider than local significance.

Safer, Cleaner and Greener Implications:

Not applicable to the study, as the assessment is of overall need for additional provision, although the identification of suitable sites to meet targets, which is one of the functions of the Local Plan, will need to take these factors into account.

Consultation Undertaken:

The consultants interviewed Members and planning and housing officers from all the Essex authorities – Basildon was dealt with under a separate contract. Interviews were also carried out with all authorities adjoining the Essex County boundary, apart from South Cambridgeshire which resisted all attempts at contact. Face to face interviews with traveller households took place in June and July of 2013, with the consultants attempting to talk to as many as possible who were present on site in these months. A total of 71 such interviews were held in this District.

The draft findings and conclusions were presented to separate meetings of EPOA/EHOG and to County and District Members and officers in July 2014.

Background Papers:

Planning policy for traveller sites (CLG March 2012)

Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment on behalf of Essex Planning Officers Association (Opinion Research Services July 2014)

Risk Management:

Government guidance requires Local Plans to identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against locally set targets – and this to be updated annually. Targets can only be set when needs have been established which is the function of this GTAA. If the Local Plan does not include sufficient sites to meet the target, it is likely that it will be found unsound at Examination in Public.