

# ***Report to the Council***

**Committee:** Cabinet

**Date:** 23 October 2008

**Portfolio Holder:** Councillor Mrs A Grigg

**Item:** 6

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## **1. GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT - PUBLIC CONSULTATION**

### **Recommending:**

That the draft Options Paper for Development Plan Provision for Gypsies and Travellers in Epping Forest District document (circulated separately) be approved for publication and public consultation, subject to:

- (a) correction of the site numbering to match question numbering in all cases; and
  - (b) correction of site name in figure 25 from "Northfield Farm" to "Netherhouse Farm".
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### **Background**

1. Prior to 1994, gypsy and traveller provision was made mainly through public sites with a duty to provide such sites by virtue of the Caravan Sites and Control of Development Act 1968.
2. The Criminal Justice and Public Order Act 1994 removed this duty and for approximately a decade, national policy presumed that gypsies and travellers would make their own provision through the Planning system. In the event few sites were granted planning permission and very few additional sites were allocated in development plans. As a result there has been an acute shortage of sites and problems of enforcement of unauthorised encampments.
3. New policies have resulted both in tougher police powers over unauthorised encampments and a new approach towards plan provision of sites. The aim is to break the cycle of invade - enforce - evict, with its considerable costs, with a new approach to planned provision.
4. Government Circular 1/2006 drew attention to the Government's wish to improve access to education and health services for gypsies and travellers as gypsies are the ethnic group with the worst education and health prospects. The Circular required that at a regional level, provision levels must be set for local authorities and at a local level, development plans must provide that number of additional pitches.
5. 100% funding from national Government is available to develop sites, but the level of funding is unlikely to be sufficient to meet the needs for sites requiring public funding if every local authority were to take up the intended degree.
6. The Circular made it clear that rural sites would be acceptable in principle and that criteria for choosing sites should not be so strict as to effectively preclude provision.

## **Requirement to Produce a Plan**

7. By virtue of a direction by the Secretary of State, this Council is required to submit a development plan document on Gypsy and Traveller provision by October 2009.
8. This document is required to allocate land for a number of additional pitches for gypsy and traveller accommodation. The precise number will be set through an amendment to the East of England Plan. The draft Plan establishes a requirement of 49 extra pitches from 2006-2011 (the Council has already granted permission for 10 additional pitches since 2006), with a growth of 3% per annum (of the overall plan level in 2011, including the 49 additional pitches) thereafter to account for household growth. As the Plan must run for 15 years this results in a total requirement for 96 additional pitches.
9. The draft regional provision has been out to consultation and representations will be heard at an independent Examination in Public in October 2008. The Council has objected to the level of provision set out in the document suggesting that the methodology for calculating the number of pitches is flawed and that the number of extra pitches which need to be provided in this District is 35 and not 49. The proposed policy has also been challenged on other grounds. We have appointed a consultant to present the Council's representations at the Examination in Public. The Secretary of State has confirmed that the final East of England Plan amendments will come into force by Summer 2009.
10. In view of this timescale, the Council is required to consult on a strategy and potential sites without knowing the final East of England Plan figure. Whilst this is not a major problem it is important that plans have sufficient flexibility so that major revisions are not necessary if the regional figures change. This may require having a sufficient reserve of sites to draw from if requirements increase, or sites with a late phasing that might not be needed if requirements decrease.

## **Issues and Options Consultation Document**

11. We have considered a draft Issues and Options Consultation document following initial consideration by a Planning and Economic Development Portfolio Holder Advisory Group.
12. The Consultation document is in two parts:
  - (a) The first part considers the broad spatial options. It looks at the parts of the District where provision would be possibly acceptable, including a range of factors set out in Government policy such as access to schools, jobs and primary health care. Mapping of these factors has been done through a Site Suitability Study. It also looks at issues such as where the sites should be restricted in parts of the District, which have seen a concentration, and whether there should be a scattering of smaller sites or a few larger sites. The Gypsy and Traveller community has expressed a need for smaller sites.
  - (b) The second part looks at potential sites, although it must be stressed that not all will eventually be needed. There are real and genuine choices, but all must be consistent with any chosen strategy, in order to be found sound.
13. A wide spread search of potential sites has been taken across parts of the District. Because of the geography of the District some sites inevitably cluster in certain areas, e.g. where there is a scattering of small paddock areas. Other areas have

mostly large arable fields where finding sites without a high visibility/landscape impact is very difficult.

14. Meeting regional requirements for gypsies and travellers sites can be regarded as a "very special circumstance" leading to the allocation or granting of planning permission for "inappropriate development" in the Green Belt. For each site a careful balancing act needs to be made in terms of the ability to meet the need, against harm to the Green Belt and other harm.
15. Engagement with the Gypsy and Traveller community, as well as the settled community will be essential in this process. The former is very much a hard to reach group. Over 50% of gypsy and traveller adults cannot read or write. For this reason we have engaged a specialist consultancy to liaise directly with travellers to explain the process. The results of this have shown clear preferences in terms of site size, facilities and relationship to the settled community. The study findings call for a new start and confidence building measures to avoid the perception of mutual hostility between the Council and the Gypsy and Traveller community.

### **Consultation**

16. Preparation of a Local Development Framework is a statutory requirement under the Planning and Compulsory Purchase Act 2004.
17. The framework comprises a number of Local Development documents. These must be prepared in accordance with a timetable known as a Local Development Scheme. The Secretary of State has directed this Council to publish a Gypsies and Travellers document, by 30 September 2009.
18. Consultation on the document is required by virtue of the Town and Country Planning (Local Development) England Regulations 2004 as amended by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
19. Although the form of such consultation is not specified by the regulations, if certain matters are not consulted upon there is a considerable risk that at a future stage the document will not meet the twin tests of legal compliance and soundness. Specifically, if certain sites are favoured by the Inspector who will ultimately consider the document and the sustainability of those sites has not been appraised and consulted upon, the Plan cannot progress and an expensive and time consuming backtracking of stages will be required.
20. For these reasons we are recommending a major "front loading" of consultation. Widespread consultation is programmed to occur between 4 November and 20 January 2009. This will be in accordance with the broad principles as set out in the draft Statement of Community Involvement. If new sites proposed by third parties for gypsies and travellers come forward it is proposed that a supplementary consultation be carried out immediately afterwards.
21. The approved document and consultation forms will be available on the Council's website and the public will be able to request printed copies. Exhibitions will be held where residents can view the options and ask questions. Town and Parish Councils will be encouraged to help provide feedback.

## **Decision Required**

22. In order to meet the timescale set by the Government, the Council is recommended to approve the draft Gypsy and Traveller Development Plan document for public consultation. The final published version will include a glossary and index, have an accompanying easy read summary leaflet and a pull out postal questionnaire.