

Report to the Cabinet

Report reference: C/030/2007-08.

Date of meeting: 16 July 2007.



**Epping Forest
District Council**

Portfolio: Planning and Economic Development.

Subject: EERA Consultation on Planning for Gypsy and Traveller Accommodation in the East of England.

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Recommendations/Decisions Required:

- (1) To agree formal responses to the 16 questions (actually listed as 11) in the Consultation Document to meet the deadline of 31 July; and**
- (2) To authorise the Portfolio Holder for Planning and Economic Development to amend responses to any of the questions in the light of the outcome of any research work completed by consultants on behalf of the Essex Planning Officers Association.**

Context:

1. The consultation is the first stage in EERA's "single issue" review of the East of England Plan (EEP). The review is necessary to bring the EEP in line with ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. Para 23 of the Circular advises that the EEP "revision should identify the number of pitches required (but not their location) for each local planning authority in the light of Gypsy and Traveller Accommodation Assessments (GTAA's) and a strategic view of needs across the region."

2. The document lists 11 questions although as some of these have more than one point there are actually 16 in total. For ease of reference these are numbered Q1 – Q16 in this report. The consultation period runs from 8 May to 31 July 2007 (12 weeks). Officers have encouraged town and parish councils to respond to the consultation, and to send copies of any responses to this Council. An oral report may be made on any copies received.

3. The single issue review is currently timetabled for adoption by autumn 2009.

Appropriate scale of pitch provision across the region:

4. The East of England has the highest number of caravans of any English region – 4,044 in January 2006 (26% of the English total of 15,746). It has relatively fewer caravans on social rented sites (34% compared with a national average of 42%), and on unauthorised encampments (ie on land not in the gypsies' ownership) – 4% compared with 7%. Conversely the proportion of caravans on private sites and especially on unauthorised developments (ie land owned by the travelling community but without the requisite planning permissions) are above the national average - 41% (37%) and 21% (14%) respectively.

5. Consultants appointed by the Government to undertake research on Regional Strategy Reviews on Gypsies and Travellers have devised a six point "tool" to be used to estimate regional pitch requirements and to generate options for allocating this total between local planning authorities. The tool includes a formula for calculating need: Pitch requirement for an area equals the number of unauthorised pitches plus 40% of the number of authorised pitches in the area. This is intended to take account all unauthorised developments, current

shortages, concealed households, future household growth, net movement between sites and houses, net movement into and out of the study area, and an allowance for need from unauthorised encampments and other supply factors. The consultants admit that results arising from the application of the tool will be rudimentary, but believe that they represent a starting point and a way forward. The results should be treated as an interim measure which must be subject to ongoing review. The formula has been based on an assessment of the more robust GTAA's that have been produced to date.

6. Using this approach the same consultants estimate that, across the East of England, there is a requirement for 1,220 net additional residential (as oppose to transit) pitches across the region over the five years from 2006 to 2011. EERA asks two linked questions about this figure:

Q1 Is the 1,220 figure a reasonable estimate of unmet need for residential pitch provision up to 2011?

Q2 If not, what alternative level is a more reasonable estimate of need?

7. Officers do not believe these questions can be answered from a district perspective at this stage because there is currently no other research or evidence to challenge the methodology. Consultants appointed by the Essex Planning Officers Association (EPOA) will examine the data with particular reference to the total number of pitches in the region and possibly the allocation of these per district. They should report before the end of the consultation period, to enable the County Council and other Essex authorities to respond to EERA. Officers will again make an oral report on any outcome from the consultants' work if it has become available by the time of the Cabinet meeting. Previous work by these consultants (Fordhams) has suggested that the formula-led approach as described in paragraph (5) can lead to recommendations for over-provision of pitches.

8. The EERA document proposes that (although a great deal more research is needed) provision should be made for 300 transit pitches in the region to support the needs of the gypsy and traveller community to remain mobile and follow work opportunities or to visit friends and families. The questions EERA poses are:

Q3 Is it helpful if the EEP revision seeks to establish policy on the level of need for transit pitches?

Q4 If so, would it be more helpful to distinguish this provision from the need for residential pitch provision in policy?

9. Officers would suggest that the answer to Q3 is yes and that the revision should make appropriate recommendations for distribution at district level. The answer to Q4 is more difficult because, without adequate provision for management and control, it is believed that transit sites will rapidly become used for permanent residence or occupation. A policy distinction between residential and transit sites would be useful, but there would still be difficult enforcement issues if transit sites were not used for their intended purpose.

10. The EEP will make provision for housing and employment land etc up to 2021. The EERA consultants advise, however, that it is difficult to estimate the level of need for pitch provision beyond 2011. Several studies have used a 3% annual compound growth rate for gypsy and traveller households, but collection of reliable data on which to base such calculations and forecasts remains difficult. Setting targets only to 2011 potentially means that Local Development Documents could be out of date by the time they can be adopted – leading to a continuing problem of under-provision for the travelling community. The consultation document therefore asks **(Q5)** whether the revision should seek to establish provision beyond 2011 and, if so, what year should be the target and what assumptions should be used. Officers believe it would be sensible to merge the target years of the EEP and the single issue review and therefore calculate targets for provision for gypsies and travellers up to 2021, initially using the 3% growth figure mentioned above. This, at least,

would provide an initial guide for DPDs, even if the figures had to be amended at a later stage, as more information or better techniques become available.

11. EERA intends to commence a general revision of the EEP “as soon as the ink is dry” on the first Plan. It is hoped that this revision, which will address the period up to 2031, will be adopted by 2011. It would seem appropriate that provision for gypsies and travellers should be included in this revision and that, if more reliable data become available in the period up to the adoption of the revision, targets for provision up to 2021 can be amended accordingly. These changes could then be fed into the DPDs being prepared by local planning authorities to meet the targets of the EEP and its reviews.

Distribution of Provision:

12. Estimates of need are not evenly spread out across the region. Around 45% of the total regional need arises from just 4 local council areas – Basildon, Chelmsford, Fenland and South Cambridgeshire. “Need” in this context arises from existing site provision and unauthorised developments. Officers are aware that Basildon, in particular, is concerned that it is being expected to accommodate far more than its fair share of pitches. The consultation document acknowledges that there are equity arguments for a wider spread of provision, although the consultants have found little evidence to show that need arising in one area could be met in another.

13. The document proposes 2 options for distribution of future provision, the first being based on where need (however it is defined) currently arises. The second option tries to ensure that everyone of the 48 local authorities makes provision for at least 15 pitches (this is considered to be in line with best practice advice about the size of sites) – with a proportionate reduction in the above four local council areas that have the highest level of need. The figures below contrast the options for this and other relevant authorities and are the numbers of new pitches required by 2011:

	Option 1	Option 2
Basildon	157	95
Braintree	15	15
Brentwood	15	15
Castle Point	2	15
Chelmsford	87	52
Colchester	6	15
Epping Forest	52	52
Harlow	12	15
Rochford	9	15
Southend	0	15
Tendring	2	15
Thurrock	56	56
Uttlesford	12	15
Essex	438	405

14. At a district level, option 2 is of some benefit to Basildon and Chelmsford, as intended, but it is obviously up to those authorities to decide on whether they would wish to support this option. Harlow would need to make provision for 3 extra pitches, but there is no change in this district, despite the option 1 figure being the 4th highest in Essex (Thurrock would need to provide 56 under both options), and significantly higher than either of the adjoining Essex authorities – ie Brentwood and Harlow.

15. At a county level, Essex would have to make a slightly lower provision under option 2, while Norfolk, Suffolk and Hertfordshire would have to make increased provision. Under either option, however, provision in Essex is far higher than in any other of the Eastern region counties – Cambridgeshire is next with 383 under option 1 and 265 under option 2. Officers are particularly concerned about the huge disparity in the Essex totals between the outcomes of the EERA consultants’ study in the above table, and the results from the Essex GTAA

published only last year. These figures were for a total new County provision of 59 pitches up to 2016, coupled with immediate provision of about 230 pitches to deal with unauthorised sites. The EPOA consultants mentioned in para 2.4 above will be trying to identify why such different results have come from the two studies, but there must be questions about the soundness of both approaches, with consequent implications for the accuracy of the district totals.

16. The consultation document advises (in para 1.13) that in considering distribution of pitches between local council areas, EERA will need to have regard to the locational characteristics of the areas and their inherent suitability for making provision. It acknowledges that this information has not been considered in developing the options. Officers believe that, in terms of Green Belt, this is a critical shortcoming of the two options approach. Circular 1/06 recognises the importance of Green Belts and states that sites for gypsies and travellers are usually inappropriate in such areas. It requires alternatives to be explored before Green Belt locations are considered.

17. EERA is seeking replies to a number of questions resulting from the above figures:

Q6 To what extent is it reasonable to seek to spread the distribution of pitches from the council areas where need is calculated to arise?

Q7 Will a more dispersed distribution still meet the needs of gypsies and travellers?

Q8 Would a different pattern of dispersal seeking to re-distribute provision from areas of greatest need into nearby council areas be more appropriate than option 2?

Q9 Is it reasonable to accept the principle that each local council area should seek to provide at least one additional site?

18. Officers remain unconvinced that a satisfactory definition of “need” in terms of pitch provision for the travelling community has been established. Doubts have been expressed about the relevance of regional boundaries (eg historically there has been significant travel between Kent and Essex for seasonal work). It is believed that need deriving from second and third generation families with long historical links to Essex is relatively low. It may be that much of the “need” comes from sections of the travelling community with little connection with Essex, but who have taken advantage of the improved highway links created by the motorways in this district and their connections with other significant roads in the county.

19. It is also believed that migrants from Eastern Europe are starting to take over some of the traditional employment of the travelling community, which means that gypsies and travellers are recognising the need to develop new skills. This in turn has implications for time spent in education, the length of stay in particular areas, and destination for new types of work. The situation is fluid and evolving and nowhere near enough is known about such changes and future needs. This makes responding to the above questions even more difficult.

20. Officers believe that a third option for distribution is needed which reflects:

(a) the current health and education needs of the travelling community;

(b) the current level of provision of these services at a local level;

(c) the overall strategy of the Proposed Changes to the EEP – ie concentrating development (and infrastructure investment) in the main urban centres either in Growth Points or in Key Centres for Development and Change (KCDCs); and

(d) the changing needs for employment and longer-term education of the travelling community.

21. This option, while perhaps more difficult to quantify at a local level, would address more directly the most urgent needs of gypsies and travellers in the context of a realistic assessment of the capacity of existing local service provision. By shadowing the EEP strategy, future site provision would be located in those areas where investment in educational and health facilities, as well as transport, will be concentrated to meet the needs of the new residential areas. Officers believe this is a more logical approach as it takes account of the immediate and longer-term needs of the travelling community, and it would be “mainstreaming” caravan pitch provision with residential and infrastructure development. Under this option, Harlow is a KCDC, so this council would be expected to make some provision in proximity to that town, although due account should be taken of the Green Belt status of this District’s countryside (see paragraph 16).

22. As a more direct answer to the questions posed in paragraph 17 above, officers propose the following:

Q6 This council has little confidence in the use of the word “need” in this context. Much more knowledge is required about the travelling habits of individual families and groups, and whether any of these have changed recently and, if so, for what reasons. While it is difficult, a more robust definition is required, taking into account the range, ease of mobility and changing educational and employment (and therefore locational) needs of the travelling community. Officers consider that the document is dealing more with the desires of gypsies and travellers rather than their needs.

Q7 Distribution should be more closely linked with the overall development strategy of the EEP, so that new pitches can be located in areas where there will be significant investment in new infrastructure – in particular for health and education facilities.

Q8 This question has already been addressed by the previous two answers.

Q9 While the principle of relieving the burden on the four main authorities is understood, this appears to have nothing to do with addressing the needs (however defined) of the travelling community. A “more equitable” distribution (at least from some local authorities’ point of view) could be achieved if the reductions were aimed at all authorities with more than 50 pitches under option 1 – but again this would seem to take no account of the needs of gypsies and travellers.

23. This section of the document poses two further questions about the number of pitches being proposed in the two options:

Q10 In meeting the provision, is there likely to be adverse impact on areas of recognised environmental importance?

Q11 Are there other environmental or policy constraints that may be so significant to influence the distribution of pitches between council areas?

24. In answer to Q10, Members will be aware that officers are proposing the adoption of a “draft Core Strategy policy” on gypsy and traveller provision in a separate report to Cabinet. This proposes a sequential approach:

(a) close to larger settlements in the District and to Harlow;

(b) close to other District settlements that have reasonable access to public transport and other appropriate facilities; and

(c) elsewhere where there is a particular local need.

25. Officers believe that there is sufficient flexibility within this approach, particularly in conjunction with other planning policies, to ensure that sites of environmental importance will not be adversely affected.

26. Q11, however, has not been addressed satisfactorily in the consultation document (which, to be fair, is admitted in its para 1.13). The entire rural area of this district is within the Green Belt. While a balance will have to be struck between allocating sites in locations that meet the needs of the travelling community, and these will mostly be rural areas in the County, much greater consideration needs to be given to protecting the open-ness of the Green Belt. This is how the planning system operates for the settled community, and the same restrictions should apply to the travelling community, in the interests of fairness and equity. Officers therefore believe that the approach proposed in the consultation document should be strongly challenged on the grounds that the options for distribution have not taken into account protection of the Green Belt.

Delivery and Implementation:

27. The document suggests that there are three possible means of providing new sites:

- (a) by local councils or Registered Social Landlords;
- (b) by gypsies and travellers themselves, or by private landlords; and
- (c) by the development industry through planning agreements.

28. Three related questions are posed:

Q12 To what extent is it reasonable to rely on the delivery of sites either by gypsies and travellers themselves or by the development industry?

Q13 Is it reasonable to suggest that most of the identified need should be met by provision on “exception” sites that would not normally be granted planning permission for other forms of housing? The question is asked in the context of the potential scale of pitch provision and constraints on public funding;

Q14 Again in view of the scale of need for new sites, should there be a new means of providing gypsy and traveller sites, eg through the establishment of some form of specialist delivery organisation?

29. Regarding Q12, officers believe that the most practical way forward for new pitch provision in this district is through the development industry – hence the wording of the proposed draft Core Strategy policy. The issue has already been addressed in meetings considering two potential development sites prior to the adoption of the EEP. If provision can be made for pitches on land to be released from the Green Belt to meet EEP requirements, it may be possible for developers to sell the land to gypsies and travellers for their own development. Pitch provision will therefore be “mainstreamed” with new residential provision, which would meet one of the Government’s longer-term objectives and alleviate to some extent the settled community’s concern that gypsies and travellers are being treated as a “special case” in the Green Belt.

30. Provision by the travelling community itself can also work, but only if there is adequate consultation with the council beforehand about the suitability of particular sites. A broader role for the County Council’s Gypsy and Traveller Services Manager here would be invaluable (ie to enable closer contact with the travelling community), but currently he is restricted to working only with County Council-owned sites. Experience also shows that privately owned (ie rather than council managed) sites are treated with more respect by gypsies and travellers, which has beneficial implications for maintenance and management costs.

31. Q13 raises particular difficulties in this district because of its Green Belt status. The draft Core Strategy policy makes provision for such exception sites, but only as the last option in a hierarchy of three. If the settled community is going to be able to accept the idea

of increased provision for gypsies and travellers, the only way this will be achieved is with the greater part of this provision being allocated on sites that are otherwise going to be released from the Green Belt to meet EEP housing, mixed use, or most employment uses. Exception sites should therefore be restricted to those few cases where there is a genuine, very specific and local need. Officers therefore do not accept that “most of the need identified” should be on exception sites.

32. Q14 - officers are opposed to the establishment of a specialist delivery organisation on the grounds that the setting up/running costs would use up scarce resources which could be more directly targeted at provision for gypsies and travellers. Such funding, if it exists, would be of more benefit if it were directed to those districts with the biggest required increase in provision. Officers are also concerned at the principle of the suggestion, because it almost suggests putting concerns about gypsy and traveller accommodation ahead of needs for affordable and key worker housing, and especially ahead of those households who have spent a long time on housing waiting lists.

Travelling Showpeople:

33. The document asks (Q15) if the EEP revision should seek to identify the number of pitches to be provided in each council area for travelling showpeople (they are specifically distinguished from gypsies and travellers in Circular 1/06). If so (Q16), what evidence is available to inform this and what other issues should be taken into consideration? A consultation on revised planning guidance for travelling showpeople was published in January 2007, and this document outlines the differing culture, traditions, travelling patterns and site requirements of gypsies and travellers and showpeople. The Housing Act 2004 requires that travelling showpeople should be included in GTAAs.

34. Q15 - officers have the same reservations about including provision for showpeople in the EEP revision as they do about gypsies and travellers. These are mainly to do with the definition of “need” and protection of the openness of the Green Belt (probably more critical with showpeople because they need to be close to their equipment, and allowance needs to be made for potentially noisy testing and maintenance of machinery).

35. Q16 – the level of existing provision for travelling showpeople should be a key consideration. Officers would be concerned if the conclusion of the EEP revision was that this council had to make more provision for showpeople, given:

- (a) that there is a site for 36 caravans at Lakeview Caravan Park, Moreton which was granted permission in December 1999;
- (b) there are no unauthorised sites or pitches; and
- (c) the Green Belt status of the countryside.

Statement in Support of Recommended Action:

36. The Consultation Document has to be reported to this Cabinet to meet the deadline of 31 July. EPOA's consultants may come up with other material to challenge some of the document's figures (in particular the regional total for additional provision) after the date of Cabinet. Any such findings will be reported to the Portfolio Holder for Planning and Economic Development to enable amendments to be made to the recommended responses to the questions.

Other Options for Action:

37. The EEP Single Issue Review will allocate additional provision for gypsies and travellers (and possibly travelling showpeople) for all District and Borough Councils. This is a very sensitive topic, and it is important that the Council takes the opportunity to respond to the consultation, so that its voice is heard. There is no other option.

Consultation Undertaken:

38. The document has been discussed at EPOA sub-group meetings. Officers have contacted all parish and town councils to encourage them to make their own separate responses.

Resource Implications:

Budget Provision: Nil at present.

Personnel: From existing resources.

Land: None.

Council Plan 2006-10/BVPP Reference: GU1, GU4, HN1, HN2, HN3, HN4, FL4, EP3, EP5, IP3.

Relevant Statutory Powers: The Planning and Compulsory Purchase Act 2004.

Background Papers: The EERA Consultation Document (May 2007)

Environmental/Human Rights Act/Crime and Disorder Act Implications: Increased provision for gypsies and travellers will help to address human rights issues. Environmental issues will be addressed by other policies in the EEP. There are no crime and disorder implications.

Key Decision Reference (if required): Planning and Economic Development Item 1.