

PLANNING FOR GYPSY AND TRAVELLER ACCOMMODATION IN THE EAST OF ENGLAND: ISSUES AND OPTIONS

1 SUMMARY

- 1.1 The East of England Regional Assembly (EERA) is committed to a single issue review of the East of England Plan to incorporate policies and proposals related to the provision of Gypsy and Traveller Accommodation. This report seeks views on the contents of an Issues and Options consultation document published by EERA in May 2007. The deadline for responses to EERA is 31 July 2007.
- 1.2 A copy of the document has been placed in the Members' Library and an extract from the report has been circulated to all Members.

2 BACKGROUND

- 2.1 The final version of the East of England Plan is due to be published by the government in the near future. However, the plan has been accepted as deficient with regard to its policies and proposals concerning the provision of Gypsy and Traveller caravan sites and a commitment has been given to the Secretary of State for Communities and Local Government this situation will be resolved.
- 2.2 The publication of an Issues and Options consultation document marks the first key stage in the preparation of Gypsy and Traveller policies for inclusion in the East of England Plan.
- 2.3 Consultants commissioned by DCLG have developed a methodological tool which seeks to quantify the level of need across the Eastern Region for additional pitch provision. This analysis is central to the issues and options put forward in the consultation.
- 2.4 The assessment methodology comprises six steps as follows:-
- Step 1 – assemble Gypsy and Traveller Accommodation Assessment (GTAA) information and stocktaking.
 - Step 2 – Benchmarking GTAA information using a checklist of twelve questions.
 - Step 3 – Filling gaps and assessing regional pitch requirements using a formula which takes into account existing authorised and unauthorised sites.
 - Step 4 – Stocktaking information at local planning authority level.

- Step 5 – Considering principles which influence a strategic view of needs, using a checklist of questions.
- 2.5 A key point to emphasise about the application of this methodology is that unauthorised development is taken as an indication of need in the broad area within which the development has occurred.

3 ISSUES AND OPTIONS EXPLAINED

- 3.1 The DCLG consultants have concluded that across the East of England there is a requirement for 1,220 net additional residential pitches over the period 2006-2011. Two options for the distribution of this provision across the region are outlined in the consultation.
- 3.2 For Rochford, Option 1, based solely on advice in the consultants' report, proposes 9 additional pitches to 2011. The consultants conclude that one pitch will accommodate an average of 1.7 caravans, and therefore 9 pitches would be the equivalent of a site for 15 caravans.
- 3.3 Option 2, increases the minimum level of pitch provision within each council area to 15. This means that the four council areas (Basildon, Chelmsford, Fenland and South Cambridgeshire) with the largest provision would have about a 40% reduction. For Rochford, this would mean an increase of 6 pitches over Option 1, or 25 caravans.
- 3.4 In order to assist Members in judging the size of the sites being suggested in both options, the unauthorised site on the old A130 has 8 pitches and 15 caravans, based on a count in January 2007.
- 3.5 The DCLG consultants have proposed the use of a formula for calculating the pitch requirement for an area where no other methodology is available, as follows:-
- $\text{Unauthorised pitches} + 40 \text{ per cent of the authorised pitches} = \text{Requirement}$
- 3.6 For Rochford, applying the formula gives the following result:-
- $\text{Unauthorised (8)} + 0.4 \times 1 = 9 \text{ pitches required.}$
- 3.7 Beyond 2011, no calculations for need are provided in the report. The consultants take the view that there is no basis on which long term predictions can be made, though tentatively they suggest a household growth rate of 3 per cent per annum.
- 3.8 A response has been received from EERA on the Council's Core Strategy consultation. EERA take the view that Rochford should make provision for 9 pitches for Gypsies and Travellers in accordance with the findings of the DCLG report.

4 DISCUSSION

- 4.1 Since the publication of the Issues and Options document, concern has been expressed by all the Essex authorities about the substantial difference between the need identified in the Essex GTAA published in February 2006 (Looking Back, Moving Forward) and the findings of the DCLG consultants published in March 2007.
- 4.2 The Essex GTAA identified additional pitch provision requirements of 59 new pitches for the County in the period to 2016, plus a requirement to make provision for existing unauthorised developments, approximately 229 pitches in total. The Essex GTAA assumed that a pitch is the equivalent of 2 caravans.
- 4.3 On the other hand, DCLG's consultants concluded in their report that the Essex GTAA provided a significant under-estimate of the requirements for pitch provision. However, since the consultants were not able to undertake an in depth reassessment of the need, they chose instead to apply a crude formula, as explained in paragraph 3.6 of this report, to assess the pitch provision in Essex.
- 4.4 The DCLG assessment, using the formula, concludes that a further 438 new pitches will be required in Essex by 2011, which is a very significantly higher figure than identified in the Essex GTAA. So, whilst the Essex GTAA figure was calculated from a careful analysis of the situation in the County, the DCLG calculation relies solely on an arbitrary formula.
- 4.5 Given the significant concerns raised about the variance in the figures, the Essex Planning Officers' Association, on behalf of the Essex authorities, has commissioned Fordhams, an independent consultant, to identify the reasons for the variation, review the formula and GTAA research, and recommend a robust, more appropriate figure for Essex.
- 4.6 At the time of writing the report, the consultants had only just commenced their review, but it is expected the results will be available by mid July, and certainly in time for a verbal update to this report. It should be borne in mind that at this stage, the consultants will simply be reviewing the overall figure for Essex without any breakdown on a district by district basis.
- 4.7 Initial feedback from the consultants suggests there are concerns about average site occupancy rates, variations in count data, and growth rates. It is expected that as the review proceeds it is likely that a significantly lower figure of the need in Essex will be proposed, based on a robust assessment and interpretation of the data rather than the unacceptable use of a global formula, which does not take into account issues unique to Essex.
- 4.8 Subject to the consultants' findings it is suggested that a response be sent to EERA that reflects the concerns outlined above. Specifically in response to the questions in the consultation paper it is suggested the Council should comment as follows:-

- Q1. Do you think 1,220 net additional residential pitches is a reasonable estimate of the level of unmet need for residential pitch provision taking into account how this may change over the period until 2011?

No, the Council, along with the other Essex authorities does not believe the calculation of need for Essex based on an arbitrary formula is acceptable. The Essex authorities have commissioned consultants to review the findings of the Essex GTAA and the DCLG report; the conclusion is that the need in Essex is significantly lower than set out in the DCLG report.

- Q2. If you think 1,220 net additional residential pitches is not a reasonable estimate of need what alternative level do you think is a more reasonable estimate of need at 2011? Please make clear why.

The response to this question will depend on the findings of Fordhams in their review.

- Q3. On the basis of information currently available is it helpful if the Regional Spatial Strategy (RSS) revision seeks to establish policy on the level of need for transit pitches? And, if so, would it be more helpful to distinguish this provision from the need for residential pitch provision in policy?

The requirement for transit pitch provision should be considered separately from residential pitch provision. It would be helpful if the RSS sought to establish policy, but given the lack of information on need and numbers, EERA should provide more information on this matter before meaningful comments are possible.

- Q4. Should this revision seek to establish policy on the level of pitch provision beyond 2011? If so, what assumptions should be used to do this and until what year should they be applied?

The DCLG report concluded that it was not possible to provide an assessment of need beyond 2011. However, the Essex GTAA projected need to 2016. It is clear there is a conflict between the end date of the East of England Plan (2021) and the provision for Gypsy and Traveller accommodation. If the provision for housing land, employment land and other uses can be assessed to 2021, then it would be logical to do so for Gypsy and Traveller sites.

- Q5. To what extent is it reasonable to seek to spread the distribution of pitches from the council areas where need is calculated to arise? Will a more dispersed distribution still meet the needs of Gypsies and Travellers? 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?

Any attempts to engineer a distribution of provision significantly different from that assessed through the GTAA (accepting that figures are far from being finalised) would be unlikely to be successful. Simply attempting to redistribute pitches from districts with high numbers of unauthorised encampments into neighbouring districts is not acceptable and would not reflect the levels of need that have been identified, nor is such an arrangement likely to be acceptable to the Gypsy and Traveller community who, based on the Essex GTAA, have preferences about where pitches should be located.

Furthermore, the distribution proposed in Option 2 has no logic whatsoever if the provision of pitches is to be based on an assessment of need. Option 2 is completely unacceptable and given that options must be realistic, it is doubtful this should ever have been suggested as a solution.

- Q6. Is it reasonable to accept the principle that each local council area should seek to provide at least one additional site?

No, there is no logic to this proposal whatsoever – provision should be assessed solely on the basis of need.

- Q7. In the light of the above consideration of locational issues, is there any evidence to suggest that any council area within the East of England could not make provision for a level of pitches in the order of that shown in the two illustrative options without having an adverse impact on areas of recognised environmental importance? Are there any other environmental or policy constraints that may be so significant to influence the distribution of pitches between council areas?

Rochford District is constrained by the Green Belt. That having been said, it is accepted that Gypsy and Traveller residential pitch provision is counted as part of the overall housing allocation and that, because of the very limited supply of previously developed land in the district, the identification of a significant proportion of this will inevitably come from the Green Belt. Therefore, it could not reasonably be concluded that Rochford would not be able to make provision for the modest level of identified need for Gypsy and Traveller pitches in the district, though as with any allocation careful consideration would need to be given to location.

- Q.8. To what extent is it reasonable to rely on the delivery of sites either by Gypsies and Travellers themselves or by the development industry.

There is little doubt, evidenced by the number of unauthorised sites around the region, that it has been difficult for Gypsies and Travellers to find suitable sites. Therefore, it is likely that a more pro-active approach through the framework of the preparation of development plan documents and involvement of the development industry will be required to ensure that suitable sites are brought forward in appropriate

locations. It may be that, consideration has to be given to identifying 'exception' sites where there is an element of public subsidy. However, the Essex GTAA reported a significant reluctance on the part of Gypsies and Travellers to reveal information about incomes, and unless such information was forthcoming, there would be little or no justification for there to be an element of public subsidy in site provision.

- Q9. In view of the potential scale of pitch provision needed in the East of England and constraints on public funding available is it reasonable to suggest that most of the need identified is likely to have to be met by provision on 'exception' or other sites that would not normally be granted planning permission for other forms of housing?

It is important that the provision of Gypsy and Traveller sites is not achieved in a way that is more advantageous than for other residential provision. It would therefore be necessary to ensure that delivery mechanisms were fair, open and transparent and paralleled arrangements for the provision of other types and tenures of housing

- Q10. In view of the scale of potential need for new sites identified, is there a need to develop new means of providing Gypsy and Traveller sites, such as through the establishment of some form of specialist delivery organisation?

It should not be necessary to have any special delivery mechanism or organisation to deal with Gypsy and Traveller sites.

In addition to these questions, the issues and options paper also seeks views on the provision of accommodation for travelling show people. It is considered this is an issue that should be dealt with separately, but without detailed evidence of need, it is not possible to comment on site provision.

5 CONCLUSION

- 5.1 There are serious concerns about the level of need identified in the DCLG consultants' report versus the Essex GTAA and the findings of the consultants appointed by the Essex authorities will be crucial to the final response to the issues and options consultation paper. A proposed response is set out in Section 4 of this report, but it may be that some adjustments or additions to these comments will be required when the consultants' findings are reported.

6 RISK IMPLICATIONS

- 6.1 There is little doubt that where a need is identified for the provision of Gypsy and Traveller accommodation, local planning authorities will find it increasingly difficult to defend planning and enforcement appeals in situations where there are no alternative authorised sites available.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 There is little doubt that the identification of acceptable sites for Gypsy and Traveller accommodation is challenging, but the need identified for Rochford is modest and, from a planning perspective, well-run sites can be integrated successfully into local communities to enable Gypsies and Travellers to use schools and other services in the same way as the settled community.

8 RECOMMENDATION

- 8.1 It is proposed that the Executive Board **RESOLVES**

That, subject to the findings of the Essex authorities consultants, this report forms the basis of the Council's response to EERA's Issues and Options Consultation on the provision of Gypsy and Traveller Accommodation.

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Background Papers:-

Planning for Gypsy and Traveller Accommodation in the East of England: Issues and Options, EERA, May 2007.

Looking Back, Moving Forward, Assessing the housing needs of Gypsies and Travellers in Essex, EPOA, February 2006.

Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies, DCLG, March 2007.

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