

GYPSES AND TRAVELLERS – POLICY UPDATE

1 SUMMARY

- 1.1 This report outlines the national planning policy context for gypsies and travellers, provides details of the work being carried out by the East of England Regional Assembly (EERA) and Thames Gateway South Essex (TGSE) and explains the possible implications for Rochford District.

2 NATIONAL POLICY

- 2.1 The starting point is the Housing Act 2004, which requires Local Authorities to assess the need for gypsy and traveller accommodation in their areas when they consider the housing requirements for the rest of the population.
- 2.2 Following the assessment of need Local Authorities must then develop a strategy which addresses the need arising from the accommodation assessment, through public and private provision.
- 2.3 In February 2006, the Government published a circular (1/2006), Planning for Gypsy and Traveller Caravan Sites, which sets out clearly how the needs assessment should be carried out and the arrangements for dealing with site provision through the Regional Spatial Strategy (RSS East of England Plan) and the Local Development Frameworks (LDF) prepared by each planning authority.
- 2.4 The Government's stated intentions for Circular 1/2006 are:-
- to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision;
 - to reduce the number of unauthorised encampments and developments and to make enforcement more effective;
 - to increase significantly the number of gypsy and traveller sites in appropriate locations;
 - to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers;
 - to underline the importance of assessing needs at regional and sub-regional level;
 - to identify and make provision for the resultant land and accommodation requirements;

- to ensure that Development Plan Documents (DPDs) include fair, realistic and inclusive policies;
- to promote more private gypsy and traveller site provision in appropriate locations; and
- to help gypsies and travellers becoming homeless through eviction from unauthorised sites with an alternative to move to.

2.5 The definition of ‘gypsies and travellers’ provided in the Circular for planning purposes is:-

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such’.

2.6 Interestingly, this definition differs from a proposed housing definition, which is:-

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism and/or caravan dwelling’.

2.7 The reason for the difference in definitions is to account for the fact that planning deals with the use and development of land and so for this purpose the definition is limited to those who can demonstrate that they have specific land use requirements arising from their nomadic way of life.

2.8 The planning process outlined in Circular 1/2006 can be summarised as follows:-

- (a) Local Authorities must assess gypsy and traveller accommodation needs as part of the Gypsy and Traveller Accommodation Assessment (GTAA) process – this aligns with the requirements under the Housing Act 2004 outlined earlier in this section.
- (b) Information from the GTAA will be a key component in the overall assessment of need which informs the housing policies in the RSS, for this region, the East of England Plan.
- (c) The East of England Plan must identify the number of pitches required for each local planning authority in light of the GTAA.
- (d) The number of pitches identified must be translated into specific site allocations in one of the local planning authority’s DPDs that form part of

the LDF. Local Authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the East of England Plan.

2.9 The Circular also outlines various ways in which Local Authorities can identify specific sites and make land available. These include:-

- disposal of land for less than best consideration;
- making full use of registers of unused and under-used land owned by public bodies;
- use of compulsory purchase powers;
- co-operation between authorities.

2.10 It is made clear in the Circular that where a Local Authority has not located sufficient sites for gypsy and traveller need identified through the GTAA and RSS that an Inspector could recommend that the DPD be altered to include additional sites.

2.11 The Circular also considers the implications of the delay in making allocations while GTAA's and policies in RSSs are prepared. In situations where there is a clear and immediate need, for instance through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward DPDs containing site allocations in advance of regional consideration of pitch numbers, and completion of a GTAA.

3 REGIONAL ISSUES

3.1 It will be clear from the review of the national policy that Regional Planning Bodies (RPBs) are required to move forward quickly with work on policies and pitch allocations to be included in Regional Spatial Strategies.

3.2 EERA has committed to undertaking a single issue review of the East of England Plan on the matter of Gypsies and Travellers. A Gypsy and Traveller Steering Group has been formed by the Regional Planning Panel (RPP) and is currently preparing a project plan.

3.3 The Steering Group has given initial consideration to the timescales for the review and concluded that it will take between 2 years 6 months and 2 years 11 months to complete. On that basis, the Steering Group advice to RPP is that Local Authorities should progress with their Gypsy and Traveller Accommodation Assessments as soon as possible, in accordance with the advice in Circular 1/2006.

3.4 As might be expected, the project plan for the review of the East of England Plan is a lengthy document but the key messages are as follows:-

- it is important to address the pressing need for regional planning policy to assist Local Authorities in identifying the appropriate number and location of gypsy and traveller caravan sites through their Development Plan Documents;
- the RSS (East of England Plan) must be brought into line with Government policy;
- the review process could take nearly 3 years to complete;
- Local Authorities must contribute information through GTAAAs as quickly as possible.

3.5 The East of England Panel Report was published on 22 June 2006. The Panel considered representations about gypsies and travellers and concluded that the single issue review proposed by EERA should be supported. However, the Panel also considered that a policy should be included within the East of England Plan as follows:-

Policy H4: Provision for Gypsies and Travellers

Local Authorities should make provision for sites/pitches to meet the identified needs of gypsies and travellers living within or resorting to their area. EERA will work with Local Authorities and other stakeholders to bring forward an early review to this RSS setting out the strategic framework for such provision, and identifying the requirement in terms of pitch numbers at a district level. Until that review is in place provision in Local Development Documents should be based on the latest available local information on need within the area.

4 SUB-REGIONAL ISSUES - TGSE

- 4.1 As has been explained, the assessment of gypsy and traveller accommodation need is a statutory requirement of the Housing Act 2004 and such assessments will be used by the regional bodies to inform the policies in regional spatial strategies.
- 4.2 Therefore, the Thames Gateway South Essex Partnership is preparing to commission consultants to undertake a GTAA for each Local Authority, together with an overarching report of the sub-regional position. The aim of the study is to provide data that will identify gypsy and traveller accommodation need separately from wider demand and aspiration, in the same way as for the rest of the population.
- 4.3 It is intended that gypsy and traveller accommodation will be quantified in terms of:-
- site accommodation on private sites;
 - site accommodation on socially rented residential sites;

- site accommodation on transit sites;
- bricks and mortar accommodation for owner occupation by gypsies and travellers; and
- affordable bricks and mortar housing.

4.4 The timescales for the study envisages a start in September 2006 with completion in mid 2007. The draft project plan for the study is due to be considered at a Thames Gateway South Essex Housing Strategy Group meeting on 19 July 2006.

5 OTHER STUDIES AND ADVICE

Looking Back, Moving Forward

- 5.1 The report 'Looking Back, Moving Forward – Assessing the Housing Needs of Gypsies and Travellers in Essex' was commissioned from the Salford Housing and Urban Studies Unit by the Essex Planning Officers Association.
- 5.2 The findings of the study were reported to the Environmental Services Committee on 5 April 2006 where it was concluded that the contents of the study should simply be noted.
- 5.3 Nevertheless, this study will be used to help inform the TGSE Gypsy and Traveller Accommodation Assessment and will also be submitted to EERA to help their deliberations on policy development. A copy of the 5 April report is attached as Appendix 1 to this report.

Report of the LGA Gypsy & Traveller Task Group

- 5.4 In June 2006, the LGA Gypsy and Traveller Task Group published a short paper outlining what it sees as the way forward on gypsy and traveller issues taking account of the new Circular and the requirements placed on RPBs to produce a policy framework for inclusion in regional spatial strategies.
- 5.5 The main findings of the task group are as follows:-
- the Government should establish a clear timetable for the implementation of the new planning circular with progress being reported through annual monitoring reports;
 - good practice guidance is needed to promote alternative methods of achieving site provision;
 - Local Authorities should examine the scope for private provision of temporary sites on a public/private partnership basis;

- Local Authorities should consider innovative ways of delivering small transit sites and occasional use temporary stopping places in rural locations;
- a clear and stronger legal framework for enforcement, backed up with clear advice on implementation is required.
- DCLG needs to support the provision of practical guidance and tools on conflict prevention and resolution, and to help authorities build and promote community cohesion between settled and gypsy and traveller communities.

6 CURRENT SITUATION IN ROCHFORD

- 6.1 There are currently 7 unauthorised caravan sites in the district comprising a total of 23 caravans (see appendix 2). Of these, the largest site is located on the old A130 near to Bedloes Corner. There are three authorised sites in the district (see appendix 3).
- 6.2 Across Essex as a whole 'Looking Back, Moving Forward, concluded that in July 2005 there were 442 unauthorised encampments, with a large proportion (172) of these located in Basildon district and, looking at South Essex, the smallest numbers being in Southend and Castle Point.
- 6.3 Notwithstanding the fact that Rochford has more unauthorised encampments than Southend and Castle Point, it can be seen that South East Essex is by and large not a preferred location for gypsies and travellers, given the large number in Basildon and greater numbers in Brentwood, Chelmsford and Epping. This situation is likely to reflect aspirations and preferences and have implications for the preparation of the GTAAs.
- 6.4 In Essex as a whole, if current trends continue, there would be 59 new gypsy and traveller households (236 people) by 2016. In terms of pitch and caravan provision, this would mean 59 new pitches to accommodate 118 caravans. For the plan period of the East of England Plan to 2021, a further 30 pitches in addition might very well be required.

7 DISCUSSION

- 7.1 The Government has now clearly set out the arrangements to be followed by Local Authorities to assess and deal with gypsy and traveller accommodation needs.
- 7.2 Local Authorities are required to undertake Gypsy and Traveller Accommodation Assessments with the data collected being used to inform the preparation of Development Plan Documents through a process starting with the Regional Spatial Strategy and ending with specific sites being identified in the Local Development Framework.

7.3 EERA has commenced work on a single issue review of the East of England Plan and the project plan that has been prepared by a steering group of the RPP envisages a programme of work that will take between 2 years 6 months and 2 years 11 months to complete. Incidentally the steering group comprises:-

- 2 gypsy and travellers representatives
- 6 Local Authority representatives
- EERA
- The Government Office
- The Regional Housing Delivery Group (note a working group of the Regional Housing Board for the East of England)
- East of England Development Agency (EEDA).

The representative for Essex is an officer from Essex County Council.

7.4 In developing their project plan the EERA Steering Group has concluded that, in accordance with Government advice, Local Authorities should progress with their GTAAs as soon as possible. The Panel Report into the East of England Plan was published on 22 June and the policy recommended for inclusion in the plan reinforces the view that Local Authorities should move forward with site allocations in advance of the completion of the EERA review.

7.5 The TGSE partnership has prepared a project plan for the preparation of GTAAs for each South Essex district, together with a broader look at the sub-region as a whole. The project plan is due to be considered at a meeting of the Thames Gateway South Essex Housing Strategy Group on 19 July. At present it is envisaged that funding for this work will come from the TGSE Partnership with no additional contributions from the individual Local Authorities.

7.6 The commissioning of a joint GTAA for the South Essex authorities through TGSE would seem to be a sensible and logical way to fulfill the Government's requirements for needs analysis. The findings of the study will be submitted to the EERA Steering Group as part of the evidence base that will inform the preparation of regional policies and pitch allocations.

7.7 There is little doubt that undertaking a GTAA for South Essex is a sensitive issue, but the study will be based on methodology developed by the Government, which should ensure a consistent approach.

7.8 Given that the Council cannot avoid preparing a GTAA, it is considered that particularly given the funding arrangements, a joint study through the TGSE Partnership should be supported.

- 7.9 Whilst it is too early to guess at the findings of the GTAA study, there is little doubt that when it is published the Council will be put under pressure to make early decisions about site allocations. Unfortunately, Circular 1/2006 provides little support for an argument that no decisions on allocations should be taken until work on the RSS (East of England Plan) is complete. The Circular indicates that in the presence of significant numbers of unauthorised encampments, Local Authorities should bring forward Development Plan Documents containing site allocations.
- 7.10 The key challenge for Rochford is the unauthorised site on the old A130. At present, following the most recent appeal decision, contact is being made with each of the families on the site to ascertain what they intend to do to comply with the enforcement notice requiring the site to be vacated. Given the new Circular, there is little doubt a resolution will be difficult to achieve, particularly given the work on the GTAA study, which many will see as a way of justifying staying on the site until an allocation is made in the Allocations Development Plan Document. However, it should be borne in mind that if the GTAA study identifies a need, it will be for the local planning authority to determine how this will be fulfilled, and that may very well not be through tacit acceptance of existing unauthorised sites.
- 7.11 The programme of work over the next 2 years or so, including the preparation of a GTAA and strategic policies, must be the starting point for the careful consideration of any specific requirements in Rochford District. It is considered that a step by step approach leading to, if required, the consideration of pitch allocations through the Rochford Site Allocation DPD is the most sensible and pragmatic way of dealing with these issues in the district.
- 7.12 The published Local Development Scheme (LDS) envisages work commencing on the Site Allocation DPD in mid-2006, with the first stages of public participation in April/May 2007.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**
- (1) That the Council supports the proposed arrangements for the preparation of a Gypsy and Traveller Accommodation Assessment (GTAA) by the Thames Gateway South Essex Partnership, as outlined in the report.
 - (2) That, unless circumstances change, the programme for the preparation of the Rochford Site Allocation Development Plan Document remain unchanged.

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Background Papers:-

ODPM Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.

Definition of the term ‘gypsies and travellers’ for the purposes of the Housing Act 2004 – ODPM February 2006.

Local Authorities and Gypsies and Travellers – Guide to responsibilities and powers – ODPM 2006.

Guide to effective use of enforcement powers – Part 1: Unauthorised encampments – ODPM 2006.

Project Plan for Revision of RSS to address the provision of Gypsy and Traveller Caravan Sites – EERA, May 2006.

Specification for a Gypsy and Traveller Accommodation Assessment – TGSE 2006.

Looking Back, Moving Forward – Assessing the housing needs of Gypsies and Travellers in Essex – Essex Planning Officers Association 2005.

Report of the LGA Gypsy and Traveller Task Group – LGA, June 2006.

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