

# Provision of Permanent sites for Gypsies, Travellers and Travelling Showpeople

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# **Provision of Permanent sites for Gypsies, Travellers and Travelling Showpeople**

## **The Purpose of this Paper**

1. This paper documents the evidence which supports the Council's approach to meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople as set out in the criteria-based policy approach of the Proposed Submission Version of the Hastings Local Plan Planning Strategy, May 2012 (Policy H5). It will also support the subsequent Development Management Plan.
2. It provides a chronological summary of the work undertaken by the joint Local Authorities for the Partial Review of the South East Plan. Although that Partial Review of the Regional Strategy has been abandoned and the formal process remains incomplete, the evidence underpinning that work still remains valid as a basis for planning for Gypsies, Travellers and Travelling Showpeople in Hastings.

## **Introduction**

3. The obligation to assess the accommodation needs of Gypsies and Travellers and make adequate provision for them in their area is set out in the Housing Act (2004).
4. Local planning authorities are obliged to identify sites in their Local Plan documents, in line with the requirement in the Regional Spatial Strategy (RSS). It is no longer acceptable just to define specific criteria for sites against which proposals for Traveller accommodation will be judged, instead local authorities are expected to identify sites for development.
5. In July 2010 the Secretary of State announced the intention to abolish Regional Spatial Strategies. However, the duty to provide sites for Gypsies and Travellers is still a requirement through the Housing Act 2004.
6. In addition, Local authorities also have a duty to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices through the Race Relations (Amendment) Act 2000 and the Equalities Act 2010, which brings together much of the differing strands of Equality legislation. This duty covers all racial groups, including Gypsies and Irish Travellers who are recognised ethnic groups. This is at the heart of the Council's Single Equality Scheme, adopted March 2010, which aims to ensure that there are equal life chances for all in the town; to ensure that access to services, democracy and employment is available to all, and acknowledges that the barriers people face may be different for different groups.

## **Current Gypsy and Traveller sites in Hastings**

7. There are currently no authorised pitches in the Borough, and at the time of writing (October 2012), there are also no unauthorised sites either. There has been a zero return on unauthorised sites for the last 3 Gypsy and Traveller Caravans counts<sup>1</sup> for Hastings (July 2011, January 2012, and July 2012). Part

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<sup>1</sup> This is the bi-annual count of Gypsy and Traveller Caravans in England carried out by local authorities and reported to Government. The Count records the number of caravans on both authorised and

of the explanation for this is that we can only report on unauthorised encampments on the day of the count. Quite often there are no Travellers in the Borough on the day the count takes place.

## **National guidance**

8. The Department of Communities and Local Government's (CLG) document 'Planning Policy for Traveller Sites' published in March 2012, sets out the Government's planning policy for traveller sites. The National Planning Policy Framework (NPPF) also published in the same month, adds nothing further but should be read in conjunction with the Travellers sites document
9. This new policy forms part of a broader package, including changes to planning law to limit retrospective planning applications for any form of unauthorised development and the provision of incentives for new and refurbished traveller sites, which is intended to deliver a better balance between site provision and enforcement.
10. The new planning policy gives councils the responsibility to determine the right level of traveller site provision in their area. The guidance stresses that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective. The guidance also makes clear that local planning authorities should ensure local plan includes fair, realistic and inclusive policies which should increase the number of traveller sites in appropriate locations with planning permission, address under-provision and maintain an appropriate level of supply.

## **The South East Plan (2009) and Partial Review**

11. The South East Plan was published in May 2009 and included an interim statement on provision for Gypsies and Travellers and stating that the Regional Planning Body would take a single issue review of Gypsy and Traveller accommodation needs within the south east region.
12. A single issue review was initiated following the publication of Government guidance requiring Regional Spatial Strategies to address the accommodation needs of Gypsies and Travellers and Travelling Showpeople. Targets in regional plans therefore complemented the legal obligation in the Housing Act 2004 s.225 that every local housing authority must, when undertaking a review of housing needs in their area carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their local authority area. With the move to abolish regional plans, this obligation remains in force and local planning authorities are expected to make adequate provision for Travellers in their area.

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unauthorised sites across England and is carried out in order to provide local data on the number of caravans and the seasonal movement of caravans. The count is conducted twice a year, in January and July, providing a snapshot of the number of caravans on the day of the count. Information is collected about caravans on authorised public sites, authorised private sites, unauthorised developments (sites on land owned by Gypsies and Travellers for which planning permission had not been granted) and unauthorised encampments (on land not owned by Gypsies and Travellers and which do not have planning permission). Data from the count is used by Government departments, local authorities and essential services to plan service delivery. Biannual collection and publication is essential to reflect winter residence and summer travelling trends

## **The Evidence Base**

13. Local authorities in East Sussex including Brighton & Hove, resolved to work together to assess the accommodation requirement of Gypsies and Traveller. Work on a Gypsy and Traveller Accommodation Assessment (GTAA) was initially carried out in 2005. The objective was to determine the unmet accommodation needs across the County to 2011. The work was undertaken by David Couttie Associates (DCA). The survey pre-dated the February 2006 CLG Draft Practice Guidance on Accommodation Assessments.
14. The report was finalised in October 2006 and concluded that there was an overall requirement to provide an additional 80 (unspecified) pitches for Gypsies and Travellers over the five year period from 2006-2011 within the whole GTAA area.
15. Local Authorities were then required by the then South East Regional Assembly (SEERA) to undertake a self assessment benchmarking exercise of their respective GTAAs. The East Sussex councils produced a new advice paper 'Towards a Baseline Distribution of Future Pitch Provision'. The advice note drew on evidence from the GTAA but made a revised assessment that solely looked at the provision for permanent pitches within East Sussex. The advice note concluded that an additional 47 permanent pitches, as opposed to the 80 identified in the DCA study, were needed for the 2006-2011 period. The DCA assessment assumed that all Gypsies and Travellers on unauthorised encampments require some sort of provision (permanent or transit).
16. This was followed by a separate independent assessment of the numbers suggested as well as the approaches used, to make sure they were consistent and robust. This was undertaken by for the Regional Assembly by Pat Niner, a leading expert in the field.

## **Partial review of the South East Plan Meeting the Accommodation Needs of Gypsies and Travellers**

17. SEERA requested that the local authorities work in partnership to provide two district level distributions for the proposed overall level of permanent pitch provision. Option A – was to reflect a distribution which reflected needs where they arise; and Option B – a more sustainable distribution that took account of a wider range of social, economic and environmental considerations. This was required for two five year periods, 2006 to 2011 and 2011 to 2016.
18. The starting point for providing the advice to SEERA was the DCA GTAA. The local authorities re-examined, and made adjustments to, the DCA accommodation needs model to provide the best estimate of permanent pitch requirements in the area to meet the Regional Assembly's brief. The DCA GTAA work was reviewed in the light of the then more recent government advice on the assessment of the need for permanent pitches. The most significant difference was that whilst the original GTAA allowed for the accommodation of all caravans on unauthorised sites, the more recent Government advice indicated that only a proportion of these should be allowed for in calculating permanent pitch needs. The result of this and other more minor changes to the original GTAA assessment was to reduce the need for permanent pitches to 47 in the period 2006 to 2011. The independent benchmarking undertaken on behalf of SEERA generally validated this figure.

19. This total figure (47) was apportioned to individual districts for the period 2006 to 2011 on the basis of Options A and B, option A apportioned 3 pitches to Hastings, and option B 1 pitch. Option A was based on the existing distribution of gypsy and traveller encampments and the household growth that they were likely to generate. Option B took into account the preferences of gypsies, access to facilities such as health and education and environmental constraints to development. It also took account of the capacity of each district to accommodate sites.
20. For the period 2011- 2016, the joint advice used the same rates for household formation and transfer between sites and housing as in the preceding period. It was concluded that post 2011 future site requirements from new households and transfers from houses to sites would be more than offset by vacancies arising from future transfers from sites to housing. It was therefore concluded that no further additional pitches would be required up to 2016. In reaching this conclusion a vacancy rate of 5.7% pa post 2011 was assumed. This vacancy rate had been accepted in the audit of LA advice for 2006-11. The overall requirement for the period 2006-2016 was therefore 47 pitches.

### **Hastings Borough Council's Response**

21. The Council's (Cabinet) response to 'Meeting the Accommodation Needs of Gypsies and Travellers, 2007' was to endorse the findings of the report.

### **Consultation on the Partial Review of the South East Plan, 2008**

22. In 2008, SEERA sought views on its proposals for the number of permanent spaces (pitches) required in each district in the South East for the period to 2016 for Gypsies, Travellers and Travelling Showpeople. The consultation included four possible options for meeting the regional total of 1,064 pitches to 2016. Option A was based on new spaces being provided as close as possible to where gypsies and travellers currently live. For Hastings this would mean 3 pitches. Option B was based on a more sustainable distribution of spaces having regard to factors such as natural constraints and access to facilities. For Hastings this would mean 1 pitch. Option C allowed for half the spaces to be provided in the general area where gypsies and travellers at present live and for half the spaces to be spread across the region to make sure that all areas provide some spaces. For Hastings this would mean 4 pitches. Option D allowed for a quarter of the spaces to be spread across the region. For Hastings this would mean 3 pitches.

### **Hastings Borough Council's Response**

23. Option B was supported by the Council, which sought to provide for 1 pitch in Hastings. It was considered to better reflect the needs of the Borough for permanent accommodation and also recognised the difficulty of identifying sites in the Borough due to the heavily built up nature of the town and the extensive nature conservation areas of international importance which largely surround it. Options C and D were also rejected because they included the provision of a single plot for travelling showpeople. The Council therefore also advised that there was no evidence of a need or demand for permanent accommodation for travelling showpeople in Hastings.

## **Partial Review of the south East plan – Recommendations for New Policy H7, 2009**

24. In 2009, the Government Office for the South East consulted on the South East England Partnership Board's (successor to SEERA) final recommendation on the distribution pitch provision for the region. Under the proposed Policy H7, Hastings would be expected to make provision for 2 pitches for Gypsies and Travellers for the period up to 2016 and 1 pitch for permanent accommodation for Travelling Showpeople.

### **Hastings Borough Council's Response**

25. The Council accepted the requirement for 2 permanent pitches for Gypsies and Travellers, but strongly objected to the identified requirement for 1 permanent pitch (yard) for Travelling Showpeople, since the consultation document did not provide sufficient evidence of need or demand for such provision in Hastings.

### **Pitch Requirements to 2016**

26. This evidence paper has outlines the process started by the now abandoned Regional Strategy Review of provision for Gypsies and Travellers. Much good work and evidence was developed during the Partial Review process, and importantly there is no new evidence to suggest that the requirement for 2 permanent pitches for Gypsies and Travellers in Hastings is no longer needed. Instead in considering the requirements of the new national policy, including that, local planning authorities should make their own assessment of need for the purposes of planning, and a requirement to identify a five year supply of deliverable sites and developable sites over the longer term, the Council has sought to build on the existing evidence developed for the Partial Review by continuing to monitor information on the local need.
27. In terms of current need there is new monitoring information through the Council's housing register which can be reviewed. Since July 2009 all those on the Council's housing register have been asked to complete an Equalities Monitoring Form at the point of annual review or for all new applicants. All those that state they consider themselves to be a Gypsy, Traveller or Travelling Showperson are asked whether they require a Gypsy/Traveller site. To-date, nobody has indicated they require a Gypsy/Traveller site. This monitoring is on going for all new applicants. The East Sussex Gypsy and Traveller support group Friends, Families and Travellers encourage those in need of gypsy/traveller sites to register on the relevant housing register.
28. However it is understood that there are some gypsy and traveller families who live in houses who have expressed a desire to be accommodated on a gypsy and traveller site. Such families are unlikely to have the financial resources to buy a site and develop it for permanent occupation. It is likely that if a site is brought forward that there would be demand from gypsy and travellers but not necessarily from those currently living within Hastings.
29. The work from the Partial Review shows a small need for gypsy and traveller permanent provision with the Council accepting a requirement for 2 pitches. This requirement remains outstanding.

30. In line with the view from the Guild of Travelling Showpeople that there is no local need, the Council will make no explicit provision for further residential plots. However, any proposals that do emerge will be judged against proposed Planning Strategy Policy H5. (See paragraph 32 below).
31. Longer term needs, post 2016, the Council will work with the East Sussex authorities to identify requirement for additional permanent pitches and transit sites, as part of the on-going review of the duty to co-operate.

### **Travelling Showpeople**

32. The GTAA did not cover Travelling Showpeople. Consequently the joint Local Authorities had to assess requirements locally. Joint consultation with the local representative of the Showmen's Guild of Great Britain indicated that there were four family groups in East Sussex and that they were adequately accommodated and not looking for more space.
33. In confirming that there was no demand for further yards in East Sussex, the Showmen's Guild considered that appropriate criteria based policies in Local Plans would be sufficient.
34. This approach is consistent with the findings within the unfinished Partial Review of the South East Plan Regional Spatial Strategy Panel Report, which recommended that there was no need for additional provision for Travelling Showpeople within the Borough of Hastings.

### **Transit Site provision**

#### **The Local Authorities' Joint Advice**

35. The original Joint Advice submitted to the Regional Assembly in October 2007 had looked at a number of approaches to the qualitative assessment of demand required. For East Sussex the broad conclusion was:

It would seem that these requirements might best be met by making some form of additional transit provision on one or two small sites further along the coast to meet the needs of Travellers moving through the rest of East Sussex (Eastbourne, Hastings, Rother and Wealden).

#### **The Partial Review Approach - Local Determination**

36. The Regional Transit Study carried out by Pat Niner broadly confirmed the original Local Authority Joint Advice that East Sussex should provide an additional 2 sites of 4 pitches each, or equivalent, further east in the county related to the evident historic travelling route along the A27/259 and that this additional provision could be in the form of Temporary Stopping Places.
37. There remains an outstanding issue of how the provision for transit use is to be provided. It was always intended in the Partial Review regime that groups of local authorities would assess need locally and agree how it would be provided for - how much and where. That remains the position but with the benefit of the information and evidence in the Regional Transit Study.

38. Current demand for transit provision is dealt with via the East Sussex County Council run site called Bridy's Tan near Lewes. This is coping well with demand to-date.

## Appendix A

### Types of Gypsy and Traveller site

39. There are 3 kinds of sites operationally:
40. Permanent residential – permanently sited caravans used for people who travel little, or who want a base from which to travel.
41. Transit – short term pitches that can accommodate families for up to 90 days, for those with a more nomadic lifestyle who are travelling through the area.
42. Emergency stopping places – authorised sites where travellers on unauthorised encampments can be relocated for a short time as an emergency arrangement when S62A-E are invoked. These are usually provided in the absence of transit provision.

### Glossary

43. For the purposes of this evidence paper, the definition of Gypsies, Travellers and Travelling Showpeople as set out in CLG's Planning policy for traveller sites, March 2012, is used, which identifies Gypsy and Travellers as
44. *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 dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
45. "travelling showpeople" means:
46. *Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.*
47. For the purposes of this planning policy, "travellers" means "gypsies and travellers" and "travelling showpeople" as defined above.
48. "Pitch" means a pitch on a "gypsy and traveller" site and "plot" means a pitch on a "travelling showpeople" site (often called a "yard"). This terminology differentiates between residential pitches for "gypsies and travellers" and mixed-use plots for "travelling showpeople", which may/will need to incorporate space or to be split to allow for the storage of equipment.