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**Meeting:** Sustainable Communities Overview and Scrutiny Committee  
**Date:** 17 January 2012  
**Subject:** Gypsy and Traveller Local Plan: GTAA Review  
**Report of:** Cllr Nigel Young, Executive Member for Sustainable Communities  
**Summary:** The report sets out the findings of the review of the Bedfordshire and Luton Gypsy and Traveller Accommodation Needs Assessment 2006 (GTAA) carried out by POS Enterprises and proposes CBC follow the recommendation therein to conduct subsequent investigation in order to develop up-to-date, locally refined data outlining the pitch requirement for Central Bedfordshire. The report also outlines the next steps in the development of the Gypsy and Local Plan.

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**Advising Officer:** Richard Fox, Head of Development Planning and Housing Strategy  
**Contact Officer:** Jade Taylor, Housing Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

1. The Local Development Framework is a fundamental part of the Council's key aim to manage growth effectively

### **Financial:**

2. The Gypsy and Traveller Plan is intended to provide for local Gypsy and Traveller pitch need. Having a robust strategy in place helps reduce the incidences of unauthorised encampments which create a financial burden on the authority. In turn, a robust strategy will assist in the determination of planning applications and potentially reduce the costs of defending planning applications on appeal. The cost of the Plan can be met from within existing resources.

### **Legal:**

3. The Gypsy and Traveller Local Plan, when adopted, will be part of the statutory development plan for the area

### **Risk Management:**

4. The following risks have been identified:
  - Failure to discharge statutory responsibilities
  - Reputational risks associated with the failure to address the needs of Gypsies and Travellers and the local community

- Financial risks associated with unauthorised encampments
- Risk of challenge and appeals
- Risk of inaccurate forecasting of requirements

These risks have been identified and appropriate mitigating action will be taken.

**Staffing (including Trades Unions):**

5. Not Applicable.

**Equalities/Human Rights:**

6. Under the Equality Act, public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
7. In drawing up the Gypsy and Traveller Plan an Equality Impact Assessment will be undertaken. This will highlight the specific needs and interests of Gypsy and Traveller communities who are at a significantly greater risk of lower quality of life outcomes.
8. Gypsies and Travellers can sometimes find themselves in a cycle of 'enforced' nomadism, being continually moved on by the authorities because of the shortage of authorised sites. As a result, Gypsies and Travellers are often more disadvantaged than any other ethnic group in terms of access to healthcare and education. The lack of authorised public sites and the difficulties associated with getting planning permission for private sites, has meant that Gypsies and Travellers have set up home on land belonging to others or on their own land without permission.
9. Approval of the Plan could help to close achievement and health inequalities, reduce racial tensions associated with unauthorised sites, increase the participation of Gypsy and Traveller communities in decision making and service delivery processes and increase a sense of belonging.
10. The Equality and Human Rights Commission has recently published a Human Rights Review which highlights that the human rights of some groups are not always fully protected by public authorities. The Commission has highlighted that there continues to be a lack of appropriate accommodation for Gypsies and Travellers and that this may be in contravention of Article 8 of the Human Rights Act.

Article 8 does not impose an obligation on public authorities to provide homes for anybody, or to provide sites for Gypsies and Travellers. It does, however, oblige authorities to respect the home. This applies particularly in situations where local authorities wish to evict people from their homes. Due to a long term lack of authorised sites, Gypsies and Travellers often have no choice other than to live in unauthorised sites. This increases the likelihood that they will face eviction.

The review shows that:

- To date, the courts have not found a breach of Article 8 in relation to an eviction from an unauthorised Gypsy and Traveller site. However, there may be grounds for challenging this precedent.

- There continues to be a shortage of authorised Gypsy and Traveller sites, increasing the likelihood of further forced evictions from unauthorised sites. The European Court has recognised that there needs to be special consideration given to the needs and different lifestyle of Gypsies and Travellers in the context of planning decisions, and the Commission expects to see further consideration of this issue over the coming years.
- The Commission recently reviewed the progress made by local authorities in England and Wales in meeting their targets for site provision under the planning system in force up to 2010. The report indicated that there has been some progress in making legal sites available for Gypsies and Travellers in England, as there were 15 per cent more pitches available in 2009 than there were in 2006. The report estimated that an additional 5,821 residential pitches were required in England in the first five years after a local needs assessment was completed.
- There is evidence that the planning system may not be fair towards Gypsies and Travellers. Department for Communities and Local Government figures from April 2009 to December 2010 show that only half of applications for new sites are successful in England, compared with around 70 per cent of residential applications. The Commission's report attributes this low success rate to very few local authorities having identified suitable land for site development, which means that 'plan-led' development cannot operate in the same way as for residential applicants. In addition, the survey of local authorities carried out for the Commission report showed that between 2006 and 2009, 40 per cent of the applications for new sites in England were granted only on appeal, and half of the 'successful' applications for new sites only received temporary permissions.

## **Public Health**

11. Gypsies and Travellers experience significantly worse health outcomes compared to the settled community. Although they have the same illnesses and problems as the general population, their life expectancy is poorer across age ranges than the settled population; for example, it is 10-12 years less than the UK life expectancy of 82 years. Levels of prenatal mortality, still births and infant mortality in Gypsy and Traveller communities are significantly higher than the national average. Gypsy and Traveller mothers are 20 times more likely to have experienced the death of a child than the rest of the population. Gypsies and Travellers experience significant barriers accessing health and social care services, and these have implications for continuity of care as well as primary health care needs. The factors are complex, but include, poor literacy skills, fear, competing priorities, enforced mobility, transport, poor time keeping, inflexible systems, discrimination, marginalisation, lack of trust and low expectations on the part of service providers and users. These are reinforced by the different beliefs, attitudes and cultures of Gypsy and Traveller communities and professionals.

**Community Safety:**

12. Section 17 of the Crime and Disorder Act 1998 sets out the Councils responsibility to do all that it reasonably can to prevent crime and disorder in its area. There is no specific provision within the criteria for assessing suitability of proposed sites to consider community safety issues. The Council is required to consider community safety across all of its functions and it will be necessary, as suitable sites are identified, to engage with the Councils Community Safety Team and key stakeholders such as Bedfordshire Police to assess what, if any, community safety implications there may be with a view to mitigating or resolving concerns.

**Sustainability:**

13. The Local Development Framework embraces sustainable development as its overarching aim and has and will continue to be subject to a sustainability appraisal.

**Procurement:**

14. Consultants will be commissioned in accordance with the procurement rules of Central Bedfordshire

**RECOMMENDATION(S):**

**That the Committee recommend Executive to delegate authority to the Director of Sustainable Communities to:-**

- 1. Commission consultants to conduct a partial GTAA to confirm pitch requirements prior to publication of the Gypsy and Traveller Local Plan (any changes in pitch numbers will be brought before the Sustainable Communities Overview and Scrutiny Committee on 28 February 2013).**
- 2. Consider a proposed time frame for the development of a full GTAA for Central Bedfordshire, working in conjunction with neighbouring local authorities where possible.**
- 3. Agree the proposed Gypsy and Traveller monitoring framework to develop a more substantial, locally refined evidence base for future policy.**

**Background**

15. The National Planning Policy Framework and Planning policy for traveller sites states the Government believes that local planning authorities are best placed to know the needs of their communities. Local planning authorities have been given the freedom and responsibility to determine the right level of traveller site provision in their area in consultation with local communities. The new policy enables local planning authorities to make their own assessment of need for the purposes of planning, based on robust evidence of local need in the light of historical demand.
16. On 4<sup>th</sup> October 2011 Executive supported a new plan making process in Central Bedfordshire and the preparation of a Central Bedfordshire-wide Gypsy and Traveller Plan to deliver the combined pitch requirement for the northern and southern parts of Central Bedfordshire to 2031.

17. The Council has resolved to support the provision of Gypsy and Traveller pitches in accordance with the locally derived Gypsy and Traveller Accommodation Assessment and supplement this using a 3% compound growth.
18. Following the Sustainable Communities Overview and Scrutiny Committee on the 10<sup>th</sup> April the Director of Sustainable Communities approved the number of pitches for allocation in the Gypsy and Traveller Local Plan, for both the Gypsy and Traveller and Travelling Showpeople communities

### **Gypsy and Traveller Pitch Requirement**

19. Table 1: Pitch Requirement at April 2012

Number of pitches in Central Bedfordshire in 2006	118
Pitch Need from 2006 to 2011	57
Growth between 2011 and 2016 (3%)	28
Growth between 2016 and 2021 (3%)	33
Growth between 2021 and 2026 (3%)	38
Growth between 2026 and 2031 (3%)	45
Total (from 2006 to 2031)	201
Existing Permanent Permissions granted between 2006 and March 2012 (to be subtracted from the total)	66
<b>OVERALL NEED TO 2031</b>	<b>135</b>

A number of additional pitches have been granted planning permission since April; these have been deducted from the overall need. The Council owned Gypsy and Traveller site at Timberlands has historically provided 10 pitches for the Gypsy and Traveller community. However, the site is currently being refurbished and the requirements of new amenity facilities require a reduction in pitches, leaving a total of 6 pitches on the site. Consequently an additional 4 pitches have been added to the pitch requirement.

Table 2: Pitch Requirement at November 2012

Number of pitches in Central Bedfordshire in 2006	118
Pitch Need from 2006 to 2011	57
Growth between 2011 and 2016 (3%)	28
Growth between 2016 and 2021 (3%)	33
Growth between 2021 and 2026 (3%)	38
Growth between 2026 and 2031 (3%)	45
Total (from 2006 to 2031)	201
Existing Permanent Permissions granted between 2006 and March 2012 (to be subtracted from the total)	75
Pitches lost at Timberlands site (to be added to the total)	4
<b>OVERALL NEED TO 2031</b>	<b>130</b>

The use of the 3% compound growth rate used to calculate need was explained in the report to Sustainable Communities Overview and Scrutiny Committee on 10<sup>th</sup> April 2012

### Travelling Showpeople Pitch Requirement

20. No additional pitches for Travelling Showpeople have been granted planning permission since the April 2010 Overview and Scrutiny Committee. Consequently the pitch requirement for Travelling Showpeople remains the same.

Table 3: Pitch Requirement for Travelling Showpeople to 2031

Number of pitches from 2007 to 2010	19
Growth between 2010 and 2016 (1.5%)	7
Growth between 2016 and 2021 (1.5%)	6
Growth between 2021 and 2026 (1.5%)	8
Growth between 2026 and 2031 (1.5%)	6
Total Need in Bedfordshire from 2007 to 2031	46
Total Need for Central Bedfordshire (63% of Total)	29
Minus the pitches granted planning permission since 2007 in central Bedfordshire	6
<b>OVERALL NEED FOR CENTRAL BEDFORDSHIRE TO 2031</b>	<b>23</b>

An explanation of the methodology for pitch calculations can be found in the report to Sustainable Communities Overview and Scrutiny Committee on 10<sup>th</sup> April 2012.

## GTAA Review

21. Planning policy for traveller sites states that local authorities should use a locally derived, robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

Given that the national planning policy context has changed significantly since 2006, it was considered prudent to confirm the robustness of the locally derived 2006 GTAA as a basis for projections of need in the Gypsy and Traveller Local Plan.

22. POS Enterprises were commissioned to review the GTAA as a basis for future need projections and highlight any issues and areas of concern that may need to be updated or addressed. The review was not designed to update data but provide a strategic risk assessment of the key areas Central Bedfordshire Council should address to ensure that the evidence base for the local plan is sufficiently robust.

23. The Review of Gypsy and Travellers Accommodation Assessment conducted by POS Enterprises (Appendix A), outlined three key areas in which the GTAA data should be supplemented and enhanced

- (a) Pitch vacancies and turnover
- (b) Travellers in 'bricks and mortar' housing wishing to return to traveller sites
- (c) In and out migration

24. The Review made the following recommendations:

(a) **Recommendation 1**

As the GTAA is now six years old, it is recommended that CBC undertake a new needs assessment to provide a robust and up-to-date evidence base for the local plan. This should be informed by best practice developed through the Regional Strategy experience and existing needs assessments. Opportunities should be taken to build up local knowledge of individual sites and families and to understand the long term needs of CBC's travelling communities.

A full needs assessment may, however, delay progress on the local plan, therefore, in the interests of expediency and getting a plan in place so that new sites can come forward through the planning system as soon as possible, CBC may consider a partial needs assessment. Information to inform this should be available through existing planning and housing data sources, and through local knowledge (e.g. Travellers Education Service, liaison officers, site managers). This should be supplemented with smaller, more focused survey work to assess 'hidden need', particularly travellers living in housing. The 2013 January Caravan count will provide a good opportunity to interview families on sites (which could include questions about knowledge of travellers living in housing). CBC should also include further analysis of pitch turnover and vacancy rates.

Should CBC opt for a partial review, there should be a clear commitment to undertake a full needs assessment every five years, taking into account new provision and evidence from the monitoring framework (see Recommendation 3 below). If possible, this should be done with neighbouring authorities.

(b) **Recommendation 2**

Ideally any new needs assessment should be done on a sub-regional basis which would help refine the data already provided in the original GTAA but there are obvious reasons why this is not practical, not least the fact that some local authorities have already completed a new needs assessment for their local plan. However, the data from any neighbouring authorities' needs assessments should be used to inform the CBC assessment and attempts should be made to work with those authorities which are at a similar stage on a common methodology. This will help capture patterns of movements and address sub-regional needs, including issues around in and out migration, but it will also ensure that CBC is meeting the legal requirements of the 'Duty to Cooperate'.

(c) **Recommendation 3**

An effective monitoring system should be put in place to ensure that future needs assessments carried out by CBC are better informed and the data used is more locally refined, especially for the harder issues such as travellers living in housing. If practical, this should be done on a joint basis with neighbouring authorities to help capture wider movements of travelling communities within the sub-region but also to meet the 'Duty to Cooperate' which requires active cooperation on an 'ongoing basis'.

### **Accommodation Needs Assessments**

25. This report seeks the OSC's recommendations to the Director of Sustainable Communities to approve 'Recommendations 1 and 2'.
26. As POS rightly outlined, due to the current timescales effecting the Gypsy and Traveller Local Plan it will not be possible to conduct a full GTAA in advance of publication. However, it is possible to conduct a partial GTAA. Therefore it is suggested that the following approach should be taken.
27. CBC will commission consultants to conduct a partial needs assessment to supplement the 2006 GTAA. The findings of this study will be outlined at Overview and Scrutiny Committee on 28<sup>th</sup> February 2012
28. This report seeks the OSC's recommendations to the Director of Sustainable Communities to approve the following programme for undertaking future full GTAAs in line with 'Recommendation 1'
29. It is proposed that CBC will, where possible, work in partnership with neighbouring local authorities to conduct a full GTAA utilising a new and effective monitoring system (discussed below) to inform the study.
30. Subsequent GTAAs will be conducted every five years, taking into account new provision and evidence from the monitoring framework.

### **Gypsy and Traveller Accommodation Monitoring**

31. This report seeks the OSC's recommendations to the Director of Sustainable Communities to approve 'Recommendation 3' and permit the following monitoring system to be put in place to ensure the council has an effective evidence base for future needs assessments.
32. It is proposed that monitoring will take place as part of the existing statutory biannual Gypsy and Traveller Count. In order to develop a more comprehensive local evidence base and attempt to ascertain the level of 'hidden need' the following questions will be asked at each site visited.



- (a) How many people live in your caravan and what are their ages?
- (b) Do you feel overcrowded? Do you need additional accommodation?
- (c) Are you aware of any Gypsies or Travellers in the area living in bricks and mortar accommodation who would like to move back into a caravan? Or, would you like to move to bricks and mortar accommodation?

### Next Steps

- 33. The site assessment process outlined at the Sustainable Communities Overview and Scrutiny Committee on 10<sup>th</sup> April 2012 has been completed. 35 sites have passed Stage 1 and 2 of the assessment process and have been ranked in accordance with the criteria set out in Stage 3 of the assessment process. A Sustainability Appraisal has also been conducted for each of these sites.
- 34. Councillors have been invited to visit the potential sites in advance of the meeting of the Sustainable Communities Overview and Scrutiny Committee on 28<sup>th</sup> February 2013 to discuss sites and recommend a shortlist to present to Executive on 19<sup>th</sup> March 2013
- 35. The sites that will be considered at Sustainable Communities Overview and Scrutiny Committee on 28<sup>th</sup> February 2013 are outlined in Appendix B. Please note this list does not reflect the scoring of the sites. The full list of sites that have been assessed will be available to view at Sustainable Communities Overview and Scrutiny Committee on 28<sup>th</sup> February 2013.

### Key Dates

- 36. Table 4: Gypsy and Traveller Local Plan Next Steps

Overview and Scrutiny Committee	28 <sup>th</sup> February 2013
Executive	19 <sup>th</sup> March 2013
Full Council	18 <sup>th</sup> April 2013
Submission to the Secretary of State	October 2013
Examination	January 2014
Inspectors Report	April 2014
Adoption	July 2014

### Appendices:

- Appendix A – POS Enterprises, Review of Gypsy and Travellers Accommodation Assessment, December 2012 (to follow)
- Appendix B – Gypsy and Traveller Local Plan: Stage 3 Site Maps  
(hard copies of this appendix have been circulated to Members of the Committee only, the appendix can be accessed via the Council's website)

**Background papers and their location:** (open to public inspection)

Executive report (04 October 2011) titled "A new plan making programme for Central Bedfordshire" (available on the internet – <http://mod.gov.cbc.int:9070/ieListDocuments.aspx?CId=577&MId=3717&Ver=4>)

National Planning Policy Framework (March 2012) (available on the internet- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf))

Planning Policy for traveller sites (March 2012) (available on the internet - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6078/2113371.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf))

Report to Sustainable Communities Overview and Scrutiny Committee on (10 April 2012), Item 9: Gypsy and Traveller Plan: Pitch Numbers and Site Assessment Methodology (available on the internet - <http://www.centralbedfordshire.gov.uk/modgov/documents/s35329/Item%2009%20-%20Gypsy%20and%20Traveller%20plan%20pitch%20numbers%20and%20site%20assessment%20methodology.pdf>)