

Appendix **A**



Central Bedfordshire Council

Review of Gypsy and Travellers' Accommodation Assessment

December 2012

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Review of 2006 Gypsy and Travellers' Accommodation Assessment

Introduction

- 1 Central Bedfordshire Council (CBC) is currently preparing a new local plan and as a separate but concurrent process, a new framework for the provision of traveller sites. The evidence currently being used to inform this is based largely on the assessment of need in the 2006 Bedfordshire and Luton Gypsy and Travellers Accommodation Assessment (BL GTAA) which was prepared as part of the East of England Regional Strategy single issue review.
- 2 Given that the national planning policy context has changed significantly since 2006 and the evidence is now six years old, CBC has asked POS Enterprises to review the BL GTAA and highlight any issues and areas of concern that may need to be updated or addressed. This process will not result in an update of data but will provide a strategic risk assessment of the key areas CBC should address to ensure that the evidence-base for the local plan is sufficiently robust.

Policy Context

Regional Strategy

- 3 In 2006 the local authorities¹ in Bedfordshire and Luton prepared a joint assessment of need (prepared by David Coultie Associates) to inform the preparation of the East of England single issue review on Gypsy and Traveller provision. The final version was published by the Government in July 2009ⁱ. The regional policy was developed in three main stages:
 - Stage 1:** Locally derived evidence of need provided through the GTAAs undertaken by the local authorities in sub-regional groupings.
 - Stage 2:** A benchmarking process undertaken by the East of England Regional Assembly (EERA) as part of its recommendations in the draft plan on region-wide provision and distribution. This included application of a national formula using caravan count statistics where data was missing or considered inadequate.
 - Stage 3:** An Examination in Public (EiP) with recommendations from an independent panel made to the Government which was responsible for the final RS policy.
- 4 The BL GTAA concluded that between 53-60 new pitches should be provided in Central Bedfordshire between 2006 and 2011, to deal with the backlog of unmet need and emerging household growth. This was increased by EERA to 70 as a result of the benchmarking process. This highlighted concerns that the GTAA's figure was too low, mainly due to an overestimate in terms of supply of pitches (the GTAA's assumptions on pitch turnover were considered to be very high).

¹ The GTAA covered Bedford, Mid Bedfordshire, South Bedfordshire and Luton. The final version of the Regional Strategy was published after local government reorganisation in April 2009 and therefore refers to the unitary council of Central Bedfordshire, a merger of Mid and South Bedfordshire.

- 5 The EiP Panel increased the allocation to Central Bedfordshire even further to 80 reflecting a redistribution element to meet regional growth and development opportunities in the area, and concerns that the effect of the formula applied by EERA was too low, mainly because of the way it dealt with unauthorised encampments. However, the Panel also acknowledged that this was a new process and, although the GTAAs were an important first step, the final provision should be treated as an interim position until good monitoring systems were established to help build a more robust picture of need over time and to address the existing data deficiencies.
- 6 The final RS, published in July 2009, allocated a **minimum** target of 80 new pitches a year for Central Bedfordshire. Beyond 2011, the regional policy proposed a 3% compound growth rate each year, although there was a clear expectation that a full review of the policy should take place as soon after 2011 as possible and that monitoring over this period would help refine the household formation rate.

National Policy

- 7 In 2010 the Government made clear its intention to revoke all regional strategies and deliver a new locally driven planning system and streamlined National Planning Policy Framework (NPPF). The legislative context for the new system was the 2011 Localism Act. This included a 'Duty to Cooperate' which is the replacement strategic planning mechanism for regional strategies, ensuring that local authorities continue to work together on cross-boundary issues. The final version of the NPPF was published in March 2012. The Government has now laid an Order in Parliament to formally abolish the East of England RS which means it will no longer have any statutory significance for local plan-making.
- 8 The national 'Planning policy for traveller sites' (PPTS), which was published in March 2012 alongside the NPPFⁱⁱ, provides a more detailed policy framework for preparing local plans. This replaces the requirement on local authorities to prepare GTAAs with local needs assessments (Travellers' Accommodation Assessments –TAAs) based on an up to date understanding of likely permanent and transit accommodation needs of their areas over the lifespan of their local plan.
- 9 Although not necessarily 'strategic' in terms of the scale of development required, provision of sites for travellers is likely to impact on neighbouring authorities, reflected in the PPTS's clear expectation that TAAs will be done "*working collaboratively with neighbouring local planning authorities.*" This also means that the 'Duty to Cooperate' will apply. This requires local authorities to engage constructively, actively and on an ongoing basis to develop strategic planning policies where needed.
- 10 Despite the changes in the planning system, the Housing Act 2004 still exists. This places a requirement on local authorities to assess the needs of travellers and draw up a strategy to show how they are meeting these needs.

Local Plan

- 11 Following the Government's decision to revoke the East of England RS and introduce a system based on local need, CBC decided to pursue a new Central Bedfordshire wide local plan and as part of this process, to prepare a new local policy framework for the provision of sites for

travellers. A programme and methodology for this work was agreed by CBC in April 2012ⁱⁱⁱ. This will take into account the work that has already been undertaken for the north of Central Bedfordshire and locally derived evidence of need, based on the BL GTAA. However, the methodology does not include provision for evidence developed as part of the region-wide process as this is not considered to be 'locally derived' evidence of need.

- 12 A number of new pitches have been provided in Central Bedfordshire since 2006 and the Council is currently planning more². However, no formal monitoring system has been put in place since the BL GTAA was undertaken, therefore there is very little new evidence of need other than the information gathered through the council's planning and housing functions (e.g. information on unauthorised developments/encampments, enforcements, waiting lists etc) and through the annual Caravan Count.

Review of Bedfordshire and Luton GTAA: Key Issues

Key Issue 1: Should the final East of England RS provision be used to inform the Central Bedfordshire Local Plan?

- 13 Under the new system local authorities are required to develop planning policy on the basis of locally derived assessments of need. CBC therefore can legitimately argue that the final regional allocation to Central Bedfordshire is no longer appropriate as it was based on evidence aimed at reaching a region-wide provision and distribution which is no longer relevant within the new local planning context. However, although the policy context was different, many of the issues raised as part of the testing process are still relevant and should inform development of an up to date local evidence base. These are dealt with in the following paragraphs.

Key Issue 2: How robust is the data used in the BL GTAA?

- 14 Assessing pitch provision for travellers is still a relatively new process and, unlike other local planning evidence, is not an exact science. The RS process across England provided a good starting point and highlighted the key areas to be addressed in future assessments, particularly in terms of data. The EiP panels for the RSs also emphasised the importance of effective monitoring mechanisms to help refine data assumptions and provide more robust assessments of need, supplemented by periodic full GTAA updates.
- 15 Common to many GTAAs were issues around key data and assumptions for:
- turnover and vacancy rates;
 - concealed households, particularly from travellers living in 'bricks and mortar' housing; and
 - in and out migration/inter-regional movements.
- 16 The survey work carried out as part of the BL GTAA was considered by the EiP Panel as comprehensive in terms of the issues it addressed. It attempted to capture data from all parts of the travelling community which was rewarded by a high response rate of over 70%, acknowledged through the benchmarking as 'uncommon'. However, it was considered to be weak in all three of the other main aspects mentioned above; information regarding travellers in housing (this gap was acknowledged in the GTAA); pitch turnover, where there was considered to be an overestimate of supply; and assumptions about in and out migration. There were also questions about the assumptions made in relation to the rate of household formation which at

² 75 new pitches have been granted permission between 2006 and 2012

6.9% over the 5 year period (2006-11) was acknowledged by the local authorities as high compared to the national average of 3-4%.

(i) Pitch vacancies and turnover

- 17 As a result of the benchmarking exercise carried out for all the GTAA's, EERA concluded that the assumptions about vacancy rates in Bedfordshire and Luton were high compared with the rate at which pitches are reported to have become available for re-letting in the past. The supply of available pitches to meet need was therefore considered to be an overestimate.
- 18 EERA addressed this by applying the national formula which resulted in a higher allocation of pitches for Bedfordshire and Luton, which was distributed to the individual authorities using the same ratio as the GTAA. The EiP Panel had clear reservations about this approach as there was no reality check applied to the formula and it resulted in the loss of local specificity when the results were applied on a regional basis. However, they accepted it in the absence of any other methodology or more robust information on turnover.
- 19 Further investigation on turnover and pitch vacancies is clearly needed to inform any new TAA for Central Bedfordshire. However, evidence informing the RS process in England generally suggests that both turnover and vacancy rates on sites are very low and many GTAA's assumed '0' source of supply.

(ii) Travellers in 'bricks and mortar' housing

- 20 Travellers living in housing who regard themselves as Gypsies and Travellers in a cultural and ethnic sense is a potential large element of hidden need. The assessment of this source of need was a major deficiency in all GTAA's (in all parts of the country) given the high proportion of the community that live in this form of housing. Although a number of those living in housing will have no wish to return to living on traveller sites, many have been forced into housing due to a lack of caravan pitches and should be included in the assessment of need. However, evidence gathering is problematic as many households are reluctant to be identified for interview purposes. Many of the RS GTAA's did not even attempt to assess needs from this source, although there were reasonable efforts made by some via information from the Travellers Education Service (TES). However, it continues to be the most challenging part of the TAA process and an imperfect source of data.
- 21 The consultants carrying out the BL GTAA acknowledged that this was a gap (only Luton was able to provide any data) and recommended that all authorities put in place mechanisms to monitor this. EERA tried in part to rectify this through application of the formula which made an allowance for net movement between sites and 'bricks and mortar' housing in the absence of any other data.
- 22 Information on the wishes and needs of the traveller population living in housing should be considered an essential part of any Central Bedfordshire evidence update/TAA. Further information and advice on how this should be dealt with is contained in Annex A and B.

(iii) In and out migration

- 23 Undertaking the GTAA on a sub-regional basis was, in part, to help get a better understanding of travel patterns between areas and to avoid double counting. Data in the BL GTAA assumed that the number of families moving out of the area was in balance with the number of families moving in from other areas. This was based on survey information which showed that

relationships were strongest between the authorities in the GTAA area, with most households established in the study area long term. The Panel considered the way in which migration had been dealt with as 'inherently unreliable' although there was some credibility attached to the fact that the GTAA's were carried out on a sub-regional basis.

- 24 In and out migration continues to be the weakest part of TAA process. Although the amount of travelling amongst the communities has reduced over time, mainly because of the desire to be close to health and education facilities and to provide some stability to family life, it still plays an important part of cultural identity and way of life for many travellers. This makes it difficult to assess the likely impact of movements between local authority areas and to avoid double counting. The caravan count helps address this by taking place twice a year to take into account these movements, particularly seasonal adjustments. However, unlike other planning issues, such as housing and employment, there is no natural area of influence e.g. travel to work zones/ housing market area.
- 25 Many local authorities have managed this by working through tried and tested partnership working arrangements, often based on traditional county boundaries or on the same geography as the first round GTAA. It is likely that the impact of movements will be less in terms of future needs, once the backlog is fully realised i.e. families will not be forced to move elsewhere because of lack of provision. However, as Central Bedfordshire is developing its evidence base on a sole council area, it is essential that CBC works with other neighbouring authorities to establish a more robust process for assessing cross boundary movements and for monitoring this over time. This should include gaining a better understanding of the results of updated TAA's already carried out by neighbouring authorities (e.g. Bedford).

(iv) Household growth rate

- 26 The Panel agreed with the Bedfordshire and Luton authorities that the higher than average household formation rate of 6.9% assumed in the GTAA was not a reliable indicator of future trends. The nationally accepted rate of 3%-4% compound growth rate was subsequently recommended by the Panel and accepted by the Government in the final RS policy. This was to be applied post 2011 until a review of the planned provision was undertaken, informed by the monitoring information and up-to-date GTAA's. This continues to be the nationally used rate in the absence of more refined local indicators. CBC has now assumed a growth rate of 3% (compound) in the methodology for the local plan.

Transit Sites and Provision for Travelling Showpeople

- 27 This review does not explicitly address the issues of transit provision or Travelling Showpeople but provision for both will still have to be addressed as part of the evidence for the local plan. Both should be managed on a sub-regional basis if possible.

Recommendations

Recommendation 1

- 28 As the BL GTAA is now six years old, it is recommended that CBC undertake a new TAA to provide a robust and up-to-date evidence base for the local plan. This should be informed by best practice developed through the RS experience and existing TAAs. 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. Further information on 'best practice' is contained in Annexes A and B.
- 29 A full TAA 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 TAA. 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).
- 30 CBC should also include further analysis of pitch turnover and vacancy rates as recommended in Paragraph 19. Again, advice on these components, including survey work, is contained in Annexes A and B.
- 31 Should CBC opts for a partial review, there should be a clear commitment to undertake a full TAA 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.

Recommendation 2

- 32 Ideally any new TAA 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 TAA for their local plan. However, the data from any neighbouring authorities' TAAs 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'.

Recommendation 3

- 33 An effective monitoring system should be put in place to ensure that future TAAs 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'.

Annex A: Good Practice Advice

The first generation GTAAs carried out as part of the Regional Strategy process provided a good starting point for developing robust evidence on provision for Gypsies and Travellers but there were problems with data due to the infancy of the process, and with the survey work, mainly due to lack of awareness around cultural issues. Whilst the RS process may no longer be relevant, much of the advice related to carrying out the GTAAs and the best practice that emerged from the RS process, remain very useful to the TAAs being carried out as part of the local plan preparation. A summary of 'good practice' from the RS process is set out below, together with some useful links to advice, guidance and good practice examples.

General advice

- Place the three guiding principles - *transparency, simplicity, close involvement of both G&T and settled communities* - at the heart of the TAA.
- Involve the G&T community from the outset, building both trust and knowledge of their unique way of life. With this in mind, it is recommended that the local authorities have one point of contact for the G&T community (and one point of contact from within the G&T community as well, if possible).
- Have a clear audit trail from survey to assessment of need to pitch distribution in local plans.
- Where the TAA is being carried out on a joint basis with neighbouring authorities, give some thought at start of the process about distribution and local plan policy handling e.g. methods of distributing the indicative need amongst the local authorities.

Surveys

- Keep surveys *simple, focussed and clear* – the shorter the better generally.
- Use someone who has knowledge of the G&T lifestyle, culture and housing needs to carry out the survey interviews (if possible, someone from the G&T community itself). They should also have a role in setting the questions to ensure they are 'fit for purpose' and in the interpretation of data/survey results.

Data Issues

- Be clear what you are assessing in terms of 'need' which should consist of:
Future Need: household growth through demographic change will be the main source of need and nationally is 3-4% (compound growth) unless a more refined local rate has been developed..
Backlog: Concealed households (particularly those living in 'bricks and mortar' housing); unauthorised encampments where occupants are seeking a permanent site; unauthorised developments and households on waiting lists (both of which will be very small numbers).
- Be clear about definitions – do not confuse 'number of authorised pitches', 'number of G&T households' and 'number of occupied authorised pitches' which were (wrongly) all seen as interchangeable in the first round GTAAs.

- Better evidence is needed on the number of households that are living in 'bricks and mortar' housing and have a genuine wish/need to move into a caravan site. Information can be improved by the following:
 - Information should be sought from the Traveller Education Service re identification of potential households for survey interview.
 - LAs should consider using a member of the G&T community to interview households living in housing.
 - Surveys should be very clear in terms of questions so as to count only those who genuinely wish to move from housing e.g. 'Do you live in a house through choice or only in the absence of suitable site accommodation?'
- Separate out different categories of 'hidden need' i.e. overcrowded households, G&T living in housing.
- The number of households living in unauthorised developments should be dealt with on a 'case by case' basis given how few there are and the fact they are usually established so information can be used from welfare enquiries and planning (applications, appeals, enforcements).
- Be clear about the difference between 'turnover' i.e. change in tenant or occupier and 'net vacancy' i.e. turnover that leads to a net gain in supply and only use genuine evidence for vacancies (i.e. supply) which includes:
 - Household moves from authorised site to housing
 - Pitches vacated by people moving out of the study area
 - Death of a sole occupier
 - Unused LA pitches and vacancies on private sites, including closed LA sites which could be brought back into use can be offset against need but there must be a real likelihood that they will be brought back into use during the plan period.

Monitoring

Once accurate assessments of all data have been made it is important to put in place proper monitoring arrangements so that local authorities can build up a picture from the baseline data of how accurate the assumptions on need are over time. This will help both future plan reviews and in development management decisions. Capacity for monitoring should be highlighted at an early stage of the process to ensure a consistent approach to data monitoring across the county.

Annex B: Additional help and References

North West Gypsy and Traveller Accommodation Assessments: A Good Practice Guide
http://4nw.org.uk/downloads/documents/jul_07/nwra_1183361520_North_West_GTAA_Good_Practice.pdf

Gypsy and Travellers Accommodation Needs Assessments: Guidance (DCLG, Oct 2007)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7838/accommneedsassessments.pdf

Good practice guide: Working with housed Gypsies and Travellers (Shelter, Feb 2008)
http://england.shelter.org.uk/_data/assets/pdf_file/0010/57772/Working_with_housed_Gypsies_and_Travellers.pdf

Spaces and Places for Gypsies and Travellers: How Planning can help (PAS 2006)
<http://www.pas.gov.uk/pas/core/page.do?pagelId=111754>

Preparing Travellers' Accommodation Assessments (TAAs) – The Surrey Approach (April 2012)
http://www.surreyheath.gov.uk/council/committees/meetings.htm?pk_meeting=1112&comid=5

Key issues in Strategic Planning (PAS April 2012)
<http://www.pas.gov.uk/pas/core/page.do?pagelId=2133483>

References

ⁱ Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England (GOEE, July 2009) -
http://webarchive.nationalarchives.gov.uk/20100528142817/http://gos.gov.uk/goeast/planning/regional_planning/687221/

ⁱⁱ Planning policy for traveller sites (DCLG, March 2012)

ⁱⁱⁱ CBC Executive, 4 October 2011-
<http://www.centralbedfordshire.gov.uk/modgov/documents/g3742/Printed%20minutes,%20Tuesday,%202004-Oct-2011%2009.30,%20EXECUTIVE.pdf?T=1CBC>
Sustainable Communities Overview and Scrutiny Committee -
<http://www.centralbedfordshire.gov.uk/modgov/ieListDocuments.aspx?CId=648&MId=3773&Ver=4>