

**Meeting:** Sustainable Communities Overview and Scrutiny Committee

**Date:** 14 December 2010

**Subject:** Local Development Framework (South): Gypsy and Traveller provision

**Report of:** Cllr Tom Nicols - Portfolio Holder for Sustainable Development

**Summary:** The report outlines the background and current situation regarding Gypsy and Traveller and Travelling Showpeople pitch provision. The report concludes with a recommended scale of pitch requirement for the southern part of Central Bedfordshire.

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**Advising Officer:** Gary Alderson, Director of Sustainable Communities

**Contact Officer:** Richard Fox, Head of Development Planning and Housing Strategy (0300 300 4105)

**Public/Exempt:** Public

**Wards Affected:** All in the south of Central Bedfordshire

**Function of:** Executive

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

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

### **Financial:**

Having a robust approach in place to plan for local Gypsy and Traveller pitch need helps reduce the incidences of unauthorised encampments which create a financial burden on the authority. In turn, it will also assist in the determination of planning applications and potentially reduce the costs of defending planning applications on appeal.

### **Legal:**

Local authorities are required through the Housing Act 2004 to assess the accommodation needs of Gypsies and Travellers alongside the assessment of the needs of the settled population and to develop a strategy in respect of meeting such accommodation needs as are identified.

Following the successful recent High Court challenge to the revocation of Regional Strategies, the East of England Plan remains part of the Statutory Development Plan.

**Risk Management:**

The absence of an agreed approach to the provision of Gypsy and Traveller sites could make the Council vulnerable to losing planning appeals.

**Staffing (including Trades Unions):**

None

**Equalities/Human Rights:**

Central Bedfordshire Council has a statutory duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Council must ensure that decisions minimise unfairness and do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women. The Race Relations Act places a general duty on public authorities to promote race equality. This means that authorities must have due regard to the need to:

- a) eliminate discrimination
- b) promote equality of opportunity
- c) promote good relations between people of different racial groups

**Community Safety:**

An agreed approach on the provision of Gypsy and Traveller pitches will help to reduce the incidences of unauthorised encampments which can cause community tensions.

**Sustainability:**

The Local Development Framework embraces sustainable development as its overarching aim and work on subsequent LDF documents will be subject to a sustainability appraisal.

**RECOMMENDATION(S):**

1. **That the Sustainable Communities Overview and Scrutiny Committee recommend to the Executive:-**
  - (a) **the scale of local Gypsy and Traveller accommodation need in the southern part of Central Bedfordshire to the end of 2015;**
  - (b) **the scale of local Travelling showpeople accommodation need to the end of 2020;**
  - (c) **the preferred approach to the provision of transit pitches.**

*Reason for Recommendation(s): To allow the Sustainable Communities Overview and Scrutiny Committee to consider the issues relating to Gypsy and Traveller provision in the south of Central Bedfordshire and to recommend to the Executive a way forward.*

## Background

1. The background to the planning context for decisions on providing new homes, including Gypsy and Traveller pitches, is complex and changing. The current position is set out below.
2. On 27 May 2010 the Secretary of State for Communities and Local Government wrote to all Local Planning Authorities stating the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning decisions. On 6 July 2010 the Secretary of State announced the revocation of Regional Strategies and the return of decision-making on housing and planning to local councils. This change in policy direction was brought about by the newly elected coalition government.
3. However, on 10 November 2010 the High Court upheld a challenge by Cala Homes and quashed the Secretary of State's original decision to revoke Regional Strategies. The East of England Plan, together with its minimum requirement for housing provision (including Gypsy and Traveller pitches), therefore remains part of the statutory Development Plan.
4. Notwithstanding this, it remains the Government's stated intention to abolish Regional Strategies and the Secretary of State's letter of 27 May 2010 remains a material consideration. Therefore, given the future direction of policy and particularly the Localism Bill which is expected to be published shortly, while the East of England Plan remains a statutory document and cannot be ignored, it is sensible to begin planning on the basis of local need rather than the "minimum targets" approach the East of England Plan sets out.
5. Local authorities are required through the Housing Act 2004 to assess the accommodation needs of Gypsies and Travellers alongside the assessment of the needs of the settled population and to develop a strategy in respect of meeting such accommodation needs as are identified. While the importance of regional pitch requirements may be diminishing, there is still a need for a robust planning approach to providing new pitches, in part to enable the Council to contest speculative planning applications or deal with illegal Gypsy and Traveller encampments.
6. For the northern part of Central Bedfordshire, Full Council agreed on 25 November 2010 to proceed with a Gypsy and Traveller Development Plan Document (DPD) providing additional pitches in line with the local needs assessment through to the end of 2015. This draft DPD is expected to be Published shortly for final public consultation before being formally submitted to the Secretary of State.
7. The Local Development Framework (LDF) for the southern part of Central Bedfordshire is being produced jointly with Luton Borough Council through the Luton and South Bedfordshire Joint Committee.

## **Accommodating Permanent Need to the end of 2015**

8. The Regional Spatial Strategy requirement for Gypsy and Traveller pitches in Central Bedfordshire to the end of 2010 is 80 pitches, which has historically been split between the north of Central Bedfordshire (30 pitches) and the south (50 pitches). However and as set out above, this target is considered less important going forward than the local Gypsy and Traveller Accommodation Assessment 2007 (GTAA).
9. The Council, in partnership with Bedford and Luton, undertook a Bedfordshire and Luton wide study to assess the accommodation needs of Gypsies and Travellers in 2005. The resulting Bedfordshire and Luton GTAA, published 2006, made a number of recommendations. The key recommendation is that 74 new permanent pitches are necessary across Bedfordshire and Luton between 2006 and the end of 2010. This is to accommodate the backlog of need and demand from new family formation within the area over this period. At a local level the Needs Assessment suggests that 40 additional new permanent Gypsy and Traveller pitches should be provided in the south of Central Bedfordshire between 2006 and the end of 2010. The Secretary of State has approved that Gypsy and Traveller Accommodation Assessments can form a good starting point for determining local levels of need.
10. For the north of Central Bedfordshire, Full Council concluded that the figure arising from the GTAA was robust and was an appropriate basis for identifying sites up to the end of 2010. It was also agreed that the compound 3% growth rate identified by the East of England Regional Assembly (EERA) was more representative than the 6.9% per annum proposed in the local GTAA. It was recommended that the compound 3% growth rate should be used to appropriately determine the number of pitches needed up to the end of 2015. In considering the figures in the local GTAA (2007) it was not considered necessary to undertake a further needs assessment of the required number of gypsy and traveller site pitches in the North of Central Bedfordshire.
11. If the same methodology were applied to the south of Central Bedfordshire the overall figure from the GTAA of 40 pitches between 2006 and the end of 2010 would be reduced to 8 on the basis that 32 pitches have been granted planning permission since 2006. This would make a total of 119 pitches existing at the end of 2010. Using the 3% compound growth rate for each of the next five years would increase the total pitches to 138. The total number of pitches to find is therefore 27 additional pitches – 8 pitches by 2010 and a further 19 by 2015. This is summarised in Table 1.

**Table 1: Regional and Local Pitch Requirements for the South of Central Bedfordshire**

|   | <b>Regional Pitch Requirement</b> | <b>Local Pitch Requirement</b> |
|---|-----------------------------------|--------------------------------|
| 2006 – end 2010                                     | 50                                | 40                             |
| End 2010 – end 2015 (using 3% compound growth rate) | 20                                | 19                             |
| Total (to End 2015)                                 | 70                                | 59                             |
| Planning Permissions (Granted Since 2006)           | 32                                | 32                             |
| <b>Total (Minus Permissions)</b>                    | <b>38</b>                         | <b>27</b>                      |

### **Travelling Showpeople Provision**

12. The Regional Spatial Strategy required that provision be made for 13 Travelling Showpeople pitches in Bedford, Central Bedfordshire and Luton for the period 2006-2011 (based on an assessment of need undertaken by the Showman’s Guild), but did not give any further locational guidance than “Bedford and elsewhere”. It also recommended 1.5% growth for the period 2011 to 2021, which would mean a further 6 pitches across the County in this ten-year period.
13. In 2007 the Bedfordshire authorities undertook a Travelling Showpeople Accommodation Assessment. This local assessment recommended that 19 new pitches were needed in Bedfordshire between 2007 and 2012, of which 8 pitches should be in the southern part of Central Bedfordshire, 4 in the northern part of Central Bedfordshire and 7 in Bedford.
14. If the Regional Spatial Strategy figure, supported by the Showman’s Guild, were used as the best assessment of need, it could be disaggregated by area using the proportions identified in the local needs assessment (see Table 2).

**Table 2: Travelling Showpeople Pitch Requirements for Bedfordshire**

| <b>Local Authority</b>                | <b>Estimated pitch numbers 2006-11</b> | <b>Estimated pitch numbers 2011-21</b> |
|---------------------------------------|--|--|
| Northern part of Central Bedfordshire | 3                                      | 1                                      |
| Southern part of Central Bedfordshire | 5                                      | 3                                      |
| Bedford                               | 5                                      | 2                                      |
| <b>Total</b>                          | <b>13</b>                              | <b>6</b>                               |

15. Overall this would provide 19 pitches for Bedfordshire and 8 for the southern part of Central Bedfordshire, which is consistent with the findings of the local needs assessment, albeit looking over a longer time period.

### **Transit Provision**

16. The Regional Spatial Strategy required that provision be made for 10 transit pitches in Bedford, Central Bedfordshire and Luton for the period 2006-2011, but, again, did not give any locational guidance on how this should be distributed.
17. The local needs assessment suggested visitor spaces within existing sites were a more appropriate solution than specific transit sites. The assessment showed a preference for permanent family sites with visitor spaces which enable the community to accommodate members of their family who are visiting. A visitor space (or spaces) could be offered on a short term basis to visiting friends and families of the Gypsies and Travellers residing on the site.
18. In line with the conclusions of the local needs assessment and to reflect Full Council's recent resolution for the northern part of Central Bedfordshire, it is recommended that the Council work with the established Gypsy and Traveller community to discuss the incorporation of transit pitches within existing or proposed sites.

### **Conclusion and Way Forward**

19. There are a number of options as to how this level of need is provided for. Given the number of pitches recently granted planning permission and the progress made in terms of meeting the need there is less urgency than in the northern part of Central Bedfordshire. A new Local Development Scheme, the project plan for producing the Local Development Framework, was recently agreed by the Luton and South Bedfordshire Joint Committee. This Local Development Scheme included reference solely to the joint Core Strategy currently being produced. The two Councils therefore have flexibility in terms of considering what subsequent LDF documents may be needed, how these are produced and over what timeframe.
20. The Localism Bill expected shortly has the potential to change the way local planning strategies and policies are produced and it is therefore recommended that consideration be given to any such proposals before deciding whether a specific document is needed for this part of Central Bedfordshire. Given the level of need remaining, it may be the case that provision can be made through considering planning applications rather than producing a specific document. However, this issue can be more fully considered when the implications of the Localism Bill are known.
21. In advance of this work Members are recommended to endorse the level of need for Gypsy and Traveller and Travelling Showpeople pitches set out in this report.

**Background Papers:**

- Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England – A Revision to the Regional Spatial Strategy for the East of England (July 2009)
- Bedfordshire and Luton Gypsy and Traveller Accommodation Needs Assessment 2006 (David Couttie Associates)
- Bedfordshire Showpeople Study 2007 (David Couttie Associates)

**Location of papers:**

<http://www.centralbedfordshire.gov.uk/environment-and-planning/planning/ldf/>