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**Meeting:** Executive  
**Date:** 11 January 2011  
**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  
**Key Decision** Yes  
**Reason for urgency/ exemption from call-in (if appropriate)** N/A

## **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.

Only a small proportion (less than ten per cent) of the current sites are public sites run by Central Bedfordshire Council. All of the sites recently granted planning permission are private sites and therefore do not place a financial burden on the Council on an ongoing basis. This report considers only the scale of provision and does not commit the Council to a particular way of providing the pitches e.g. through public or private sites. Such approaches will be considered in due course and any financial implications arising for the Council can be considered at that stage.

**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

Recent Equality Impact Assessment work in Central Bedfordshire has highlighted the specific needs and interests of Gypsy and Traveller communities who are at a significantly greater risk of lower quality of life outcomes. 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. Appropriate provision for the Gypsy and Traveller community could help to close achievement and health inequalities, reduce racial tensions associated with unauthorised sites, increase the participation Gypsy and Traveller communities in decision making and service delivery processes and increase a sense of belonging.

**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.

**Summary of Overview and Scrutiny Comments:**

At its meeting on 14 December 2010 the Sustainable Communities Overview and Scrutiny Committee received a report relating to the scale of pitch provision for gypsy and travellers in the southern part of Central Bedfordshire. The Committee agreed the following recommendations to be considered by the Executive:-

1. That 37 gypsy and traveller pitches be allocated in the southern part of Central Bedfordshire to the end of 2010 and a further 18 pitches be allocated from the beginning of 2011 to the end of 2015. This makes a total of 55 pitches. 32 pitches have existing permissions leaving 23 pitches still to be provided.
2. That 5 pitches for travelling Showpeople be allocated in the southern part of Central Bedfordshire between 2006 and 2011 and a further 3 pitches between 2011 and 2021.
3. That the council work with the established gypsy and traveller community to discuss the incorporation of transit pitches within existing or proposed sites.

Further details relating to these recommendations are contained in Appendix 1

**RECOMMENDATION(S):**

1. **That Executive note the report and determine:-**
  - (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 Executive to consider the issues relating to the scale of Gypsy and Traveller provision in the south of Central Bedfordshire and agree a way forward.*

**Executive Summary**

This report considers the provision of Gypsy and Traveller and Travelling Showpeople pitches in the southern part of Central Bedfordshire. The report seeks to apply a similar approach to that recently endorsed by Executive for the northern part of Central Bedfordshire in terms of the need up to, and beyond 2011.

The report concludes that the level of outstanding local need to be provided for is between 20 and 27 additional pitches – 2 to 8 pitches by 2010 and a further 18 to 19 by 2015. The report recommends provision at the upper end of these ranges. The need for Travelling Showpeople pitches is 8 pitches by the end of 2020, although all 8 pitches

have already been granted planning permission so no outstanding need remains. Transit spaces are recommended to be accommodated within existing or proposed sites.

Further consideration is needed on how this provision should be made in light of the Localism Bill due to be published in early December. However, Members are recommended to endorse the level of need set out in this report as the basis for future planning.

## **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 as a matter of law 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 have been published by the time of this Executive meeting, 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 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. A new Local Development Scheme, the project plan for producing the Local Development Framework, was agreed by the Joint Committee on 22 October 2010 which set out what documents would be produced by the Joint Committee. This new Local Development Scheme only referred to a joint Core Strategy. It acknowledged that additional work would be required on issues such as the allocation of sites for various uses and more detailed development Management policies but was not specific as to how this work should be undertaken. This will require further consideration in due course. However, this report addresses the need for Gypsy and Traveller and Travelling Showpeople pitches in the southern part of Central Bedfordshire only. No provision is included for the need arising from within Luton.

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

8. The East of England Plan or Regional Spatial Strategy (RSS) 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 a range of between 34 and 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 upper end of the range should be provided for, meaning 20 rather than 19 pitches. In addition, the compound 3% growth rate identified by the East of England Regional Assembly (EERA) was considered 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. The pitch provision range recommended by the local needs assessment for southern Central Bedfordshire is 34 to 40 pitches. It is recommended that provision should be made at the upper end of the range rather than the lower end. This is considered to represent a more robust position that can be more easily defended.

12. If the same methodology were applied to the south of Central Bedfordshire the overall figure from the GTAA of between 34 and 40 pitches between 2006 and the end of 2010 would be reduced to between 2 and 8 on the basis that 32 pitches have been granted planning permission since 2006. This would make a total of 113 to 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 131 to 138. The total number of pitches to find is therefore 20 to 27 additional pitches – 2 to 8 pitches by 2010 and a further 18 to 19 by 2015. This is summarised in Table 1.

**Table 1: Regional and Local Pitch Requirements for the South of Central Bedfordshire (no provision included for Luton)**

	<b>Regional Pitch Requirement</b>	<b>Local Pitch Requirement</b> Lower end of range	<b>Local Pitch Requirement</b> Upper end of range
2006 – end 2010	50	34	40
End 2010 – end 2015 (using 3% compound growth rate)	20	18	19
Total (to End 2015)	70	52	59
Planning Permissions (Granted Since 2006)	32	32	32
<b>Total (Minus Permissions)</b>	<b>38</b>	<b>20</b>	<b>27</b>

### **Travelling Showpeople Provision**

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. As part of the preparatory work for the RSS, the Showman's Guild assembled information on the Travelling Showpeople population and their estimated short-term needs for additional plots. For Bedfordshire as a whole this was calculated at 10 pitches for the five-year period. The independent Panel of Inspectors who considered the draft Regional Spatial Strategy examined the Showman's Guild work, together with the higher figure contained in the local needs assessment. The Panel concluded that there were grounds to doubt the high figure in the local needs assessment since it was based on the needs of individuals rather than households. However, the Panel also concluded that the Showman's Guild had underestimated the level of need in one particular instance by three pitches. The final recommendation from the Panel, which was subsequently incorporated into the final RSS policy, was for a total of 13 pitches across Bedfordshire for the period 2006-2011. However, no further locational guidance was given other than "Bedford and elsewhere". The RSS 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.
15. Reflecting on the comments from the Panel of Inspectors on the different needs assessments, it is considered most appropriate to continue to plan for the needs figure set out in the RSS in respect of Travelling Showpeople. Although no locational guidance were given in the RSS, the needs figure can be disaggregated by area using the proportions identified in the local needs assessment (see Table 2).

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

<b>Local Authority</b>	<b>RSS Estimated pitch numbers 2006-11</b>	<b>Estimated pitch numbers 2011-21 (applying 1.5% growth p.a.)</b>	<b>Total</b>
Northern part of Central Bedfordshire	3	1	<b>4</b>
Southern part of Central Bedfordshire	5	3	<b>8</b>
Bedford	5	2	<b>7</b>
<b>Total</b>	<b>13</b>	<b>6</b>	<b>19</b>

16. Overall this would provide a total of 19 pitches for Bedfordshire, of which 8 would be in the southern part of Central Bedfordshire. This figure is actually consistent with the findings of the local needs assessment, albeit looking over a longer time period (2006-21 rather than 2006-11). This approach is the same as that recently agreed for the northern part of Central Bedfordshire.
17. Since 2006, planning permission has been granted for 8 Travelling Showpeople pitches in the south of Central Bedfordshire. This means that the identified need 2006-21 has already been provided for.

## **Transit Provision**

18. 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.
19. 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.
20. 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**

21. 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. As set out above, the new Local Development Scheme recently agreed by the Joint Committee 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.
22. 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.
23. In advance of this work Members are recommended to agree the level of need for Gypsy and Traveller and Travelling Showpeople pitches set out in this report.

## **Appendices:**

Appendix 1 - Recommendations from the Sustainable Communities Overview and Scrutiny Committee

## **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/>

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**Recommendations of the Sustainable Communities Overview and Scrutiny Committee:**

1. At its meeting on 14 December 2010 the Sustainable Communities Overview and Scrutiny Committee received a report relating to the scale of pitch provision for gypsies and travellers in the southern part of Central Bedfordshire.
2. The Committee discussed the report in light of the Government's decision to abolish regional spatial strategies (RSS). The Committee considered the implications of the abolition of the RSS and the need to consider an appropriate allocation of gypsy and traveller pitches in the southern part of Central Bedfordshire. The Committee discussed the following issues:-
  - There was currently no protection for the council to resolve matters relating to unauthorised gypsy and traveller encampments. Endorsement of the scale of pitch provision for gypsy and traveller pitches in the southern part of Central Bedfordshire would provide this protection for the area.
  - The Gypsy and Traveller Accommodation Assessment (GTAA), 2007, was considered an appropriate means of defining the scale of pitch provision necessary in the southern part of Central Bedfordshire as it was based on evidence of need.
  - Whilst the GTAA proposed a range of between 34 and 40 pitches up to the end of 2010 for the south of Central Bedfordshire a figure of 34 was considered to be too low and likely to fail at examination. Members agreed that 37 pitches was a robust figure that could be justified at examination.
  - The majority of allocations of additional gypsy and traveller pitches up to the end of 2010 could be met through the allocation of currently tolerated sites or those with temporary permissions.
  - The East of England Regional Assembly (EERA) had identified a compound growth rate for Central Bedfordshire of 3%. This figure was considered to be an appropriate means of determining the number of pitches needed up to the end of 2015.
  - There would be no need to approve a development plan document for the south of Central Bedfordshire as many of the proposed allocations could be met through allocating currently tolerated pitches or those with temporary permissions. Any gypsy and traveller sites proposed to be allocated would be presented through the planning process in the normal way.

**Recommended to the Executive:-**

- 1. That 37 gypsy and traveller pitches be allocated in the southern part of Central Bedfordshire to the end of 2010 and a further 18 pitches be allocated from the beginning of 2011 to the end of 2015. This makes a total of 55 pitches. 32 pitches have existing permissions leaving 23 pitches still to be provided.**
- 2. That 5 pitches for travelling Showpeople be allocated in the southern part of Central Bedfordshire between 2006 and 2011 and a further 3 pitches between 2011 and 2021.**
- 3. That the council work with the established gypsy and traveller community to discuss the incorporation of transit pitches within existing or proposed sites.**