
Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 10 April 2012
Subject: Gypsy and Traveller Plan: Pitch Numbers and Site Assessment Methodology
Report of: Cllr Ken Matthews , Executive Member for Sustainable Communities - Strategic Planning and Economic Development
Summary: The report sets out the target for pitches to 2031 for Gypsies and Travellers and Travelling Showpeople in Central Bedfordshire and proposes a methodology for assessing sites for allocation to accommodate these pitches.

Advising Officer: Richard Fox, Head of Development Planning and Strategic Housing
Contact Officer: Pru Khimasia-John, Principal Planning 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 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.

Community Safety:

11. 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:

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

Procurement:

13. Not applicable.

Public Health

14. 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.

RECOMMENDATIONS:

The Sustainable Communities Overview and Scrutiny Committee is asked to:-

1. **Recommend to the Director of Sustainable Communities that the total number of pitches for allocation in the Gypsy and Traveller Plan, for both the Gypsy and Traveller and Travelling Showpeople communities, be approved for consultation purposes.**
2. **Recommend to the Director of Sustainable Communities that the methodology and criteria to shortlist sites be approved.**

Background

15. Recent draft guidance states that the Government believes that local planning authorities are best placed to know the needs of their communities. Local planning authorities will be given the freedom and responsibility to determine the right level of traveller site provision in their area in consultation with local communities. The new draft 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. Until recently, Central Bedfordshire Council were preparing a Gypsy and Traveller Development Plan Document for the North area. This document was withdrawn following the Executive on 4 October 2011 (see below for more information). In the South, the need for pitches has been addressed to date through the granting of planning permissions.
17. The Council has resolved to support the provision of pitches in accordance with the locally derived Gypsy and Traveller Accommodation Assessment and supplement this using a 3% compound growth.

18. In the North, the Executive¹ on 28 September 2010 decided that:
- a total of 26 additional permanent pitches be allocated up to the end of 2015; and
 - there be no requirement for any further local needs assessment to be undertaken of Gypsy and Traveller accommodation up to the end of 2015.
19. In the South, the Executive² on 11 January 2011 decided that:
- a total of 55 additional permanent pitches be provided up to the end of 2015.
20. These decisions above were superseded as the Executive³ on 4 October 2011 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.

Gypsy and Traveller Pitch Numbers

21. Based on the approach set out above, the table below shows the Gypsy and Traveller pitch requirement for Central Bedfordshire to 2031.
22. Table 1: Gypsy and Traveller Pitch Requirement to 2031

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
OVERALL NEED TO 2031 (minus recently approved pitches)	135

23. There are allocations and sites with temporary planning permission or windfall applications that we are aware of (see Table 2 below). If these are granted planning permission an additional estimated 37* pitches could be found outside of the allocation process, therefore bring the total number of pitches to be allocated to 98.

¹ <http://mod-gov.cbc.int:9070/ieListDocuments.aspx?CId=577&MId=3350&Ver=4>

² <http://mod-gov.cbc.int:9070/ieListDocuments.aspx?CId=577&MId=3346&Ver=4>

³ <http://mod-gov.cbc.int:9070/ieListDocuments.aspx?CId=577&MId=3717&Ver=4>

24. Table 2: Potential Gypsy and Traveller Pitch Delivery on Existing Sites

Pitches on Banked LDF Sites	17
Other pitches with temporary permission or the result of windfall applications which are yet to be determined	20
TOTAL Estimated Number of pitches that could be granted permission in the next 12-18 months	37⁴

Using the 3% compound growth rate

25. The 3% compound growth rate was derived following work undertaken by the East of England Regional Assembly (EERA) and was included in adopted policy in the East of England Plan. This means the rate was tested and approved by an independent Panel following the examination of the regional plan.
26. This rate of growth is significantly higher than the rate of increase in the settled community to take account of the large families and shorter generations of Gypsies and Travellers. It is a pragmatic estimate as little demographic data exists to enable a firm estimate.
27. Whilst the Government has announced its intention to abolish Regional Spatial Strategies, this is subject to the outcome of the Strategic Environmental Assessments currently being undertaken, so the East of England Plan does continue to carry some weight as a material planning consideration. Moreover, the figure was tested at Examination and found to be sound.

Travelling Showpeople Pitch Numbers

28. As with Gypsy and Traveller need, CBC can use the locally derived assessment of need for Travelling Showpeople. The David Couttie Associates (DCA) Travelling Showpeople Accommodation Assessment (2007) recommends 19 pitches for Bedford and Central Bedfordshire between 2007 and 2010. The table below shows how these 19 pitches are split proportionately between the local authorities.
29. Table 3: Travelling Showpeople Pitch Requirement to 2010 proportionately split between Bedfordshire authorities.

Local Authority	Recommended Pitch Numbers to 2010	% of Need
Central Bedfordshire	12	63%
Bedford	7	37%
TOTAL	19	100%

⁴ At March 2012. This is subject to amendment and therefore provides an estimation only.

30. On the assumption that determining the level of growth beyond 2010 can be done using the 1.5% compound growth rate (identified in the East of England Plan) the table overleaf shows the total Travelling Showpeople pitch requirement for Bedfordshire as a whole, and Central Bedfordshire alone, to 2031.

31. Table 4: Travelling Showpeople Pitch Requirement to 2031

	Pitches
Pitch Need in Bedfordshire 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 - see Table 3)	29
Minus the pitches granted Planning Permission since 2007 in Central Bedfordshire	6
OVERALL NEED FOR CENTRAL BEDFORDSHIRE TO 2031	23
Pitches on Banked LDF Sites	4

32. The local assessment fails to make a recommendation for the future growth rate of Travelling Showpeople (due to concerns with the small sample size). The 1.5% was the outcome of work undertaken by EERA for the East of England Plan policy. This was accepted as a robust representation of the level of growth across the region by the Showman's Guild at the Examination of the East of England Plan. As the Bedfordshire Travelling Showpeople Accommodation Assessment does not make a recommendation for future growth, this figure derived regionally is the best estimation of growth.

33. Table 4 above shows that there is an allocation in the North which if granted planning permission would provide an additional 4 pitches, therefore bring the total number of Showpeople pitches to be allocated to 19.

Site Assessment

34. Guidance set out in Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites* states that in deciding where to provide Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. It also states that sites may be acceptable in principle in rural or semi

rural areas which are not subject to special planning constraints.

35. Recent draft government guidance on Planning for Travellers (DCLG) seeks to mainstream the way in which provision is made for Gypsies and Travellers so sites are assessed in the same way as bricks and mortar housing. However it also does not rule out rural sites and states that when assessing the suitability of sites in rural or semi-rural settings, local authorities should ensure that the scale of such sites does not dominate the nearest settled community. The guidance states that local planning authorities should strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However, they should recognise that some rural areas may be acceptable for some forms of traveller sites. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
36. As such, whilst there should be a preference for sites in or near existing settlements, the Council will need to take a pragmatic view on location. As past experience shows, finding sites in a highly sustainable location is not always easily done. Both the Gypsy and Traveller community and the settled community have in some cases expressed their preference for rural sites. In fact many existing sites in Central Bedfordshire are located in rural areas and the Council should consider extension of existing sites as part of their search to accommodate pitches.

Stage 1

37. Firstly, using the following criteria, sites are assessed for their immediate suitability. Should a site fail one or more of these criteria it is instantly dismissed:

1.1	Located in a Site of Special Scientific Interest or Area of Natural Beauty
1.2	Located in Flood Risk Zone 3
1.3	Located in or adjacent to an unsafe environment or hazardous place.

Stage 2

38. A second assessment against the following criteria helps provide another assessment of the suitability of sites. On investigation, if any of these issues can not be overcome, the site may have to be dismissed. Shortlisting sites will be dependent on the cost of remediation – high costs may make the allocation of a site unviable and therefore it will have to be dismissed:

2.1	Located in Flood Zone 2 – Sustainable drainage techniques can overcome any concerns
2.2	Located in the Green Belt – are there very special circumstances to warrant further consideration of the site?
2.3	Safe access from the public highway – Is there any highway works that can be done to provide safe access?
2.4	Visual and acoustic privacy and visual amenity – Can landscaping and planting provide visual and acoustic amenity?
2.5	Located on contaminated land – Can the land be remediated?

2.6	Consideration of potential impact on areas of archaeological significance – Is there any mitigation that can be undertaken?
2.7	Sites located in areas of protected wildlife should be avoided or where appropriate assessed by wildlife survey – are there any protected species on site which therefore stops development of the land?
2.8	Consideration of potential impact on landscape and nature designations, including Green Infrastructure, Village Greens and Common Land – will the site have a detrimental impact?
2.9	The proximity to other allocations in the Waste Core Strategy, the Site Allocations DPD (North) and the Joint Core Strategy for South Beds and Luton.
2.10	Incline of the Site – is the site too steep therefore making development difficult?
2.11	Located adjacent to the motorway – does the impact of noise or pollution generated from the motorway make the site undevelopable?

Stage 3

39. Finally sites will be assessed for their impact on the following listed criteria. These will also be scored. Following their assessment and scoring a summary of the issues at each site will be presented to Members for their consideration and their recommendation of which sites should be shortlisted. As with any site consideration, whilst high scoring sites may be preferable, there may be a valid reason for the shortlisting of lower scoring sites.

3.1	Located on Brownfield or Greenfield land? – Can high grade quality agricultural land be avoided?	Brownfield (5) Greenfield (3) High Grade Agriculture (0)
3.2	Access to major roads	Good, Within 0.5 - 1 mile (5) Fair, Within 1 - 2 miles (3) Poor, Within 2 -3 miles (1) No Score, Over 3 miles (0)
3.3	Access to public transport services	Good, Within 5 min walk (5) Fair, Within 10 min walk (3) Poor, Within 20 min walk (1)
3.4	Access to health services (GP)	Good, Within 10 min walk (5) Fair, Within 20 min walk (3) Poor, Within 30 min walk (1) Anything above 30 min (0)
3.5	Access to school, further education or training	Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)
3.6	Access to community facilities	Good, Within 10 minutes walk (5) Fair, Within 20 minutes walk (3) Poor, Within 30 minutes walk (1) Anything above 30 minutes (0)
3.7	Serviceable by Gas/ Electricity/ Sewerage	Yes, all (5) Yes, some (3) None (0)

3.8	Provision of Waste and Recycling Facilities	Yes (5) No (0)
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40. Additional information will be provided with the scores where it is appropriate. For example, where sites may score highly for their proximity to public transport, the true value of this score will only be judged by the frequency of the bus service.
41. There may be other considerations that Members might wish to make. This can include an assessment of the impact of a new site and its size on the nearest settlements or the preferences of the Gypsy and Traveller community of where they wish to live. Such additional issues can all form part of the overall assessment made by Members when shortlisting sites.
42. This was a similar process to that that adopted for the Site Allocations DPD in the North of CBC. This process was considered sound by the Inspector in his assessment of that plan, as he stated: "The site selection process devised by the Council is an attempt to put its decision making on a systematic basis but it is not an attempt to remove the element of judgement and replace it with a point scoring exercise. This is a sensible and pragmatic approach."

Timescales / Next Steps

43. This report seeks the OSC's recommendations to the Director of Sustainable Communities to approve the pitch numbers and methodology for short listing sites for the purposes of public consultation. This accords with paragraph 4.4.63 of the Constitution, which authorises the Director in consultation with the Executive Member (under the Scheme of Delegation) "To prepare and approve Local Development Framework documents (including Development Plan Documents, technical documents/background papers and the Sustainability Appraisal/Strategic Environmental Assessment) for the purposes of public consultation and to vary such documents in the light of the outcome of public consultation".
44. Officers are currently looking through the Council's land database to consider the Council's own sites. A call for sites has been published and closes on 11 April. This invites landowners to promote their land for Gypsy and Traveller or Travelling Showpeople pitches. Additionally Officers will be contacting all other public land owners in Central Bedfordshire to assess their intentions with their sites.

45. The timetable for this work is as follows:

Table 5: Gypsy and Traveller Plan Timetable

Projected timetable	Milestones
Commencement (including SA Scoping Report)	January 2012
Evidence Gathering - OSC meeting prior to consultation	February – September 2012
Consultation on site options	October - November 2012
Consideration of consultation responses and produce revised Plan with preferred sites	December 2012 – April 2013
Publication stage (Regulation 27) on the final draft document.	May – June 2013
Submission to Secretary of State	September 2013
Examination Hearings	January 2014
Receipt of Draft Inspector's Report	April 2014
Adoption	June 2014

46. The Overview and Scrutiny Committee will be consulted following the assessment of all sites identified on the Council's own database or submitted by landowners. Officers will aim to do this in September 2012.