
Meeting: Sustainable Communities Overview and Scrutiny Committee
Date: 28 February 2013
Subject: Gypsy and Traveller Local Plan
Report of: Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Summary: The report sets out the findings of the Gypsy, Traveller Accommodation Assessment 2013 (GTAA) and introduces the draft Gypsy and Traveller Local Plan. The views of the Committee are sought on the document in order to advise the Executive to approve the document for publication. The report sets out the results of the site assessment process and recommends the Committee advise the Executive to approve the most suitable sites to meet the pitch requirement to 2031.

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 and to make Central Bedfordshire a better place to live and work.

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 is being undertaken. This is highlighting 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.
11. 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.
12. 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.

13. It is important that only relevant planning matters are taken into account as part of this process. In accordance with the Equality Act 2010 consultation responses containing discriminatory remarks on the grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation will be treated as unlawful and will not be considered or disclosed.

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.

Community Safety:

15. 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:

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

Procurement:

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

RECOMMENDATION(S):

That the Committee recommend to the Executive to:-

- 1. Approve the total number of pitches for allocation in the Gypsy and Traveller Local Plan as recommended by ORS in the Gypsy, Traveller and Showperson Accommodation Assessment Update 2013.**
- 2. Agree the specific sites to be allocated in order to meet the pitch requirement for Gypsy and Travellers and Travelling Showpeople to 2031.**
- 3. Approve the draft Gypsy and Traveller Local Plan for publication.**

Background

18. Local authorities are required by Government, through the Housing Act 2004, to assess the accommodation needs of Gypsies and Travellers alongside the settled population. Local authorities are also required by the Act to develop a strategy that addresses any unmet need that is identified.
19. On 4th October 2011 Executive supported the preparation of a Central Bedfordshire-wide Gypsy and Traveller Local Plan to deliver the combined pitch requirement for the northern and southern parts of Central Bedfordshire to 2031.
20. Government policy contained within Planning Policy for Traveller Sites (PPTS) (March 2012) states that local planning authorities should identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years eleven to fifteen. This means that by March 2013 local authorities must have identified a five year land supply for traveller sites. If the council fails to do so, applications considered to be inappropriate by the council are likely to be granted at appeal and unauthorised camping is likely to continue.

21. There are significant problems associated with unauthorised sites such as the costs of taking enforcement action against unauthorised sites, the tension that exists between Gypsies and Travellers and the settled community and the social exclusion experienced by Gypsies and Travellers on unauthorised sites. It is therefore essential that the council allocates sufficient sites in the Gypsy and Traveller Local Plan to meet the identified pitch requirement. Whilst the Plan will not be adopted by March 2013, the initial identification of a five year land supply by the Executive in March will hold significant material consideration in determining planning applications.
22. PPTS requires gypsy and traveller plans to outline provision for fifteen years. Therefore, as the timetable for adoption of the Gypsy and Traveller Local Plan is 2014, the Plan must identify sites up to the end of 2028. However, the Council has resolved to plan up to 2031 to bring the Gypsy and Traveller Local Plan in line with the Development Strategy for Central Bedfordshire which identifies new housing for the settled community.
23. PPTS states local authorities should work collaboratively with neighbouring local planning authorities when developing local plans. As such Central Bedfordshire has contacted neighbouring local authorities to inform them of the current plan making process, invite them to comment through the consultation process, and determine a framework for the development of future regional GTAAs or, if this is not practical, create a system for sharing data between local authorities.
24. There is further reason for producing the Plan. There is a clear linkage between the Development Strategy for Central Bedfordshire and the production of the Gypsy and Traveller Local Plan. Whilst it is not contrary to Government policy to produce a separate plan for gypsies and travellers Government Inspectors have made it clear that plans such as the Development Strategy can be found unsound if it cannot be demonstrated that there is a genuine commitment to the accommodation of gypsy and traveller needs through the forward planning process.
25. The Gypsy and Traveller Local Plan must pass the test of 'soundness' which means that the document must be prepared correctly and be the most appropriate strategy for Central Bedfordshire, when compared against alternatives. The Committee must consider this test when determining which sites they wish to allocate. The Gypsy and Traveller Local Plan will be examined against 4 tests of soundness:
 1. **Positively prepared:** the Plan should meet identified local needs, including unmet requirements from neighbouring local authorities where reasonable to do so
 2. **Justified:** the plan should be the most appropriate strategy, when considered against reasonable alternatives
 3. **Effective:** the plan should be deliverable and be based on effective joint working on cross-boundary issues. The 'Duty to Cooperate' has been introduced and required the Council to work with neighbouring local authorities and other public bodies, such as the Environment Agency, on strategic cross-boundary issues
 4. **Consistent with national planning policy:** the plan should be consistent with the National Planning Policy Framework (NPPF) and Planning policy for traveller sites (PPTS)

Gypsy and Traveller Pitch Requirement

26. Planning policy for gypsy and 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. The last GTAA for Bedfordshire was conducted in 2006. 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. Moreover, the soundness of the 2006 GTAA has increasingly been challenged on appeal. In December 2012 POS Enterprises conducted the review of the GTAA and recommended that a partial GTAA should be conducted to confirm pitch requirements. This recommendation was endorsed by the Sustainable Communities Overview and Scrutiny Committee on the 17th January 2013 and Opinion Research Services (ORS) were commissioned to conduct a Gypsy, Traveller and Travelling Showperson Accommodation Assessment Update 2013 to confirm pitch requirements.
27. The Gypsy, Traveller and Showperson Accommodation Assessment Update 2013 conducted by ORS (Appendix A), found a need for 158 additional permanent Gypsy and Traveller pitches in Central Bedfordshire between 2013 and 2031. In the first period (2013-2018) 66 pitches are required to address the backlog of need and household growth. The remaining 92 pitches are required to meet future household growth from 2018 to 2031.
28. A 2.5% compound growth rate has been used to identify likely need arising from household growth from 2013 to 2031. This is based on long term trends which indicate the number of Gypsy and Traveller caravans on site has increased by 134% nationally in the past 34 years, which equates to a net growth of around 2.5% per annum. This compares with the 3% rate previously recommended by the East of England Plan and 6% in the previous GTAA.

Table 1: Pitch Requirement at January 2013

Number of pitches in Central Bedfordshire in 2006	118
Pitch need from 2013 to 2018 (to meet backlog)	39
(Minus pitches coming back into use)	-6
Growth between 2013 and 2018 (2.5%)	33
Growth between 2019 and 2023 (2.5%)	31
Growth between 2024 and 2028 (2.5%)	36
Growth between 2029 and 2031 (2.5%)	25
Total need to 2031	158

29. Further work is underway to test and refine this requirement but on the evidence available it is the best assessment of the overall requirement.

Travelling Showpeople Plot Requirement

30. The Gypsy, Traveller and Showperson Accommodation Assessment Update 2013 conducted by ORS (Appendix A), found a need for 8 additional permanent plots for Travelling Showpeople in Central Bedfordshire between 2013 and 2031. There are currently no unauthorised sites nor a waiting list for plots so the requirement is driven purely by household growth. In the first period (2013-2018) 2 plots are required to address household growth. The remaining 6 plots are required to meet future household growth from 2019 to 2031.
31. Table 2: Pitch Requirement for Travelling Showpeople to 2031

Total existing pitches in 2012	25
Growth between 2013 and 2018 (1.5%)	2
Growth between 2019 and 2031 (1.5%)	6
Total need to 2031	8

Gypsy and Traveller Local Plan Draft Policies

32. The Draft Gypsy and Traveller Local Plan (Appendix B) sets out how Central Bedfordshire council will meet the accommodation needs of the Gypsy and Traveller and Travelling Showpeople communities up to 2031.
33. The draft Plan (Appendix B) outlines policies relating to pitch requirement for Gypsies and Travellers, plot requirement for Travelling Showpeople, provision for visitor space, transit pitches and business use, and identifies how future planning applications for pitches/plots will be determined.
34. The draft Plan does not contain site specific policies as the Committee is asked to determine which sites they wish to recommend to the Executive. However there are criteria based policies to guide consideration of planning applications for non-allocated sites. The Gypsy and Traveller Local Plan that will be presented to the Executive on 19th March for approval by Council for formal consultation and submission to the Secretary of State will contain the site specific policies for the sites recommended by the Overview and Scrutiny Committee today.
35. The Committee is asked to review the policies set out in Appendix B and recommend the Executive approve the policies for publication

Gypsy and Traveller Site Allocations

36. PPTS states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets, identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years eleven to fifteen.
37. The GTAA Update 2013 outlined Central Bedfordshire need 66 pitches from January 2014 to December 2018 (period 1) to address the backlog of need and household growth. Planning policy for traveller sites states local authorities must identify deliverable sites to meet this need.
38. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable.

39. The GTAA Update 2013 outlined Central Bedfordshire needs 31 pitches from January 2019 to December 2023 (period 2) to address household growth. Planning policy for traveller sites states local authorities must identify developable sites to meet this need and, where possible, identify developable sites for the third period January 2024 to December 2028. The GTAA suggests 36 pitches are required from January 2024 to December 2028 (period 3).
40. To be considered developable, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
41. To bring the Gypsy and Traveller Local Plan in line with the Development Strategy for Central Bedfordshire, ORS identified the pitch requirement to 2031. Central Bedfordshire would require 25 pitches from January 2029 to December 2031 (period 4).
42. The Gypsy and Traveller Site Assessment (Appendix C) outlines the result of the assessment carried out for each site. The assessment criteria were endorsed by the Sustainable Communities Overview and Scrutiny Committee on 10th April 2012.
43. Whilst the criteria have remained unchanged, a further refinement has been made to criterion 3.5 - 'Access to school, further education or training'. The original single criteria for schools has been subdivided into 3 separate headings (for lower, middle, upper schools). The sites were scored using the single heading and then scored again using the 3 headings.
44. Each of the 3 headings is capable of attracting the same score that the single heading did (5, 3, 1 or 0). The use of three headings instead of one creates the potential for higher total scores as some sites will be adjacent to more than one sort of school. This approach increases the maximum possible total score that could be attracted by the criteria of 'proximity to schools'. The increase reflects the advantage offered by being close to more than one sort of school, rather than only one of the 3 sorts of schools. Therefore, a higher score for a site close to more than one sort of school is compatible with the aims of the scoring exercise. Adopting 3 school headings has provided an extra level of detail and definition. Both sets of results are included in Appendix C and it can be seen that the scores are affected, but only to a small degree.
45. The committee is asked to review the assessment and recommend to the Executive which sites should be brought forward in order to meet the pitch need.

Travelling Showpeople Site Allocations

46. The Gypsy, Traveller and Showperson Accommodation Assessment Update 2013 found a need for 8 additional permanent plots for Travelling Showpeople in Central Bedfordshire between 2013 and 2031. In the first period (2013-2018) 2 plots are required to address household growth. The remaining 6 plots are required to meet future household growth from 2019 to 2031.
47. The Gypsy and Traveller Site Assessment (Appendix C) outlines the result of the assessment carried out for each site. The committee is asked to review the assessment and recommend to the Executive sites to be brought forward in order to meet the plot need.

Public Comments to the Overview and Scrutiny Committee

48. To help inform Members' consideration of the issues an opportunity was extended to members of the public to comment on possible sites considered by the Overview and Scrutiny Committee on 17 January 2013. A considerable number of representations were received. Appendix D contains a summary of the key issues raised in the representations for each site. Further representations are also expected to be received after the writing of this report and the issues arising from these representations will be summarised verbally at the meeting.

Next Steps

49. The Draft Gypsy and Traveller Local Plan including the shortlist of sites will be presented to Executive on 19th March 2013 for approval. With the approval of Executive, the draft document will be put before Full Council on 18th April for approval for publication.
50. Following approval Full Council, the draft Gypsy and Traveller Local Plan will be published in May. A six week formal consultation period will follow in which interested parties will have the opportunity to submit representations. All representations will be considered by the Council and necessary amendments will be made to the Local Plan before the document is submitted to the Secretary of State for examination.
51. The Gypsy and Traveller Local Plan, supporting evidence and all representations received will be submitted to the Secretary of State in October 2013. An independent Planning Inspector will then be appointed by the Secretary of State, and their role will be to determine whether the document is 'sound' and legally compliant
52. An Examination in Public will be held early in 2014. Individuals who have made objections to the document in May/June 2013 will be able to attend the hearing sessions to have their argument heard by the Planning Inspector. For those who do not wish to attend the hearing sessions, the Planning Inspector will still consider their written comments, which will carry the same weight as those points raised in person at the hearings.
53. Finally, The Planning Inspector will issue a report setting out their conclusions from the public examination. This will identify whether the document is 'sound' and any changes that are required to the Plan. If the Plan is considered to be 'sound', the Council will then adopt the Gypsy and Traveller Local Plan.

Key Dates

54. Table 3: Gypsy and Traveller Local Plan Next Steps

Executive	19 th March 2013
Full Council	18 th April 2013
Public consultation	May-June 2013
Submission to the Secretary of State	October 2013
Examination	January 2014
Inspectors Report	April 2014
Adoption	July 2014

Appendices:

- Appendix A – ORS- Central Bedfordshire Council Gypsy, Traveller and Showperson Accommodation Assessment Update 2013
- Appendix B – Draft Gypsy and Traveller Local Plan
- Appendix C – Gypsy and Traveller Site Assessment
- Appendix D - Public Comments to the Overview and Scrutiny Committee

(hard copies of this appendix have been provided for Members of the Committee only, the appendix can be accessed via the Council's website at the following address:-

[http://www.centralbedfordshire.gov.uk/modgov/ieDocSearch.aspx?
bcr=1](http://www.centralbedfordshire.gov.uk/modgov/ieDocSearch.aspx?bcr=1)

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](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/6077/211
6950.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/6078/21
13371.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>)

Report to Sustainable Communities Overview and Scrutiny Committee on (17 January 2013), Item 10: Gypsy and Traveller Local Plan: GTAA Review (available on the internet <http://www.centralbedfordshire.gov.uk/modgov/documents/s39547/Gypsy%20and%20Traveller%20Local%20Plan%20report.pdf>)