

**Agenda Item: 11**

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**Meeting:** Executive

**Date:** 12 May 2009

**Subject:** **Rss14: East of England Regional Spatial Strategy Single Issue Review Consultation - Planning for Gypsy & Traveller Accommodation: Proposed Changes (April 2009)**

**Report of:** Portfolio Holder for Sustainable Development

**Summary:** To consider the Council's response to the Secretary of State's Proposed Changes to the single issue review of RSS14 relating to Gypsy and Traveller accommodation across the East of England.

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

**Contact Officer:** Pru Khimasia, Senior Planning Officer

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Executive

**Key Decision** Yes

**Reason for urgency/ Exemption from call-in (if appropriate)** Go-East's deadline for receipt of responses to the consultation period for the Single Issue Review on Gypsies and Travellers for the Regional Spatial Strategy is 22 May 2009. Go-East have indicated that they are unable to extend the consultation period and cannot guarantee that any comments received after 22 May could be taken into account by them. This decision is therefore urgent and exempt from call-in, as any delay likely to be caused by the call-in process could result in the Council's views on the Gypsy and Traveller pitch numbers for Central Bedfordshire not being taken into account by Go-East and could therefore seriously prejudice the Council's or public's interest.

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**RECOMMENDATIONS:**

- 1. That in its response to the Proposed Changes to the Single Issue Review, the Executive:**
  - (a) Accept the additional requirement for Gypsy and Traveller pitches for the former South Bedfordshire and former Mid**

**Bedfordshire areas, ensuring all local authorities accommodate Gypsy and Traveller pitches to meet the overall regional need.**

- (b) Accept a split of pitches between the former Mid Bedfordshire area and the former South Bedfordshire area, as recommended in the Panel Report, of 30 and 50 pitches respectively.**
- (c) Reject the proposed change to combine the delivery of pitches as a Central Bedfordshire total and continue to support the delivery of pitches in the two separate Development Plan Documents for the former Mid Bedfordshire and former South Bedfordshire areas, in line with existing Council policy and transition regulations.**
- (d) Note the 3% growth rate, which accords with national growth rates, but support the flexibility within the RSS to determine longer term need for pitches through a review of Gypsy and Traveller Accommodation Assessments.**
- (e) Accept the transit requirement for Bedfordshire and Luton and approve joint working with Bedford Borough and Luton Borough Councils to determine where to deliver 10 transit pitches.**
- (f) Accept the addition of new policy H4A and the figure of need quoted for Travelling Showpeople as a minimum, ensuring all local authorities accommodate Travelling Showpeople pitches to meet the overall regional need.**

*Reason for Recommendation: To gain the Executive's formal endorsement of the Council's response to the Proposed Changes and for Executive to agree the way forward on the delivery of Gypsy and Traveller pitches in Central Bedfordshire.*

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## **Introduction**

1. Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" confirms that Regional Spatial Strategies (RSS) should identify the number of pitches required for each local planning authority in the region. Local planning authorities must be in conformity with the requirements of the RSS and must identify the location of the required number of pitches in their Local Development Framework (LDF) documents.
2. The East of England Plan (RSS14) should set targets for pitch delivery in the East of England as a whole. However, the draft policy in the East of England Plan currently fails to meet its statutory requirement to identify the number of Gypsy and Traveller pitches required for each local planning authority across the region. This single issue review of the draft policy will set those targets.

3. The Secretary of State's (SoS) Proposed Changes to the single issue review of Gypsy and Traveller accommodation across the East of England was published in March 2009 and is available for consultation for an 8 week period until 22 May 2009.
4. This report follows an Examination in Public (EIP), held in October 2008, into the draft policy H4, prepared by the East of England Regional Assembly (EERA) in April 2008. A Panel Report (December 2008) recommending changes to the draft policy was published following the EIP and the Proposed Changes ratify almost all of the recommended changes. It should be noted that the Proposed Changes have replaced the original RSS Policy H3 (which referred to the need for further work) with the draft Policy H4 (now called Policy H3, see Appendix A). A new policy H4A has been proposed about Travelling Showpeople needs (see Appendix A).
5. Members of the LDF Task Force (on 23 April 2009) for the former Mid Bedfordshire area and the Member Steering Group (on 24 April 2009) for the Joint LDF for Luton and the former South Bedfordshire area have considered this Executive report. The minutes of these discussions will be circulated prior to the Executive.
6. At Executive on 18 March 2009, Members asked Officers to write to Go East to seek clarification on the level of pitches required in Central Bedfordshire and the evidence that has produced this figure, in light of the most up to date information. Officers await the response of Go East to this question and hope to feedback their response at the Executive meeting.

### **What are the Proposed Changes?**

7. Key elements of the proposed changes to affect the Region are:
  1. Increasing the numbers of additional pitches to be provided in the East of England by 2011 from 1,187 to 1,237 (4.2%) and treating them as minima;
  2. Including provision for transit sites, 160 pitches by 2011; and
  3. Including provision for Travelling Showpeople, 184 pitches by 2011.
8. Key elements of the proposed changes to affect Bedfordshire and Luton are:
  1. Increasing the numbers of additional pitches to be provided in Bedfordshire by 2011 from 85 to 105 pitches and treating them as minima. In Luton figures have not been amended so the pitch requirement remains as 15 pitches. This brings the total for Bedfordshire and Luton to 120 pitches.
  2. The combination of the pitch requirement for both Mid Bedfordshire and South Bedfordshire as one total for Central Bedfordshire.

**Table 1: Pitch Figures for Bedfordshire and Luton**

<b>Local Authority</b>	<b>Draft Policy H4 Pitch Requirement (April 2008)</b>	<b>Panel Report Recommendations (December 2008)</b>	<b>Proposed Changes (March 2009)</b>
<b>Mid Bedfordshire</b>	25	30	<b>80 (Central Bedfordshire)</b>
<b>South Bedfordshire</b>	45	50	
<b>Bedford</b>	15	25	<b>25</b>
<b>Luton</b>	15	15	<b>15</b>
<b>TOTAL</b>	<b>100</b>	<b>120</b>	<b>120</b>

3. The adoption of a 3% compound growth in Gypsy and Traveller pitches.
4. The requirement to provide 10 transit pitches across Bedfordshire and Luton.
5. The requirement to provide accommodation for the Travelling Showpeople community.

### **The Level of Gypsy and Traveller Pitches**

#### **Regional Requirement**

9. At a regional level, the Panel were satisfied from the evidence presented at the EIP that there were sufficient "hard" indicators of overcrowding, concealed households, and future growth rates, to suggest real need exists within the context of historic under-provision of authorised sites. The Secretary of State supports this general assumption of the Panel that the accommodation need figure should increase.
10. As a result, the Panel recommended that the regional total increased from 1,187 to 1,237 net additional residential pitches. The Secretary of State accepts this increase in the Proposed Changes.

**Table 2: Regional Pitch Requirement**

<b>Area</b>	<b>Draft Policy H4 Pitch Requirement (April 2008)</b>	<b>Panel Report Recommendation (December 2008)</b>	<b>Proposed Changes (March 2009)</b>
<b>East of England</b>	1187	1237	1237

## **Local Requirement**

11. For the former Mid Bedfordshire and former South Bedfordshire area, the Panel increased the pitch provision by 10 pitches to allow for higher local needs than was expressed through the formula approach adopted by EERA. This increased total pitch numbers by 3 for Mid Bedfordshire and 5 for South Bedfordshire. This increase is accepted by the Secretary of State in the Proposed Changes.
12. Although the figures for the former Mid Bedfordshire area and the former South Bedfordshire area have been increased, it is Officer's view that this small increase should be accepted, as it accords with the Panel and SoS's preference that, across almost all of the East of England, the figures for Gypsy and Traveller accommodation need were under estimated and therefore should be increased.
13. In addition to this increase of 8 pitches across Mid Bedfordshire and South Bedfordshire to allow for higher local needs than expressed through the formula approach, the Panel Report recommended an additional pitch increase for Mid Bedfordshire. In the case of Mid Bedfordshire the Panel recommended an increase of an additional 2 pitches, therefore totaling the pitch numbers for the former Mid Bedfordshire area to 5 pitches. This was recommended in order to contribute towards the wider regional requirement close to one of the areas of greatest local need in South Cambridgeshire. This increase is accepted by the Secretary of State in the Proposed Changes.
14. EERA had already applied the methodology of redistribution of figures to lessen the pressure on other local authorities with high levels of accommodation need and this methodology was previously accepted by the Council. Using this method again, the redistribution adds an additional 2 pitches to the total for the former Mid Bedfordshire area. As such, it is considered by Officers that the additional 2 pitches required through redistribution should be accepted for the former Mid Bedfordshire area.
15. It should be noted that in March 2009, Members of the former Mid Bedfordshire Executive were minded to delay the preparation of the Gypsy and Traveller DPD for the former Mid Bedfordshire area. This was to enable a review of the present range of sites together with a further site search in order to meet the total requirements for Gypsy and Traveller pitches within the District including those recommended by the Panel Report into the East of England Plan Single Issue Review. As such, Members had not questioned the principle of increasing pitch numbers at that time and agreed the delay to address the additional 5 pitches in the former Mid Bedfordshire area.

## **One Figure for the Unitary Authority**

16. The Panel Report expressed the increased need for pitches separately for both Mid Bedfordshire and South Bedfordshire. However the Panel Report also recognised that the two Councils were soon to become one unitary authority. The Panel stated that the merger of the two districts would

enable the provision required to be adjusted between parts of the area in accordance with local circumstances. However the Panel followed this by stating joint working between Luton and South Bedfordshire, which is associated with the implementation of regional development needs and the strategic review of the Green Belt boundary, would assist in meeting longer term needs.

17. Since then, the Proposed Changes combines the requirements for the former Mid Bedfordshire and former South Bedfordshire area, expressing the need for Central Bedfordshire as 80 pitches. The draft policy states that the preparation of joint or co-ordinated Local Development Documents is encouraged and where they are produced, provision can be redistributed across the areas concerned.
18. However, officers recommend that the split of pitches, as recommended in the Panel Report in December 2008, of 30 pitches for the former Mid Bedfordshire area and 50 pitches for the former South Bedfordshire area, is maintained. In addition, Officers recommend that for the former Mid Bedfordshire and the former South Bedfordshire areas pitches continue to be delivered within the separate LDF documents. This would accord with existing Council policy and transitional arrangements to work on two separate LDFs.
19. In the former Mid Bedfordshire area, Officers have progressed with the Gypsy and Traveller DPD, through two Issues and Options consultations and a preferred sites consultation. Officers have recently been instructed by Members to undertake a review of the existing sites and an additional site search, with the intention of publishing another preferred sites consultation in September. In the former South Bedfordshire area, Officers are currently awaiting the outcome of the site search in Luton. A similar site search has already been undertaken in South Bedfordshire. The results of both searches will be combined into one document, to be published towards the end of the year (in accordance with an agreed Local Development Scheme).
20. Despite the recommendation for joint working in the policy, Go East have expressed an informal view that they support the delivery of pitches in the two separate LDF documents, therefore avoiding any delay to the progress currently being made across the two areas. Exceptional circumstances would need to be demonstrated to warrant a change to this arrangement. In this circumstance, it is considered that combining pitch provision within one Local Development Document for Central Bedfordshire could undermine the substantial progress already made to site identification.

### **Additional Growth Beyond 2011**

21. The draft policy recommended a household growth rate of 3% for Gypsy and Traveller accommodation need beyond 2011. The Panel were reassured that the 3% estimate accords with information found in recent GTAA's nationally. Members should note that in the Bedfordshire and Luton GTAA, the growth rate for this sub region was estimated as 6.9% annually. This was based on a limited survey and the benchmarking of the GTAA commented that the 6.9% was high.

22. The 3% is expressed as a compound rate and if extrapolated from 2011 to 2021, the growth rates for the former Mid Bedfordshire and South Bedfordshire areas are approximately 24 and 44 respectively.
23. The Panel appreciated that household formation rate is not a reliable indicator of future requirements and that there will be a need to carry out new GTAAs across the region. The Panel recommended that any revision to provision post 2011 should be made following the coordinated preparation of GTAAs and a formal regional level review. The SoS accepts the 3% growth rate and includes the wording recommended by the Panel to take a coordinated approach to the preparation of GTAAs in the supporting text (Paragraph 5.20).
24. Officers note the 3% growth rate and acknowledge the text in the supporting paragraphs offering a review of GTAAs where necessary.

### **Transit Pitches**

25. The Panel were of the view that there is substantial evidence from across the region confirming that there is a need for some transit provision. Unauthorised encampment is undesirable and the benefits of providing an alternative, such as a transit site, should be given considerable weight according to the Panel. Furthermore continuing unauthorised encampments due to the lack of transit sites is likely to remain a source of conflict with the settled community.
26. During the Examination, possible ways forward in which unauthorised encampment figures can be used to estimate transit need were presented. Using these alternative methodologies and averaging the Count figures from 2005-2007 EERA prepared an assessment of transit need. As a result, the Panel recommended transit provision across all the sub regional areas, across the Eastern region. In Bedfordshire and Luton the Panel recommended the addition of 10 pitches for transit provision. The SoS accepted this recommendation in the Proposed Changes.
27. It is Officers view that the 10 transit pitches, recommended by the Panel, could be reconciled with the need for 45 emergency stopping places required by the Bedfordshire and Luton GTAA. This, combined with the broad acceptance of the methodologies of EERA by the SoS and the requirement across the region for transit pitches, means Officers recommend that this transit requirement should be accepted.
28. Officers recommend that a joint working approach with Bedford Borough and Luton Borough is adopted to determine how best to accommodate these 10 pitches. The Panel recommends that two sites spread over the whole area could be appropriate.

### **Travelling Showpeople**

29. The Panel Report introduced the requirement to accommodate Travelling Showpeople in new Policy H4A. Bedfordshire had undertaken a Travelling Showpeople Accommodation Assessment (TSAA). However, not all

authorities across the Eastern Region had undertaken similar assessments of the needs of Travelling Showpeople.

30. At the Examination the Showmen’s Guild presented figures on their assessment of Travelling Showpeople’s needs across the Eastern Region. This work did not benchmark the work of existing TSAAs. The figures recommended by the Showmen’s Guild for Bedfordshire are lower than recommended by the Bedfordshire TSAA. In addition, a 1.5% compound growth rate, determined by the work of the Showmen’s Guild, has been recommended by the Panel and supported by the SoS.

**Table 3: Travelling Showpeople Need to 2011**

<b>Local Authority</b>	<b>Bedfordshire Travelling Showpeople Accommodation Assessment</b>	<b>Showmen’s Guild Recommendation</b>	<b>Panel Report Recommendations (December 2008)</b>
<b>Mid Bedfordshire</b>	4	2	2
<b>South Bedfordshire</b>	8	2	2
<b>Bedford</b>	7	6	6
<b>TOTAL</b>	<b>19</b>	<b>10</b>	<b>10</b>

31. At the EIP the Showmen’s Guild did express their support for the Bedfordshire TSAA and said they supported the higher figures of need identified by this study. In addition, Officers believe that the lower needs recommended by the SoS would not sufficiently address the current overcrowding experienced by families on the sites in the former Mid Bedfordshire area. As such Officers accept the addition of new policy H4A and the figure of need quoted, as a minimum, recognising that local circumstances dictate a higher level of need than has been expressed.

### **Conclusion and Next Steps**

32. Following the consultation on the Proposed Changes, it is anticipated that adoption and publication of final regional policies will take place in mid 2009.
33. Officers are seeking the Executive’s approval of the following comments in response to the Proposed Changes and seeking Executive’s approval on the way forward for Central Bedfordshire:
1. Accept the additional requirement for Gypsy and Traveller pitches for the former South Bedfordshire and former Mid Bedfordshire areas, ensuring all local authorities accommodate Gypsy and Traveller pitches to meet the overall regional need.



2. Accept a split of pitches between the former Mid Bedfordshire area and the former South Bedfordshire area, as recommended in the Panel Report, of 30 and 50 pitches respectively.
3. Reject the proposed change to combine the delivery of pitches as a Central Bedfordshire total and continue to support the delivery of pitches in the two separate Development Plan Documents for the former Mid Bedfordshire and former South Bedfordshire areas, in line with existing Council policy and transition regulations.
4. Note the 3% growth rate, which accords with national growth rates, but support the flexibility within the RSS to determine longer term need for pitches through a review of Gypsy and Traveller Accommodation Assessments.
5. Accept the transit requirement for Bedfordshire and Luton and approve joint working with Bedford Borough and Luton Borough to determine where to deliver 10 transit pitches.
6. Accept the addition of new policy H4A and the figure of need quoted for Travelling Showpeople as a minimum, ensuring all local authorities accommodate Travelling Showpeople pitches to meet the overall regional need.

<b>CORPORATE IMPLICATIONS</b>
<p><b>Council Priorities:</b></p> <p>Delivery of the Local Development Framework is a statutory duty of the Council. The Regional policies set the targets for local planning and the LDF document should be in conformity with these.</p> <p><b>Financial:</b></p> <p>None</p> <p><b>Legal:</b></p> <p>The draft single issue review, when adopted, will be part of the Regional Spatial Strategy for the East of England and therefore part of the statutory development plan for the area.</p> <p><b>Risk Management:</b></p> <p>None</p> <p><b>Staffing (including Trades Unions):</b></p> <p>None</p> <p><b>Equalities/Human Rights:</b></p> <p>None</p>

**Community Development/Safety:**

None

**Sustainability:**

The single issue review when adopted, will form part of the East of England Regional Spatial Strategy. The report identifies the extent of Gypsy and Traveller and Travelling Showpeople accommodation needs in the Eastern Region and identifies draft wording for emerging RSS14 policy. The Regional Spatial Strategy embraces sustainable development as its overarching aim and has been subject to a sustainability appraisal. The single issue review consultation document has also been subject to a sustainability appraisal.

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**Appendices:**

Appendix A - Policy H3 and Policy H4A, as set out in the Proposed Changes to the Single Issue Review of the East of England Plan

**Background Papers** (open to public inspection):

Planning for Gypsy and Traveller Accommodation in the East of England (February 2008) East of England Regional Assembly

Examination in Public: Panel Report (December 2008)

Location of papers: Priory House, Monks Walk, Chicksands SG17 5TQ