

Executive

Planning for Gypsies, Travellers and Travelling Showpeople in the South East

3 August 2009

Report of the Head of Planning and Affordable Housing Policy and the Head of Housing Services

PURPOSE OF REPORT

To consider the Council's response to the next stage of regional consultation on the number and distribution of 'pitches' and 'plots' for Gypsies and Travellers and Travelling Showpeople

This report is public

Recommendations

The Executive is recommended to:

- (1) raise no objection to the South East England Partnership Board's recommendations to the Secretary of State for Communities and Local Government;
- (2) endorse this report as the Council's formal response to the Secretary of State;
- (3) note the need for partnership working and key stakeholder involvement in preparing planning and housing policy for Gypsies, Travellers and Travelling Showpeople and in identifying suitable sites and appropriate means of site delivery.

Executive Summary

Introduction

- 1.1 The South East Plan is being partially reviewed to establish regional policy for meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople. On 4 March 2009 the former South East England Regional Assembly (SEERA) agreed its recommendations for the level and distribution of additional 'pitches' for Gypsies and Travellers and 'plots' for Travelling Showpeople across the region.

- 1.2 The recommendations have now been submitted by the new South East England Partnership Board to the Secretary of State for Communities and Local Government and are subject to public consultation until 1 September 2009. After consultation, the recommendations will be subject to an 'Examination in Public' scheduled for February 2010.
- 1.3 The recommendations include the proposal that Cherwell provides for an additional 15 pitches for Gypsies and Travellers from 2006 to 2016. Across the South East, it is recommended that 1064 new pitches be distributed among 67 local authorities, an average of 15.9 pitches per authority.
- 1.4 The recommendations also include the proposal that Cherwell provides for an additional 11 plots for Travelling Showpeople over the same period. Across the region, it is recommended that 302 plots be distributed among the 67 authorities, an average of 4.5 plots per authority.
- 1.5 An earlier regional consultation on different levels of provision and distribution options was held in 2008. A report was considered by the Executive on 3 November 2008 (see Appendix 1). The Executive endorsed options that would have produced requirements of either 8 or 11 pitches for Gypsies and Travellers in Cherwell and 2 plots for Travelling Showpeople.
- 1.6 Although the approach recommended to the Secretary of State is not one of the options previously favoured by the Executive, the proposed number of pitches for Gypsies and Travellers is slightly lower than the regional average (15.9). It is also lower than the estimated level of need for Cherwell extrapolated from a Gypsy and Traveller Accommodation needs Assessment for the Thames Valley Area (21 pitches - Oxfordshire Councils have expressed concerns about some assumptions used in that Assessment). The recommendations allow for some redistribution across the region, a compromise between what the majority of Council respondents supported during the last consultation in 2008 and the wishes of the travelling communities for greater redistribution (which would have produced 25 pitches for Cherwell).
- 1.7 Despite being higher than the average for individual Councils in the South East, the recommendations for Travelling Showpeople in Cherwell take into account, and are consistent with, the results of a Needs Assessment for Oxfordshire, produced since the last consultation.
- 1.8 The recommendations to the Secretary of State are therefore considered to be reasonable.
- 1.9 Subject to no objection from the Executive, the Council now has firm proposals to work with. Policy to meet the needs of the travelling communities will need to be established in both the Local Development Framework and the next review of the Housing Strategy. Specific sites and the means of delivery will also need to be identified. Joint working between Planning and Affordable Housing Policy and Housing Services will be required as will liaison with stakeholders such as the travelling communities, the County Council, landowners, developers and Registered Social Landlords.

Proposals

- 1.10 It is noted that the recommendations for Cherwell differ to the options endorsed by the Executive on 3 November 2008. However, for the reasons explained in this report, it is proposed that the Council does not object to the recommended approach.
- 1.11 The need for Planning and Affordable Housing Policy and Housing Services to work jointly in establishing policy with key stakeholders is also proposed.

Conclusion

- 1.12 The recommendations submitted to the Secretary of State by the South East England Partnership Board represent a pragmatic and reasonable compromise between the options favoured by the Council and the travelling communities' wish for greater redistribution. There is a national shortage of pitches for Gypsies and Travellers and the number of pitches proposed for Cherwell is lower than that derived from the Gypsy and Traveller Accommodation needs Assessment which has been the subject of some concern among Oxfordshire authorities. The number of plots for Travelling Showpeople is consistent with the conclusions of a recent Needs Assessment which did not raise the same concerns.

Background Information

Establishing the District's Requirements

- 2.1 The South East Plan is being partially reviewed in response to the Housing Act 2004 and related Government guidance which first, require the housing needs of Gypsies and Travellers and Travelling Showpeople to be assessed, and second, places a responsibility on Local Planning Authorities to identify sites to meet those needs. One in four Gypsy, Traveller and Showpeople families living in caravans or mobile homes (as opposed to housing) are homeless as they have no legal place to stop. This makes it difficult to access services such as doctors and schools and causes problems of illegal camping (*source: SEERA*).
- 2.2 The former South East England Regional Assembly (SEERA) consulted on issues and distribution options in Autumn 2008. On 3 November 2008, the Executive endorsed options which best accorded with political advice previously given by an Oxfordshire Steering Group attended by the Portfolio Holder for Planning and Housing (see report at Appendix 1).
- 2.3 The endorsed options were based on provision being made either in the same general areas where Gypsies and Travellers presently live (producing 8 pitches for Cherwell from 2006-2016), or as close as possible to existing sites (producing 11 pitches). For Travelling Showpeople, the option endorsed was based on provision being made as close as possible to existing sites (producing 2 plots from 2006-2016).
- 2.4 The overall level of need for Oxfordshire that SEERA consulted on in 2008 for Gypsies and Travellers (42 pitches) was based on the Oxfordshire Steering Group's recommendations having 'tested' the Gypsy and Traveller Accommodation needs Assessment (GTAA) for the Thames Valley area. The

level of need put forward by the Steering Group was lower than that extrapolated from the GTAA (98 pitches) for 2006-2016 due to concerns about some of the assumptions within the assessment.

- 2.5 The level of need for Oxfordshire that SEERA consulted on in 2008 for Travelling Showpeople (7 plots in total) was based on a very basic projection of need in advance of the preparation of a detailed Travelling Showpeople Accommodation needs Assessment.
- 2.6 The recommendations that have now been submitted to the Secretary of State propose that Cherwell provides 15 additional pitches for Gypsies and Travellers (2006-2016) and 11 plots for Travelling Showpeople. They are based on most new pitches and plots being in the same general areas where the travelling communities currently live but with a quarter of new pitches being spread across the region to make sure that all areas provide accommodation. SEERA considered this to be a compromise between non-redistributive options (producing 8 or 11 pitches for Cherwell) and an option which would involve redistribution of half of the new pitches across the region (producing a requirement of 25 pitches for Cherwell).

Considering the Recommendations

- 2.7 The report presented to the Executive on 3 November 2008, noted that the methodology for how redistribution is calculated had not been provided by SEERA. However, it also highlighted that SEERA's consultation with the travelling communities would be important in understanding whether Gypsies and Travellers and Travelling Showpeople would prefer new sites to be provided in areas with larger established communities or a more dispersed approach. The consultation results were that the communities favoured redistribution (51% for a redistribution of half of the new pitches/plots and 15% for a quarter redistribution).
- 2.8 Although the recommended approach is not one of the options favoured by the Council, the proposed number of additional pitches for Gypsies and Travellers in Cherwell (15) is slightly lower than the regional average (15.9) and lower than the estimated level of need extrapolated from a Gypsy and Traveller Accommodation needs Assessment for the Thames Valley Area (21). Oxfordshire Councils have jointly expressed concerns about some of the assumptions relied upon in that study and advised SEERA that the actual level of need was significantly lower than that suggested by the Assessment. SEERA fed the Oxfordshire advice into its calculations despite reservations.
- 2.9 With regard to the number of plots for Travelling Showpeople, the options previously consulted upon by SEERA (between 2 and 8 plots), were produced before a Needs Assessment for Travelling Showpeople was completed for Oxfordshire. The figures consulted upon were working estimates based on a 1.5% per annum population growth rate. A detailed Needs Assessment has since been completed and signed-off by officers of all Councils. It concludes that the additional need for new plots for the County is 33.7 over a ten year period. The net need in Cherwell was estimated to be 11.71. The recommendation of 11 plots for Cherwell submitted to the Secretary of State is consistent with this Assessment.

- 2.10 It therefore considered that the recommendations submitted to the Secretary of State are reasonable basis on which to plan to meet the accommodation needs of the travelling communities.

Preparing Policy and Delivering Sites

- 2.11 Under the Housing Act 2004, the Council has a duty as Local Housing Authority and Local Planning Authority to consider the needs of Gypsies, Travellers and Travelling Showpeople. Joint working will be important in preparing planning policy to deliver sites in suitable locations and in preparing housing policy to ensure housing need is met.
- 2.12 The next review of the Housing Strategy will need to ensure that the accommodation needs of the travelling communities are set out and monitored. The Local Development Framework will to establish criteria for the location of sites as well as specific sites to meet needs. Planning and Affordable Housing Policy and Housing Services will need to work in partnership.
- 2.13 In identifying suitable sites and the means of delivering those sites, liaison with key stakeholders will be important. These include the travelling communities themselves, the County Council's Gypsy and Traveller Services Manager, Registered Social Landlords, developers and local communities.
- 2.14 The existing Gypsy, Traveller and Travelling Showpeople sites in Cherwell are all privately owned. The County Council manages social Gypsy and Traveller sites elsewhere in the county and provides education and social services. All options for delivering new sites will need to be considered. They include:
- private sites bought or leased by the travelling communities in suitable locations;
 - social sites owned and / or managed by the County or District Council;
 - social sites owned and / or managed by Registered Social Landlords;
 - private or social sites secured as part of major development proposals.
- 2.15 Oxfordshire Councils, including the County Council, have had initial discussions about site delivery issues. Engagement with key stakeholders will be important in shaping planning policy in the emerging Core Strategy.
- 2.16 Funding opportunities may affect the approach to site delivery. The Homes and Communities Agency (HCA) is administering a grant funding programme for 2009/10 and 2010/11 for local authorities and Registered Social Landlords to create new sites and to refurbish existing sites. The HCA liaises with regional assemblies and local authorities to ensure that decisions on grant allocations take into account their view of priorities, and encourage stakeholders to consider the needs of Gypsies and Travellers within housing strategies and related areas. Whether such funding opportunities will be available beyond 2010/11 is not known and it is therefore important that all reasonable site delivery opportunities are explored.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The main issue for consideration is whether or not to object to the South East Plan recommendations submitted to the Secretary of State. Although the recommendations do not reflect the options endorsed by the Executive on 3 November 2008, it is considered that they represent a reasonable and pragmatic way forward to resolving a complex set of issues. A figure of 15 additional Gypsy and Traveller pitches for Cherwell falls between previously suggested requirements ranging from 8 to 25 pitches. The proposal for 11 plots for Travelling Showpeople, although comparatively high, is consistent with a recent Needs Assessment which is considered to have a sound methodology.
- 3.2 The following options have been identified. Option 1 is considered to be the best way forward as reflected by the recommendations.

Option One	To raise no objection to the South East England Partnership Board's recommendations to the Secretary of State for Communities and Local Government
Option Two	To raise objection
Option Three	To raise no objection subject to comments

Consultations

Cllr Michael Gibbard Informal briefing

Implications

Financial:	Financial effects - There are no financial implications arising from this report. Comments checked by Eric Meadows, Service Accountant, 01295 221552
Legal:	Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Race Relations Act (1976) (as amended), identified as having a shared culture, language and beliefs. The Act makes it unlawful to discriminate on the grounds of race, colour, nationality, ethnic or national origin. The amending Act (2000) places a general duty on most public authorities to promote race equality. The Council's decisions, and the reasons for them, must be consistent with these duties. Comments checked by Sue Christie, Assistant Solicitor, 01295 221690
Risk Management:	This is a response to a regional consultation which will inform the preparation of statutory Development Plan policies. Not responding to the consultation could mean that the Council's views are not taken into account in the preparation of those policies. Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

Equalities: The South East England Partnership Board's submission to the Secretary of State states, "*Gypsies and Irish Travellers already fare the worst of any British ethnic group in terms of health and education. The [national] shortage of authorised sites makes it more difficult for an already socially excluded and discriminated against part of the community to access employment, health care, education and other services*". How the Council addresses housing need will affect the quality of life of the community locally.

Comments checked by Clare Taylor, Community and Corporate Planning Manager, 01295 221563

Wards Affected

All

Corporate Plan Themes

Theme 2: Improve Health
 Theme 3: Improving Education and Life-Long Learning
 Theme 6: Protect and Enhance the Local Environment
 Theme 10: Focus on Cherwell's People

Executive Portfolio

Councillor Michael Gibbard
 Portfolio Holder for Planning and Housing

Document Information

Appendix No	Title
Appendix 1	<i>Planning for Gypsies, Travellers and Travelling Showpeople in the South East</i> , Report of the Head of Planning and Affordable Housing Policy to the Executive, 3 November 2008
Background Papers	
Partial Review of the Regional Spatial Strategy for the South East: Provision for Gypsies, Travellers and Travelling Showpeople - Recommendations for New Policy H7, June 2009	
Needs Assessment for Travelling Showpeople (November 2008) (Note: exempt background paper by virtue of paragraph 2)	
Gypsy and Traveller Accommodation needs Assessment for the Thames Valley Region (September 2006)	
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