

**MAIDSTONE BOROUGH COUNCIL**

**LEISURE & PROSPERITY OVERVIEW & SCRUTINY  
COMMITTEE**

**14th SEPTEMBER 2010**

**REPORT OF DIRECTOR OF CHANGE, PLANNING & THE  
ENVIRONMENT**

**Report prepared by Sarah Anderton**

**1. CORE STRATEGY GYPSY & TRAVELLER PITCH TARGET**

**1.1 Issue for Decision**

1.1.1 To give initial consideration to the numerical target for Gypsy and Traveller pitches for inclusion in the Core Strategy.

1.1.2 Additionally to consider the timeframe for the pitch target and the approaches to the provision of accommodation for Travelling Showpeople and to transit sites.

**1.2 Recommendation of the Director of Change, Planning and the Environment**

1.2.1 That the Committee recommends to Cabinet that the timeframe for the Gypsy and Traveller pitch target is 2006 to 2016.

1.2.2 That the Committee recommends to Cabinet that the approach set out in the report to the setting of a numerical target for Gypsy and Traveller pitches for inclusion in the Core Strategy be endorsed.

1.2.3 That the Committee recommends to Cabinet that no specific numerical target be set for Travelling Showpeople plots in the Core Strategy and that any local need for additional plots be addressed through the development control process using the criteria in Core Strategy Policy CS14 when adopted.

1.2.4 That the Committee recommends to Cabinet that Kent County Council be encouraged to lead the process of the identification and delivery of appropriate transit sites in the county.

### 1.3 Reasons for Recommendation

#### **Background**

- 1.3.1 With the revocation of the Regional Spatial Strategy, a local target for the provision of Gypsy and Traveller pitches must be set. The target will be included in Core Strategy Policy CS14 which sets out the overall strategy for provision and the criteria for assessing windfall planning applications.
- 1.3.2 Regarding travellers' needs, a letter dated 6th July 2010 from the Communities and Local Government department confirms that 'local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand and for bringing forward land in DPDs. They should continue to do this in line with current policy'. The letter goes on to suggest that Gypsy and Traveller Accommodation Assessments (GTAAs) are a good starting point for this work although local authorities 'are not bound by them'.
- 1.3.3 Notwithstanding this national change, some particular and local issues are relevant as a specific borough target is considered. Firstly, the abolition of targets being set in Regional Spatial Strategies does not mean that there will be no further need for Gypsy and Traveller pitches. With a target figure set too low, the trend for unauthorised development followed by retrospective planning applications on unsuitable sites is likely to continue, in particular as long as Circular 01/06 'Planning for Gypsy and Traveller Caravan Sites' remains extant which is supportive of ensuring the need for pitches is met, including in rural locations where conventional housing is strictly controlled. The Government has announced its intention to revoke the Circular, it has not confirmed when this will happen. Appeal decisions have pointed to a lack of available alternative authorised pitches in the borough, including public pitches. Councils are also under the statutory obligation to ensure suitable housing is available for Gypsies and Travellers (s225 of the Housing Act) and have other statutory duties in respect of homelessness and the Race Relations (amendment) Act 2000. There is also a duty on local authorities to promote race equality. A reasoned and reasonable target which can be supported through the Examination of the Core Strategy will provide the basis for planned pitch provision in the borough in the future.

#### **Timeframe**

- 1.3.4 The South East Plan Partial Review would have provided target figures for Gypsy and Traveller pitches and for Travelling Showpeople plots for the 10 year period from April 2006 to 2016.

- 1.3.5 Members could now decide to set a target for the full Core Strategy period to 2026 however the assumptions from the West Kent Gypsy and Traveller Accommodation Assessment (05/06) will become less robust over a longer timeframe. Also the national framework for planning for Gypsy needs may change in due course and the Council may wish to adapt its approach in response.
- 1.3.6 On this basis it is recommended that the target be set to 2016, with the opportunity for a future review based on updated evidence for the 2016-26 period.

### **Factors influencing the Gypsy and Traveller pitch target**

- 1.3.7 Circular 01/06 lists some information sources, in addition to GTAAs, for authorities to use in assessing the required level of provision namely incidents of unauthorised encampments, numbers and outcomes of planning applications and appeals, occupancy, plot turnover and waiting lists for public sites, the status of existing authorised private sites including those with temporary and personal consents and unoccupied sites and caravan count data to give a picture of numbers and historic trends .
- 1.3.8 To establish a target based on the local need for pitches, it is proposed that the following aspects are assessed:
- a. Historic picture
  - b. The findings of the West Kent Gypsy and Traveller Accommodation Assessment (2005/6)
  - c. The position since the GTAA was completed
  - d. Future local needs for 2011-16
- 1.3.9 **Historic picture:** The borough is one in which Gypsies and Travellers have historically resided. The borough has the highest number of existing authorised pitches in the region with provision mostly on small, privately owned sites.
- 1.3.10 This historic pattern originated in particular because of Gypsies and Travellers seasonal employment in agriculture, particularly hop and fruit picking. Whilst Gypsies continue to have family links to the area, the traditional employment links are now substantially less significant as working patterns have changed. Circular 01/06 states that " there is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns these may not be the same areas they have located in or frequented in the past" (paragraph 18). The revocation of Regional Spatial Strategies means however that there is no higher tier framework to achieve a redistribution of provision and opportunity.

- 1.3.11 **West Kent Gypsy and Traveller Accommodation Assessment (GTAA):** The West Kent Gypsy and Traveller Accommodation Assessment (GTAA) provided an assessment of pitch needs arising locally taking account of the backlog of need, including from unauthorised sites, and that arising in the period to 2011 due to household growth. It concludes that there is a gross need for 47 pitches in the borough for the 5 year period 2006 to 2011 which, when supply factors are taken into account, translates into a net need for 32 additional pitches. Table 1 (paragraph 1.3.19) includes the gross need figure at line 1. The supply of pitches is accounted for separately in Table 2 (paragraph 1.3.24).
- 1.3.12 The numerical need measured in the GTAA includes within it the figure of 15 new local households that will form during the period 2006 to 2011 and assumes that each new household will require an additional pitch. In reality, a proportion of these new households will share pitches as some will form couples and move in together. It is therefore recommended that a rate of 0.75 be applied to the household growth figure, the same rate as used by the Kent and Medway authorities in the Advice they submitted to SEERA for the South East Plan Partial Review, to avoid over-estimating the need for pitches. This factor results in a reduction in the gross need figure included in the GTAA by some 3 pitches as shown in line 2 of Table 1 (Calculation:  $15 \times 0.75 = 12$ , then  $15 - 12 = 3$  pitches).
- 1.3.13 The GTAA tried to identify Gypsy households living in bricks and mortar accommodation to survey in order that their needs could be encompassed in the findings. This process proved difficult as such households tend not to publicise their Gypsy status with the result that only 29 such households across the whole GTAA area were interviewed. The GTAA concluded that it was not possible to make a realistic estimate of the needs arising from housed Gypsies and Travellers and excluded this source of need from the final assessment. This may be regarded a significant shortcoming of the GTAA process, particularly as any such households are living in lawful housing, possibly because of the lack of site-based accommodation, rather than choosing to live on unauthorised sites.
- 1.3.14 The picture of the needs arising from the source is currently unclear. It may be significant but it is unquantified and the evidential basis on which to make a numerical allowance for this factor is absent. Any allowance made would be to a large extent arbitrary and consequently has been excluded from the assessment at this stage.
- 1.3.15 **Position since the GTAA was completed:** In reaching the net figure of 32 additional pitches, the GTAA assumed that there would be a supply of 15 pitches over the 5 years on the MBC-owned sites through households moving into permanent housing. In fact the supply rate

has been substantially below this; only 3 genuine vacancies have occurred since April 2006. This supply of 3 pitches is accounted for in line 9 of Table 2.

1.3.16 The existence of unauthorised sites is an indicator of need and the current position is that there are 28 unauthorised mobiles on unauthorised sites in the borough (based on an average from the last three caravan counts). The GTAA took full account of the level of unauthorised provision at the time of the survey in reaching its findings. No further account is taken of the unauthorised sites that have arisen since the GTAA was undertaken (Table 1, line 4).

1.3.17 **Future local needs (2011-16):** As for conventional housing the target should allow for the natural growth of the local population for the 2011-16 period. Applying the GTAA annual household growth rate of 2.7% results in a household growth figure of 22 households for the 2011 to 2016 period. After the allowance for pitch sharing, the number of pitches needed to accommodate the new local families is 17 as shown in line 5 of Table 1 (Calculation:  $22 \times 0.75 = 17$ ).

1.3.18 Additionally, the GTAA did not take any account of sites with temporary consents which were treated as authorised sites for the purposes of the GTAA. The need arising from these lawful sites as the consents lapse is not factored into the GTAA need figure. 34 mobiles currently have temporary consents which will lapse before the end of 2016 and this is accounted for at line 6 of Table 1.

1.3.19

Table 1: local needs summary

<b>Needs 2006 – 2011 (pitches)</b>	
1. GTAA (gross need)	47
2. Minus allowance for pitch sharing by newly forming households	-3
3. Allowance for needs arising from 'bricks and mortar'	0
4. Allowance for unauthorised pitches post-GTAA	0
<b>Needs 2011 – 2016 (pitches)</b>	
5. Household growth (incl. allowance for pitch sharing)	17
6. Expiration of temporary consents	34
Gross local need	95

### Supply of pitches

1.3.20 An understanding of pitch supply provides context for the needs assessment above.

1.3.21 Pitches granted permanent consent since 1<sup>st</sup> April 2006 contribute towards the meeting the target to be set in the Core Strategy. Permanent consents have been granted for some 32 pitches to date.

Additionally the personal, permanent consents that have been granted for a further 10 pitches can be judged to be meeting a current local need albeit that these pitches will not be available to meet wider needs in the future (lines 7 & 8 of Table 2).

1.3.22 Allowance can also be made for future pitch turnover on the two MBC-owned sites but at a more realistic rate than that assumed in the GTAA. Based on past performance, it is estimated that 3 pitches will become available during the 2011-16 period (line 10 of Table 2).

1.3.23 Finally, there are 4 private authorised pitches in the borough which have been vacant for at least 12 months and which may be available to meet local needs (line 11 of Table 2).

1.3.24

Table 2: identified supply summary

<b>Identified supply 2006 – 2016 (pitches)</b>	
7. Non-personal permanent consents granted to date	32
8. Personal permanent consents granted to date	10
9. Achieved pitch vacancies on MBC sites (2006 to date)	3
10. Estimate of MBC pitch vacancy (2011 – 16)	3
11. Vacant private pitches	4
Identified supply	52

1.3.25

Table 3: net position

<b>Net position</b>	
Gross local need	95
minus identified supply	-52
minus new public site(s)	-15
<b>Net position</b>	<b>28</b>

Registered applications/appeals (pipeline)	38
Renewal of temporary consents due to expire (potential max)	34

1.3.26 Table 3 sets out the net position taking account of need and identified supply. Additionally, account is taken of the potential for a further 15 pitches on a new public site(s). Funding for such a site(s) is being pursued through arrangements in the emerging Core Strategy affordable housing policy whereby a proportion of section 106 contributions would be ring-fenced for public pitch provision and through bidding approaches to the Homes and Communities Agency. The Government has announced that, as for conventional housing, new authorised traveller sites will attract development incentive payments through the New House Bonus scheme.

1.3.27 The 'residual' requirement of 28 pitches (95-52-15) could be met through the granting of some of the applications/appeals already in the pipeline (up to 38 pitches) and/or the granting of some permanent consents on sites with temporary consents which will expire before 2016. Subject to Members' decisions on these matters, there could be little (or no) numerical requirement for wholly new sites to be identified through the DPD process.

1.3.28 Members' views are sought on the approach to setting a local target for Gypsies and Travellers.

### **3<sup>rd</sup> Party Review**

1.3.29 There is currently no established methodology or common practice guiding how a local pitch target should be set. In view of this, it is considered prudent for the factors and approach set out to be reviewed by an external body or individual ahead of a final decision on the target being made. The review will provide external feedback on the robustness and comprehensiveness of the approach.

1.3.30 The feedback from this review, along with Members' comments from the current cycle of meetings, can inform the subsequent report to Members on this matter.

### **Travelling Showpeople**

1.3.31 In contrast to Gypsies and Travellers, there has been little historic demand for Travelling Showpeople plots in the borough. There are two existing sites in the borough near Detling and Marden and a further apparently vacant site near Headcorn.

1.3.32 The need for further Travelling Showpeople plots was assessed through the North and West Kent Travelling Showpeople Accommodation Assessment (2007) which covered 9 authority areas including this borough. Through this process two of the ten Travelling Showpeople households in the borough were interviewed and neither household identified a need for further plots in the period to 2011. Unfortunately the response rate achieved in the study was insufficient to enable the statistically valid 'grossing up' of the findings, either for the Study area as a whole or for the borough individually. The existence of need for additional plots to 2011 or indeed to 2016 is unclear based on the available evidence.

1.3.33 A way forward would be to apply a standard growth rate to the known number of households in the borough. The Guild of Travelling Showmen's submissions to the Partial Review of the South East Plan proposed a household growth rate of 2.5%. Applying this growth rate

cumulatively from 2006/7 would result in a target of 2 additional plots for the period to 2016.

- 1.3.34 An alternative approach would be to deal with demand from local Travelling Showpeople as it arises using the criteria in Core Strategy Policy CS14 to assess planning applications. This approach would not provide a clear indication of the Council's view of the 'right' level of provision but would avoid the allocation of plots for which there is no local demand. On balance, this approach is recommended.

### **Transit Sites**

- 1.3.35 Transit sites provide shorter-term accommodation for Gypsies and Travellers who are actively travelling. The issue of transit sites was addressed in the Advice that the Kent and Medway authorities prepared for submission to SEERA for the South East Plan Partial Review. This Advice, which was based in particular on the pattern of unauthorised encampments in the county, did not identify Maidstone borough as a location for transit site(s) for the period to 2016. Local assessment therefore does not point to a need to make specific provision for a transit site.

- 1.3.36 It is recommended that Kent County Council be encouraged to progress the planning and implementation of appropriate transit sites across the county.

### **1.4 Alternative Action and why not Recommended**

- 1.4.1 Members could decide not to set a target for Gypsies and Travellers in the Core Strategy, or to defer setting a target. In response, the CLG letter of 6<sup>th</sup> July gives the clear expectation that authorities will set local targets. Furthermore, Gypsy site provision is a significant local issue in the borough and as such a clear statement of the Council's assessment of a reasonable scale of pitch provision, and to subject this to public consultation, will provide greater clarity than the status quo.

### **1.5 Impact on Corporate Objectives**

- 1.5.1 The content of the report impacts on the key objectives of the Strategic Plan, particularly those relating to homes and communities. It is relevant to the Sustainable Community Strategy objectives of building stronger and safer communities and reducing inequalities in the borough.

### **1.6 Risk Management**



1.6.1 The Government has indicated that Circulars 01/2006 – ‘Planning for Gypsy & Traveller Caravan Sites’ and 04/07 ‘Planning for Travelling Showpeople’ will be revoked to be replaced with ‘light touch guidance’ but has not specified when this will happen. There is a significant risk that the national approach to planning for Gypsy and Traveller accommodation will alter as the Core Strategy is progressed or soon after it is adopted. In response, there will be the opportunity for the Council to further consider this matter prior to the submission of the Core Strategy and thereby take account of any subsequent national guidance changes.

1.7 Other Implications

1.7.1

1.	Financial	
2.	Staffing	
3.	Legal	x
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	x
8.	Procurement	
9.	Asset Management	

1.7.2 Legal/Human Rights: The setting of a numerical target for Gypsy and Traveller pitches and a decision not to set a target for Travelling Showpeople plots will have implications for the accommodation choices of these groups when the specified number of pitches are provided. The Council’s approach will be publically tested and open to challenge through the Core Strategy Examination which should serve to mitigate the risk of a future legal, including Human Rights Act, challenge.

1.8 Relevant Documents

1.8.1 Appendices None

1.8.2 Background Documents

- West Kent Gypsy and Traveller Accommodation Assessment (2005/6)
- North & West Kent Travelling Showpeople Accommodation Assessment (2007)
- Circular 01/06 'Planning for Gypsy and Traveller Caravan Sites'
- Circular 04/07 'Planning for Travelling Showpeople'

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

Forward Plan 1<sup>st</sup> Sept – 31<sup>st</sup> Dec 2010 published 18<sup>th</sup> August 2010

This is a Key Decision because: it affects all wards and parishes and will form part of the Core Strategy which sets the Council's planning policy framework.

Wards/Parishes affected: all wards and parishes