

MAIDSTONE BOROUGH COUNCIL

LOCAL DEVELOPMENT DOCUMENT ADVISORY GROUP

3rd AUGUST 2009

**REPORT OF ASSISTANT DIRECTOR OF DEVELOPMENT AND
COMMUNITY STRATEGY**

Report prepared by Sarah Anderton

**1. PARTIAL REVIEW OF THE REGIONAL SPATIAL STRATEGY FOR
THE SOUTH EAST: PROVISION FOR GYPSIES, TRAVELLERS AND
TRAVELLING SHOWPEOPLE**

1.1 Issue for Decision

1.1.1 To recommend to Cabinet the response to be made to GOSE on the submission of the Partial Review of the Regional Spatial Strategy for the South East concerning provision for Gypsies, Travellers and Travelling Showpeople.

1.2 Recommendation of Assistant Director of Development and
Community Strategy

1.2.1 That Cabinet is recommended to respond to the consultation as follows:

1.2.2 That the council reaffirms its view that the setting of numerical pitch requirements for Gypsies and Travellers should be underpinned by sustainability and planning criteria;

1.2.3 That the council reaffirms its view that there should be an element of redistribution of future pitch requirements for Gypsies and Travellers across the region and that this is best achieved through a 50% redistribution element, rather than the 25% element inherent in the Preferred Option, resulting in a requirement for Maidstone borough of 31 pitches;

1.2.4 That, in view of Travelling Showpeople's specific site requirements future pitch provision is best met though a needs based approach. This would result in there being no requirement for additional pitches in Maidstone borough;

- 1.2.5 That the approach of joint-working at a county level on transit site provision be supported, acknowledging that the county level advice which does not identify a need for transit provision in Maidstone borough continues to be supported; and
- 1.2.6 That all advice areas (counties and county groupings) in the region be required to collect the relevant data on transit site needs and to act to address the identified requirement, as the Kent and Medway Advice area has done already.
- 1.2.7 That Cabinet is recommended to delegate authority to the Assistant Director of Development and Community Strategy to make the Council's case at the Examination in Public, in association with other Kent authorities as appropriate.

1.3 Reasons for Recommendation

Background

- 1.3.1 The former South East England Regional Assembly (SEERA) commenced a Partial Review of the South East Plan to address the single issue of provision for Gypsies, Travellers and Travelling Showpeople. The Partial Review is now being carried forward by the South East England Partnership Board (SEEPB).
- 1.3.2 Between September and November 2008, SEERA undertook a consultation on the number of new pitches for Gypsies, Travellers and Travelling Showpeople that needed to be provided in the region for the period 2006 to 2016 and how this numerical requirement should be distributed to each local authority area in the region.
- 1.3.3 For Gypsy pitches, SEERA consulted on four distribution options
- Option A the need for pitches is addressed where it arises (i.e. based on the findings of Gypsy & Traveller Accommodation Assessments). The result is that new pitches would be provided only where Gypsies and Travellers currently live.
- Option B the distribution of pitches takes account of environmental and other constraints. This leads to a redistribution of pitch requirements within advice area groupings (i.e. Kent and Medway). The total number of pitches to be provided in Kent and Medway would be the same as for Option A.

Option C 50% of the requirement is distributed as for Option B, the remaining 50% is redistributed across the region (with an element therefore 'coming back' to the borough). The regional redistribution element is based on sustainability factors. This reduces the total numerical pitch requirement for Kent and Medway.

Option D As for C but with the redistribution percentage reduced to 25%. This option is, in effect, a mid-point between Options B and C.

1.3.4 For Maidstone, as a borough with an existing high number of gypsy pitches, Option A would result in the highest future requirement. The generalised effect of Option B is to distribute the future pitch requirements away from authority areas within Kent and Medway with a higher level of existing provision. Options C and D enhance this redistributive effect by extending it on a region-wide basis.

1.3.5 For Travelling Showpeople pitches, SEERA consulted on three distribution options based on A, C and D. No Option B was given. Options C and D therefore use Option A as their starting point.

1.3.6 In respect of transit site provision, SEERA acknowledged that information at the regional level was incomplete making it impossible to allocate transit requirements to individual authorities in a robust manner. SEERA sought views on whether the South East Plan should indicate a general level of need from the available evidence and delegate final determination of need and location to local authorities.

1.3.7 Cabinet, at its meeting on 12th November 2008, resolved that the following be its response to the consultation:

- a. That for Gypsy and Traveller provision, Option C for a provision of 32 pitches be supported;
- b. That for Travelling Showpeople provision, Option A for no provision of pitches be supported;
- c. That, in addition, support be expressed for both the principle of taking account of sustainability factors and a degree of rebalancing, in determining the distribution of pitch requirements;
- d. That the Partial Review makes the best use possible of available evidence in determining the general level of need for transit pitches without further delaying the Review, and allow the exact location of the requirement to be determined at the local level.

Furthermore, that SEERA be urged to undertake a regional scale study of transit patterns consistent with the above. The Kent advice did not propose a need for strategic transit sites in Maidstone borough and this advice continues to be supported.

- 1.3.8 Following the consultation, SEERA formally agreed its recommendations at its full Assembly meeting on 4th March 2009. The Assembly resolved that Option D be followed as the basis for setting the requirement for both Gypsy pitches and Travelling Showpeople pitches. This option allows for 25% redistribution of pitches across the region. For Maidstone borough, this would equate to a requirement for the 10 year period of 35 Gypsy and Traveller pitches and 3 Travelling Showpeople pitches.¹
- 1.3.9 This 'preferred option' was submitted to the Government Office for the South East (GOSE) by the South East England Partnership Board.
- 1.3.10 The outcomes of the Preferred Option requirements for the borough for Gypsies and Travellers and for Travelling Showpeople are shown in the tables below alongside the previous consultation options.

Table 1: Gypsy & Traveller Pitch Requirements 2006 – 2016

| | Option A | Option B | Option C (revised) <i>MBC supported</i> | SEEPB Preferred Option D (revised) |
|------------------|----------|----------|---|---|
| Maidstone | 48 | 39 | 31 | 35 |
| Kent & Medway | 320 | 320 | 262 | 290 |

Table 2: Travelling Showpeople Pitch Requirements 2006 – 2016

| | Option A <i>MBC supported</i> | Option C (revised) | SEEPB Preferred Option D (revised) |
|------------------|--------------------------------------|-----------------------|---|
| Maidstone | 0 | 4 | 3 |
| Kent & Medway | 10 | 30 | 23 |

Current consultation

¹ These figures take account of SEERA's updated data on land constraints which fed into the March 09 Assembly meeting consideration. This results in a reduction in Maidstone's requirement under Option D from 36 to 35 pitches.

- 1.3.11 GOSE has now organised a consultation on the 'preferred option'. The consultation deadline is Tuesday 1st September. The proposals in the document will be tested at the Examination in Public (EiP) to be held between 2 and 5 February 2010. The current consultation will assist the Examination Inspectors identify the issues that need exploration at the EiP.
- 1.3.12 The document sets out the proposed wording for the new Policy H7 of the South East Plan as well as the supporting text for the policy.

Policy H7

Local Planning Authorities will make provision in Local Development Documents to deliver 1,064 net additional permanent residential pitches for Gypsies and Travellers in the period 2006 – 2016 and 302 for Travelling Showpeople, as set out in Table H7a which details pitch requirements by local authority. Local Planning Authorities will also make appropriate provision in Local Development Documents to meet requirements for transit and temporary stopping purposes.

Consideration

Gypsy & Traveller Pitch requirements

- 1.3.13 Two specific principles underpin SEEPB's Preferred Option for the setting of future pitch requirements. Firstly, that there should be an element of redistribution across the region and secondly that an assessment of planning and other sustainability considerations should be a starting point for the distribution of pitches. These are principles which this council supported in its response at the previous consultation stage.
- 1.3.14 With respect to regional redistribution, the document notes that this would serve to widen opportunities where currently provision is limited. The majority of respondents to the previous consultation favoured an element of regional redistribution, including a majority of Gypsy, Traveller and Travelling Showpeople respondents. Furthermore, CLG guidance on Regional Spatial Strategy (RSS) reviews for Gypsies and Travellers proposes that an element of redistribution should be considered to widen the responsibility between authorities. However, at the last consultation stage, more local authorities across the region opposed redistribution than supported it.
- 1.3.15 The second principle is that the Preferred Option has sustainability and planning criteria as its basis (Option B) before the regional redistribution is applied, rather than a needs-based starting point

(Option A). In Kent and Medway, 6 criteria were agreed locally to form the basis for the distribution in Option B. This serves to ensure that the distribution of need revealed by the GTAA is refined to acknowledge the ability of local authorities to provide pitches in appropriate locations.

- 1.3.16 A meeting of the Kent and Medway authorities' Joint Member Steering Group was held on 13 July to consider the various aspects of the Preferred Option consultation relating to Gypsy and Traveller, Travelling Showpeople and transit site provision.
- 1.3.17 In respect of Gypsies and Travellers, the meeting agreed that the Region's Preferred Option does not provide for sufficient redistribution of pitch provision in the South East region and that there should be a greater degree of redistribution across the region comparable to that provided under Option C. Additionally a majority of members agreed that, in view of the economic recession and its impacts on the housing market generally, that the period within which the pitch requirements must be achieved should be extended to 2021.
- 1.3.18 Whilst the first point is consistent with this council's previously held view, it is considered that the recession has not demonstrably had an impact on the number of gypsy pitches coming forward, as evidenced through the continuing submission of planning applications, and that a clear link between housing market slowdown and gypsy site provision has not been made. On this basis, it is not recommended that this point form part of this council's response to the Preferred Option.
- 1.3.19 At the previous consultation stage, the views of the Kent and Medway authorities broadly divided between those who favoured a needs based distribution (Option A) and those who supported redistribution across Kent and Medway and across the South East (Options C and D). In an attempt to explore the scope for any commonality of view, the Joint Member meeting further considered a range of additional distribution options put forward by KCC officers as set out below.

| | | MBC pitches | K&M pitches |
|-----------|--|-------------|-------------|
| Option C1 | Starts with Option A distribution within K&M. 50% of each authority's requirement is deducted to be redistributed across the region. The element of that redistribution that comes | 39 | 262 |

| | | | |
|-----------|--|----|-----|
| | back to K&M, is distributed to the individual authorities on the basis of Option A ie need. | | |
| Option E | Starts with Option A distribution within K&M. 50% each authority's requirement is deducted to be redistributed across the region. The element of that redistribution that comes back to K&M, is distributed to the individual authorities on the basis of the Option B distribution pattern i.e. the 6 locally agreed planning and environmental criteria. | 36 | 262 |
| Option D1 | As for C1 but with a redistribution of just 25%. | 44 | 290 |
| Option F | As for E but with a redistribution of just 25%. | 42 | 290 |

- 1.3.20 All these additional options use the needs-based Option A as their starting point, albeit that two of the options (E and F) use sustainability criteria to distribute the reduced number of pitches that 'come back' to Kent and Medway through regional redistribution.
- 1.3.21 Whilst a majority of authorities supported Option C1 at the meeting, Maidstone and four others (Sevenoaks, Dartford, Gravesham and Swale) expressed support for Option C. Officers consider that Options C1 and D1 fail to take adequate account of sustainability factors, whereas Options E and F represent an unsatisfactory mix of approaches. Option C ensures that the majority of need arising in Kent and Medway would be met in Kent and Medway, whilst allowing for a degree of regional redistribution and for the proper account of sustainability factors in setting individual authorities' numerical requirement.
- 1.3.22 In conclusion, the SEEPB's Preferred Option D aligns with the council's previously expressed view about the validity of regional redistribution and the need to incorporate sustainability considerations within the distribution setting process. However, an outcome of the Preferred Option is that the overall requirement for Kent and Medway (290 pitches) would reduce by only some 9.4% (30 pitches) compared with a wholly needs-based approach (320).

The actual redistributive effect is therefore relatively marginal. A greater step-change would be achieved by an Option C redistribution which would result in a requirement for 262 pitches, a reduction of 18% compared with the needs-based position. It is considered that only through this more substantive move can progress be made towards the smoothing of the distribution of pitches across the region. This will serve to curtail the perpetuation of historic patterns of provision, thereby widening both choice for the Gypsy and Traveller communities and responsibility between local authorities, whilst still taking account of environmental constraints.

1.3.23 On this basis, it is recommended that Members continue to support an approach which affords greater regional redistribution in line with the previous consultation Option C.

1.3.24 The outcome of the Preferred Option and Option C for future pitch provision in the borough is set out below.

| Maidstone Borough | Preferred Option D | Option C |
|--|--------------------|----------|
| RSS requirement | 35 | 31 |
| (less permanent consents in 2006/7, 07/08, 08/09) | (20) | (20) |
| Balance (09/10 to 15/16) Travelling Showpeople | 15 | 11 |

Travelling Showpeople Pitch Requirements

1.3.25 The SEEPB's Preferred Option takes the same approach to the regional redistribution of future provision for Travelling Showpeople as for Gypsies and Travellers but takes Option A (needs) as the starting point in the absence of an Option B distribution. In contrast to Gypsies and Travellers, a redistributive approach increases the requirement for pitches in Kent and Medway as existing provision is low compared with other parts of the South East.

1.3.26 At the previous consultation stage, the council considered that the nature of Travelling Showpeople provision differed significantly from that for Gypsies and Travellers. Generally larger, mixed use sites for residential occupation, storage and repair are required, where a number of families/groups who travel together can be located. As such, the allocation of a very small number of pitches to individual authorities does not correlate with the pattern and nature of sites that are required. There is a risk that allocated pitches would not be taken up. Members previously resolved that a

needs-based approach (Option A) is the most appropriate for Travelling Showpeople.

- 1.3.27 At the Joint Members meeting a majority of Members agreed that there was insufficient evidence to support the Preferred Option D proposed in the SEEPB submission. This was based on the view that there was a lack of robust research on demand and its location across the South East and a lack of verification of the figures produced.
- 1.3.28 In response, the findings of the 2007 Travelling Showpeople Accommodation Assessment (TSAA) for the nine North and West Kent authorities including Maidstone need to be treated with some caution in view of the small sample size that was achieved. However, in Maidstone's case interviews were achieved with Travelling Showpeople residing in the borough as part of the study and, on this basis its findings that there is no additional need for pitches can have some, if only limited, bearing.
- 1.3.29 The Preferred Option (and the other redistributive Option C previously consulted upon) also redistributes the pitch requirements of 42 households whose needs were not counted in any of the Accommodation Assessments undertaken in the region. The rationale for this is unclear and it further exacerbates the highly dispersed pattern of pitch provision that would result across the county.
- 1.3.30 On balance, and recognising the limitations of the evidence base, it is recommended that the council continues to support a needs-based approach to the provision of Travelling Showpeople pitches as set out in the previous consultation Option A.

Transit Site Provision

- 1.3.31 Proposed Policy H7 devolves responsibility to local authorities to make appropriate provision in Local Development Documents for transit sites and temporary stopping purposes. The supporting text states that the regional level evidence is inadequate to provide transit allocations to individual authorities. Councils are urged to work on a county-wide basis to assess locally available data on transit need.
- 1.3.32 SEEPB has recently commissioned a regional level study to identify patterns of movement in and through the region and to provide an indication of the scale, type and broad location of need or demand for transit provision. The study will help inform the work at the district and county levels and will also inform the Examination in

Public if the Panel wishes to consider transit provision in more detail.

- 1.3.33 Unlike other parts of the region, Kent has previously been able to provide SEERA/SEEPB with advice on the need for transit sites in the county, informed by series data on the incidence of unauthorised encampments (UE). This data revealed a need for a transit site or stopping place in seven authority areas: Tonbridge & Malling, Sevenoaks, Dartford, Gravesham, Swale, Canterbury and Dover.
- 1.3.34 An updated review of UE data for the Joint Members meeting revealed marked reductions in the number of UE 'caravan days'. The view at county level is that the raw demand for transit provision has reduced.
- 1.3.35 At the Joint Members meeting, the majority of Members supported the recommendations put forward by KCC officers as follows:
- a) Updated advice should be submitted to SEEPB based on the latest data and indications of demand;
 - b) KCC should clarify the actual number of pitches required in the identified authority areas;
 - c) Before the updated advice is submitted, further consideration should be given to whether the needs identified reflect needs for transit accommodation, temporary stopping places or permanent accommodation.;
 - d) The RSS proposal for joint working at the county level with respect to transit needs be supported;
 - e) Other South East authorities that have indicated that they cannot assess transit needs should be required to do so. Kent authorities should not be meeting the transit site needs that other authorities are failing to address;
 - f) There should be close collaboration on the regional level study with authorities within and outside the county.
- 1.3.36 The way forward set out in a), b), c) and f) is supported and it is proposed that this be achieved by continuing joint working with KCC officers who have specific responsibility for UE monitoring and expertise in the issues associated with transit site provision.
- 1.3.37 In accordance with d) above, it is recommended that through the current consultation the council confirms its support for the

devolved approach to transit site provision set out in Policy H7 as the most pragmatic way forward, acknowledging that data continues to show there is no requirement for such provision in the borough. Also, in line with e) above, all advice areas in the region should be required to collect the relevant data on transit site needs and to act to address the identified requirement.

Next Steps

- 1.3.38 Authority is also sought to delegate responsibility for the preparation of evidence for the Examination in Public to the Assistant Director of Development and Community Strategy, working in partnership with other Kent authorities as appropriate. The EiP will be held in February 2010 after which the Examination Panel will make recommendations to Government on any changes it proposes should be made to the submitted proposals. A further government consultation will follow on any proposed modifications. The final government report is expected in late 2010.
- 1.3.39 The Council's Gypsy and Traveller Sites Allocation Development Plan Document (DPD) is progressing at the same time as the Partial Review. The work on the DPD to date will be the subject of a report to the next LDDAG meeting in September. The DPD will be submitted in October 2010, potentially before the Partial Review process is complete, although the Borough's pitch allocation should have been confirmed prior to the DPD Examination itself. Evidence being gathered for the DPD may also be used in developing the council's case for the Partial Review.
- 1.4 Alternative Action and why not Recommended
 - 1.4.1 Members could choose not to respond to this consultation, but by not doing so, the council would miss the opportunity to state its position and to influence the issues that may be considered at the EiP.
- 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.
- 1.6 Risk Management
 - 1.6.1 There are no substantive risks associated with responding to this consultation.

1.7 Other Implications [Insert an 'X' in the boxes below to indicate if the recommendations will have any implications in the specified area]

1.7.1

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

1.7.2 Staffing: There are no immediate staffing implications arising from this report. Staff resources may be required to present the council's case at the EiP in February 2010 but resources can be accommodated within the existing staff structure.

1.7.3 Environmental/Sustainable Development: Such considerations are important in determining how the requirement for pitches is distributed.

1.8 Background Documents

Partial review of the RSS for the South East: Provision for Gypsies, Travellers and Travelling Showpeople:

<http://www.gose.gov.uk/gose/planning/regionalPlanning/824411/?a=42496>

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? August 2009

Is this an Urgent Key Decision? Yes No