

MAIDSTONE BOROUGH COUNCIL

CABINET

14TH MARCH 2012

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Sarah Anderton

1. CORE STRATEGY: TARGETS FOR GYPSY & TRAVELLER PITCHES AND TRAVELLING SHOWPEOPLE PLOTS

1.1 Issue for Decision

1.1.1 To consider and agree the numerical targets for Gypsy and Traveller pitches and Travelling Showpeople plots for inclusion in the Publication version of the Core Strategy (Regulation 27 consultation). This quantification of traveller need is critical as it will frame the number of pitches that the Council will have to identify on sites in the Development Delivery Development Plan Document timetabled for adoption in March 2015.

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

1.2.1 That the following figures be agreed as the target for Gypsy and Traveller pitches for inclusion in the Publication version of the Core Strategy (Regulation 27 consultation).

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
Gypsy Pitch requirement	105	25	27	157

1.2.2 That the following figures be agreed as the target for Travelling Showpeople plots for inclusion in the Publication version of the Core Strategy (Regulation 27 consultation).

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
TS plot requirement	7	1	1	9

1.2.3 That the response to the Scrutiny Committee Recommended Action and Implementation Plan (SCRAIP), attached at Appendix 1, following the Local Development Document Task and Finish Scrutiny Panel meeting of 21 February 2012 be agreed.

1.3 Reasons for Recommendation

Background

1.3.1 Current national guidance on planning for travelling communities is set out in Circular 1 of 2006 'Planning for Gypsy and Traveller sites' and Circular 4 of 2007 'Planning for Travelling Showpeople'. This directs authorities to undertake Gypsy and Traveller Accommodation Assessments (GTAAs) to understand the need for additional traveller accommodation in their areas. At the time the guidance was issued, a regional planning structure was in place whereby the target number of pitches and plots an individual authority had to provide was set at the regional level, informed by the evidence in the GTAAs. With the abolition of the Regional Spatial Strategies, this is no longer the case. The incomplete South East Plan Partial Review would have seen some of the pitch requirement generated in high providing boroughs, such as Maidstone, redistributed across the region.

1.3.2 In June 2010 the Government announced its intention to prepare new 'light touch' guidance covering this issue. The draft Planning Policy Statement 'Planning for Traveller Sites' (PPS) was published for consultation in April 2011. Particular features of the Government's proposed approach include that local authorities are best placed to make their own assessment of needs and to set their own pitch/plot targets and that this should be based on an up to date understanding of permanent and transit accommodation needs to inform Development Plan preparation. Pitch and plot targets should be set in the light of historic demand.

1.3.3 The statutory definition of Gypsies and Travellers (including Travelling Showpeople) in the Housing Act 2004 for Gypsy & Traveller Accommodation Assessment is;

- (a) *Persons with a cultural tradition of nomadism or of living in a caravan; and*
- (b) *All other persons of nomadic habit of life, whatever their race or origin, including:*
 - (i) *Such persons who, on the grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and*

- (ii) *Members of an organised group of travelling showpeople or circus people (whether or not travelling together as such)*

1.3.4 There is a distinct and separate definition of Gypsies and Travellers (excluding Travelling Showpeople) for planning purposes in Circular 1 of 2006. This is as follows;

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

1.3.5 This 'planning' definition of Gypsies and Travellers has been carried forward into the draft PPS. It is more limited than the Housing Act definition as it includes only those who either have a nomadic lifestyle or those who are no longer travelling for the specific reasons of their, or their dependants', old age, health or education.

1.3.6 This 'planning' definition is relevant for determining specifically how many pitchs are needed into the future, a pitch being the area of land and number of caravans needed to accommodate a single household (akin to a conventional house). The consultation document accompanying the draft PPS states that the definition 'is not based on ethnicity or cultural tradition as many ethnic Gypsies and Travellers will not have an individual history of nomadism, and hence will have no associated land use requirements for a site.' (paragraph 3.8, emphasis added).

1.3.7 Locally, the picture has been of continuing growth in Gypsy pitch numbers. The Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2005 for Maidstone, Ashford, Tonbridge & Malling and Tunbridge Wells borough councils by David Coultie Associates (DCA) revealed a total need for 47 additional pitches in Maidstone borough for the 5 year period April 2006 to March 2011. During this period, permanent planning consent was granted for some 52 mobile homes (either by the Council or at appeal) thus the numerical need was met through the granting of planning consents.

1.3.8 Going forward, the Core Strategy must include targets for the number of Gypsy pitches, and Travelling Showpeople plots, to be provided in the borough. On 9th February 2011 Cabinet agreed a target of 71 pitches for the 10 year period 2006 to 2016 for inclusion in the draft Core Strategy (Regulation 25 version). This target was derived by rolling forward the DCA GTAA findings, using the best information available at the time, to cover the second 5 year period to 2016. At

the same meeting Cabinet agreed not to set a target for Travelling Showpeople plots based on the consideration of the available evidence in the 2007 Travelling Showpeople Accommodation Assessment which had been undertaken for 9 Kent authorities including Maidstone.

1.3.9 Since these decisions:

- The draft PPS has been published (above) which directs authorities to set their own targets based on robust evidence in the light of historic demand;
- There has been recognition that the Core Strategy target should extend to the end of the Core Strategy period (2026). In view of the length of time since the DCA GTAA was undertaken, it would not be credible to simply roll forward the findings of that study a further 10 years to 2026;
- Appeal decisions: Some appeal decisions have challenged the findings of the DCA GTAA in particular the limited account it takes of the accommodation needs of Gypsies and Travellers in bricks and mortar housing. Appeal inspectors have instead placed weight on Caravan Count data as a measure of the scale of unmet need in the borough. In a significant number of cases, appeal inspectors have acknowledged harm to the countryside but have granted temporary consent because of the overall need for Gypsy pitches and because sites have not yet been allocated in a Development Plan Document.

1.3.10 The draft Core Strategy was published for public consultation (Regulation 25) in September/October. Policy CS12 of the draft Core Strategy covers Gypsy and Traveller matters and prompted a range of consultation responses. The text of the draft Core Strategy acknowledged that the proposed target of 71 pitches (2006 to 2016) would be reviewed in the light of a new Gypsy and Traveller Accommodation Assessment. Other detailed comments were made about the specific criteria of the policy and these will be reviewed and reported back to Members ahead of revised Core strategy being prepared for the next stage of consultation (Regulation 27) in the summer.

Gypsy, Traveller & Travelling Showpeople Accommodation Assessment: Maidstone (GTTSAA)

1.3.11 Salford University Housing & Urban Studies Unit has been commissioned to undertake a new assessment to measure the need for Gypsy pitches and Travelling Showpeople plots to 2026. The research team has a range of relevant experience at both the regional and national level and has undertaken some 17 such studies in the past. As part of the same procurement process Sevenoaks District

Council appointed the Salford team to undertake an assessment using the same methodological approach.

1.3.12 The assessment has been undertaken with full regard to Government's emerging approach to planning for travellers set out in the draft PPS. It was undertaken by means of firstly, a review of existing data such as the bi-annual caravan count and secondly face-to-face interviews members of the travelling community between September and November 2011. The table below shows the response rate for the various types of site.

1.3.13 Table 1: Survey response rates

Type of site	% households interviewed (number)	% sites where interviews achieved (number)
Public Gypsy & Traveller sites (2)	48% (16)	100% (2)
Private authorised Gypsy & Traveller sites (permanent)	37% (50)	54% (35)
Private authorised Gypsy & Traveller sites (temporary)	23%(10)	41% (7)
Unauthorised Gypsy & Traveller sites	29%(15)	49% (14)
Authorised Travelling Showpeople sites	0%(0)	0% (0)
Unauthorised Travelling Showpeople sites	43%(3)	100%(1)

1.3.14 In addition, Gypsies and Travellers living in bricks & mortar housing in the borough were interviewed. As in previous assessments across the country, the number of Gypsies and Travellers in bricks and mortar housing proved difficult to establish. Local knowledge of households was used as the best source of information to achieve interviews with 21 households. The study uses the pragmatic working assumption that 50% of the housed Gypsy population were interviewed based on the best and only information available at the time of the assessment.

1.3.15 In total some 115 interviews were completed across the range of accommodation types which equates to 37% of the estimated resident travelling community. The study authors confirm that 'the sample included a range of accommodation types and household circumstances and there is no reason to consider that those households are included in the survey are untypical from the total population of the area. Overall it is considered that the findings for the assessment are based on reliable information from accommodation types within the Study area'.

1.3.16 The primary purpose of the assessment is to measure the need for accommodation. The following factors were measured to determine the scale of accommodation need arising from the travelling community in the borough:

- Having no authorised accommodation;
- Having no authorised accommodation at a point in the future because of the expiry of a temporary planning consent;
- Concealed households e.g. adult children living with parents
- Overcrowded or unsuitable accommodation;
- Movement between sites and housing over the assessment period;
- New household formation i.e. household growth over time.

1.3.17 The study then further refines the need assessment to confirm how many of these households have a need for site-based accommodation (i.e. pitches) under the terms of the 'planning' definition. To do this the accommodation need arising from households on unauthorised sites and temporary sites was further analysed to take account of the responses where the stated reasons for not travelling were other than age, health or education i.e. where the responses did not meet the terms of the planning definition. Legal advice confirmed that it was entirely reasonable to use this 'planning' definition to determine the overall scale of pitch need to inform future planning documents and planning decisions.

1.3.18 A further allowance has been made for the circumstances where two individuals from separate households set up home together e.g. by marriage. A potential need for two pitches (one for each person) is actually met on a single pitch. A factor of 1:0.75 has accordingly been applied to the rate of new household formation to take account of this trend. This approach was supported in the incomplete Inspectors Report for the South East Plan Partial Review.

Core Strategy Target

1.3.19 The base date for the study is 1st October 2011. Taking account of the factors set out in paragraphs 1.3.16 to 1.3.18 above, the study concludes the following need for pitches over the remaining Core Strategy period:

Table 2: Gypsy & Traveller Pitch requirement (using the planning definition)

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
Pitch requirement	105	25	27	157

1.3.20 The main drivers of need for the first 5 year period arises from existing unauthorised sites and from sites with temporary consents which will expire. For the 2016-21 and 2021-26 periods, the sole generator of need is household growth.

1.3.21 The study provides an up to date empirical assessment of the local need for pitches which takes full account of the factors that contribute to need. As an evidence-based assessment of local need, the study is substantially more refined and comprehensive than a simple trend-based projection of need based on the historic pattern of provision in the borough. To this extent it is considered to constitute 'a robust assessment' as required by the draft PPS. It is recommended that the figures in the table above are included in the Core Strategy as the pitch targets for the three 5 year periods between 2011 and 2026.

1.3.22 This need for pitches will be met through the sources a) to d) below;

Table 3: sources of pitch supply

Sources of Pitch Supply	Commentary
a Permanent permissions granted from 1st October 2011 onwards (including on future allocated sites)	<u>15 pitches have been granted permanent consent between 1st October 2011 and 31st January 2012.</u>
b New public pitches	<u>15 Homes & Communities Agency funded public pitches will be delivered by March 2015.</u>
c Genuine pitch turnover on public sites	This will be monitored. Turnover has historically been very low.
d Permanent private sites becoming vacant	This will be monitored. Historically this has been minimal.

1.3.23 15 pitches will be delivered on a new public site (or sites) by March 2015. The successful bid from Town & Country Housing Group and the Council has secured £1.3million funding from the Homes & Communities Agency for this purpose. This is a significant step in addressing the specific need for affordable pitches and in boosting the supply of pitches overall. Upon completion, these 15 pitches will contribute to the proposed target.

1.3.24 It is of note that **43** pitches currently have temporary consent (at 31st January) some of which have been granted at appeal. Any of these subsequently granted a permanent consent would contribute to the supply of pitches and thereby contribute to the proposed target.

Travelling Showpeople

1.3.25 In contrast to Gypsies and Travellers, there are relatively few known Travelling Showpeople living in the borough. Four yards were identified. Three are authorised (estimated 5 plots in total) and one is a long established unauthorised yard (7 plots). Despite best efforts, interviews could only be achieved on the unauthorised site.

1.3.26 The study concludes the following need for Travelling Showpeople plots over the remaining Core Strategy period. The existing unauthorised site is the sole generator of the need for the first period. Thereafter the need for additional plots in 2016-21 and 21-26 arises due to household growth. For the same reasons as for the pitch assessment, it is recommended that the figures in the table below are included in the Core Strategy as the pitch targets for the 5 year periods between 2011 and 2026.

Table 4 – Travelling Showpeople Plot Requirement

	Oct 2011 – March 2016	April 2016 – March 2021	April 2021 – March 2026	Oct 2011 – March 2026
TS plot requirement	7	1	1	9

Transit Sites

1.3.27 Transit sites are sites intended for short stays and are used by Gypsies whilst they are travelling. The study assessed whether there was an identifiable need for such sites in the borough. The findings were that transit need appears to be met informally on private sites by allowing visitors (extended family members) onto their sites for short periods whilst visiting. There is therefore little or no evidence of need for transit sites in the borough and the study concludes that transit provision is planned at a county level. It is recommended that no specific target for transit sites be included in the Core Strategy.

Members' Workshop

1.3.28 The findings of the GTTSSA were presented to Members at an informal session on 2nd February. There was widespread agreement amongst the attendees that the provision of Gypsy accommodation, and the proper planning of that provision, is a particular issue in the

borough. There was general recognition of the need to base policy on sound evidence and that the study had been undertaken in a thorough manner. Members attending generally agreed with the statement that the accurate measurement of need does not, of itself, represent the policy solution to meet that need. Following on from the confirmation of the target in the Core Strategy, specific allocations for traveller sites will be required in a Development Plan Document.

LDD Task & Finish Scrutiny Panel

1.3.29 The LDD Task & Finish Panel considered this Cabinet report at its meeting on 21st February. The suggested response to the Scrutiny Panel Recommendation Action and Implementation Plan (SCRAIP) is attached at Appendix 1.

Conclusions

1.3.30 The DCA GTAA is now a number of years old and has been the subject of challenge at recent planning appeals. It is not considered to constitute a robust evidence base, as required by the draft PPS, upon which to base the Core Strategy target for Gypsy and Traveller pitches to 2026.

1.3.31 The GTTSAA undertaken by the University of Salford Housing and Urban Studies Unit provides an up to date assessment of local need using the best information available. It is the key piece of evidence upon which to base the Core Strategy target.

1.3.32 Going forward it will be for the Development Delivery Development Plan Document to allocate specific sites for Gypsies and Travellers and for Travelling Showpeople.

1.4 Alternative Action and why not Recommended

1.4.1 Members could decide not to set targets for Gypsy & Traveller pitches and Travelling Showpeople plots in the Core Strategy. In response, the draft planning guidance in 'Planning for Traveller Sites' sets out the clear expectation that local authorities will set their own targets based on evidence. To not set a target in this manner could result in an unplanned approach to meeting this housing requirement and 'planning by appeal'. There is a risk that the Core Strategy would be found unsound if it did not include targets to address these specific housing needs.

1.5 Impact on Corporate Objectives

1.5.1 Addressing the need for traveller accommodation contributes to the Strategic Plan objective of helping to make Maidstone a decent place to live.

1.6 Risk Management

1.6.1 There is some risk that the Government’s approach set out in the draft national planning guidance ‘Planning for Traveller sites’ will differ when the finalised guidance is published in the National Planning Policy Framework (NPPF). In response, the direction that local authorities are best placed to decide how to assess need for pitches and plots and to set their own targets has been a consistent theme in the Government’s statements since June 2010. In addition, the Government has announced its intention to publish the NPPF before the end of March 2012. If this necessitated a review of approach, this could be done ahead of the full Core Strategy (Regulation 27 version) being brought to Cabinet in June 2012.

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 the proposed targets for Gypsy and Traveller pitches and Travelling Showpeople plots will have implications for the accommodation choices of these groups when the specified number of pitches/plots have been provided. The Council’s approach will be publicly tested and open to challenge through the

Core Strategy Examination which should serve to mitigate the risk of future legal, including Human Rights, challenge.

1.8 Relevant Documents

Gypsy and Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) prepared by Salford Housing & Urban Studies Unit, University of Salford

1.8.1 Appendices None

1.8.2 Background Documents None

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did it first appear in the Forward Plan?			
.....January 2012.....			
This is a Key Decision because:It affects more than one ward or parish.....			
.....			
Wards/Parishes affected:All			
.....			