

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 17 JULY 2014
EXECUTIVE – 5 AUGUST 2014

REPORT BY EXECUTIVE MEMBER FOR STRATEGIC PLANNING
AND TRANSPORT

EAST HERTS GYPSIES AND TRAVELLERS AND TRAVELLING
SHOWPEOPLE ACCOMMODATION NEEDS ASSESSMENT, APRIL
2014

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents the findings of the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, March 2014, which makes recommendations on the amount of provision necessary for both Gypsies and Travellers and Travelling Showpeople for the period to 2031.

RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE
PANEL AND EXECUTIVE: That:

(A)	The East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, be supported as part of the evidence base to inform and support the East Herts District Plan; and
(B)	The East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, be supported to inform Development Management decisions.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	The East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April 2014, be agreed as part of the evidence base to inform and support the East Herts District Plan; and
(B)	The East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, April

1.0 Background

- 1.1 Local authorities have a legal responsibility to plan for the accommodation needs of the Gypsy and Traveller community. The Housing Act 2004 (Section 225) requires local authorities to consider Gypsy and Traveller sites as part of their Accommodation Assessments and to prepare strategies to meet those needs. In March 2012 the Government, in tandem with the publication of the National Planning Policy Framework, issued its 'Planning policy for traveller sites' document, which sets the overarching policy context for the provision of traveller accommodation (to include both Gypsies and Travellers and Travelling Showpeople).
- 1.2 The guidance requires local planning authorities to “make their own assessment of need for the purposes of planning” (paragraph 4) and that “local planning authorities should [*inter alia*], in producing their Local Plan “identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets” and “identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15”. Thus, an onus is placed on the Council to demonstrate that it can meet the identified accommodation needs of Gypsies and Travellers and Travelling Showpeople in the same way that it has a duty to meet general housing needs.
- 1.3 This report therefore details the Council’s approach to establishing a robust evidence base in respect of the identification of accommodation needs of Gypsies and Travellers and Travelling Showpeople, as a precursor to determining where any such provision might be met through the provisions of District Plan policy HOU7. For information in reading the report, it should be noted that accommodation for Gypsies and Travellers is expressed in the form of ‘pitches’ and for Travelling Showpeople is expressed in the form of ‘plots’. ‘Sites’ contain a number of pitches or plots, which for Travelling Showpeople can also be known as ‘yards’.

2.0 Report

- 2.1 To set the context for the current study, it should be noted that this is the second assessment of accommodation needs for Gypsies and Travellers to be undertaken for the district, although it is the first to take Travelling Showpeople's needs into account.
- 2.2 The former study was carried out in accordance with the (then in force) ODPM Circular 01/2006. At that time, the Council embarked on a partnership approach jointly with Broxbourne Borough, North Hertfordshire District, Stevenage Borough, Welwyn Hatfield Borough and Hertfordshire County Councils, and employed consultants, ORS, to carry out a Gypsy and Traveller Accommodation Assessment (GTAA) for the total study area.
- 2.3 The Northern and Eastern Hertfordshire GTAA was subsequently published in June 2006 and identified a need for 45 pitches (35 permanent, 10 transit) to be provided in the overall study area by 2011. The Accommodation Assessment further advised that continuing provision for around 15-20 additional pitches over the five authority area will need to be made every 5 years due to household formation expected over the next 25 years. However, the headline figures covering the entire study area did not distinguish the level of individual need for the five separate local authority areas. This GTAA, along with others covering the rest of the East of England area, was submitted to the East of England Regional Assembly (EERA) to inform the preparation of a Single Issue Review (SIR) Policy intended to meet the outstanding and future needs of Gypsies and Travellers in the region.
- 2.4 The process leading to final adoption of the Regional Spatial Strategy (RSS) Single Issue Review (SIR) was a lengthy one with the emerging Policy taking differing approaches in terms of the distribution of overall pitches required to meet identified Gypsy and Traveller accommodation needs within the region as its development progressed. Benchmarking of the GTAAs disaggregated the overall figure and confirmed that East Herts' proportion of the overall need identified in the Northern and Eastern Hertfordshire GTAA represented 5 pitches to 2011.
- 2.5 East Herts Council made representation at each consultation stage of the RSS SIR and appeared at the Examination in Public (EiP) to reiterate its position that need should be met where it was locally arising. However, this view was not supported by the then

Secretary of State and the final version of the policy was based on the principle of spreading provision over a wider area than that within which it occurred and that each authority should provide at least 15 pitches, unless special local circumstances restricting provision applied.

- 2.6 The final version of RSS Policy H3, published July 2009, confirmed that at least 1,237 net additional pitches would need to be provided in the region by 2011, with a 3% compound annual increase in that figure to 2021. As part of the redistribution strategy, Policy H3 required East Herts specifically to make provision for at least an additional 25 permanent Gypsy and Traveller pitches within the district by 2011, which related to some 20 pitches over the benchmarked actual need figure for the district (with a further 21 additional pitches to be provided for the period 2011-2021). The figure to 2011 equated to 15 pitches, as part of the overall distribution principle, plus 10 additional pitches that were reallocated from Stevenage and Epping Forest (five pitches each).
- 2.7 Therefore, to summarise, the Policy H3 requirement of the RSS was not a true representation of the recognised identified need in the district, but reflected the aspirations of the former Government to support the policy of the now defunct East of England Regional Assembly to redistribute pitches, from certain local authority areas with high identified demand, to other districts across the region, where there was less locally arising need.
- 2.8 However, it should be noted that, in respect of delivery of pitches in the district for the period from 2006 (the start date of which Policy H3 applied), from a base position of 7 authorised Gypsy and Traveller pitches, permission has since been granted for an additional 15 permanent pitches, bringing total authorised provision to 22 pitches. While the Policy H3 targets for the period to 2011 were not fully met, it should be noted that this represents an increase in provision of over 200% on the 2006 position. All of the new pitches granted permission have been on the three existing authorised sites in the district, which are situated at Bayford (7 new pitches), High Cross (6 new pitches), and Levens Green (2 new pitches).
- 2.9 For Travelling Showpeople, Policy H4 was introduced into the RSS following the EiP. However, the provisions of this policy were not based on any clearly defined methodology, but rather on a submission at the EiP of an estimation of numbers required by a representative of the Showmen's Guild following approaches to

residents of existing sites in the region. Thus, as there was no opportunity for the robustness of this late submission to be scrutinised or in any way benchmarked, the requirement for 20 plots to be provided in the joint Broxbourne/East Herts area can be considered as an arbitrary figure. There has been no provision of additional plots for Travelling Showpeople in the district since the enactment of Policy H4.

- 2.10 Since the revocation of Regional Spatial Strategies, Policies H3 and H4 have now ceased to be of effect. However, the provisions of the 2004 Housing Act remain in place in relation to meeting identified need, and these have since been supplemented by the requirements of the current Government's guidance 'Planning policy for traveller sites', March 2012 (PPTS).
- 2.11 This document confirms that it is necessary for local planning authorities to "prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan working collaboratively with neighbouring local planning authorities" and "use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions" (paragraph 6). Additionally, the new policy framework now requires the accommodation needs of Travelling Showpeople to be assessed in addition to those of Gypsies and Travellers. The provisions of PPTS mean that it is most important that a robust evidence base should underpin any allocations through Local Plan policies.
- 2.12 Opinion Research Services (ORS), the same company which completed the 2006 joint study, were appointed by the Council at the end of 2013 to carry out the latest research and ensure that an accurate and up to date position regarding the accommodation needs of the traveller communities in East Herts could be demonstrated. This company has extensive experience of work in this field and the methodology used has been widely applied in studies undertaken for numerous authorities across the country.
- 2.13 It is important to note that this commission relates solely to establishing a robust evidence base in relation to the locally arising accommodation needs of Gypsies and Travellers and Travelling Showpeople. It does not encompass any site scoping related work regarding potential locations where any identified need for provision might be met. That work is the subject of a separately commissioned 'East Herts Gypsies and Travellers and

Travelling Showpeople Identification of Potential Sites Study', which is currently being undertaken by another firm of consultants, Peter Brett Associates, and will be reported to the District Planning Executive Panel at a future meeting later this year.

2.14 In order to reduce the potential for confusion between the earlier ORS study (GTAA), which was completed in 2006 under the old C01/06 policy guidance and had its scope limited solely to the needs of Gypsies and Travellers, the new study is titled the East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment (ANA).

2.15 A full copy of the ANA is attached to this report at **Essential Reference Paper 'B'**. At the Panel meeting Members will have the benefit of the key findings of the study being explained to them by way of a presentation by the consultants. This will then be followed by an opportunity for Members to field questions.

Key Findings

2.16 Prior to discussing the findings of the study, it is important to note that in terms of the methodology employed, while the report focusses mainly on the accommodation needs of Gypsies and Travellers and Travelling Showpeople who reside in East Herts, due attention has also been paid to the Government's requirements around the Duty to Co-operate.

2.17 Opportunities to take part in the study via interviews or written response were not confined solely to Gypsies and Travellers and Travelling Showpeople, representatives of local county, district and town/parish councils and stakeholders in the East Herts area, but were also extended to neighbouring authorities and national representative groups too. Such input from parties outside the district has been reflected in the findings of the study and has informed the recommendations made in the ANA in respect of future provision in the district.

2.18 The table below (taken from Figure 9 of the ANA) illustrates the main findings of the study in relation to the requirement for extra pitch provision across the Plan period for Gypsies and Travellers:

Extra Pitch Provision in East Hertfordshire in 5 Year Periods

	2013-2018	2018-2023	2023-2028	2029-2031	Total
Total	7	1	2	2	12

- 2.19 In relation to the authorised sites detailed at paragraph 2.8 above, the ANA has assessed the current and future needs of the site occupants and has concluded that, due to the level of additional pitches for which permission has been granted in the recent past, there is a nil net requirement for these sites in meeting the current needs of those households.
- 2.20 However, in addition to these authorised sites, it should be noted that there are currently two unauthorised Gypsy and Traveller sites in the district at Sawbridgeworth and Throcking, (both of which have been dismissed at appeal by the Secretary of State) whose accommodation needs, both current and future, also need to be taken into account. A total of six additional pitches would be required to satisfy immediate need of those households in the first five years, with an additional pitch to meet the needs of concealed and emerging households and those in bricks and mortar accommodation. A further five pitches would be required across the remaining Plan period, which has been split into the separate time period delivery sections detailed in the table.
- 2.21 For Travelling Showpeople, the table below (taken from Figure 11 of the ANA) illustrates the findings of the study in relation to the requirement for extra plot provision across the Plan period:

Extra Plot Provision in East Hertfordshire in 5 Year Periods

	2013-2018	2018-2023	2023-2028	2029-2031	Total
Total	1	1	2	1	5

- 2.22 The overall need for Travelling Showpeople is shown as equating to an additional five plots across the Plan period, all resulting from new household formation.

Next Steps

- 2.23 It is crucial that it can be demonstrated that the accommodation needs of Gypsies and Travellers and Travelling Showpeople across the Plan period are capable of being met within the provisions of the emerging District Plan (draft Policy HOU7). Failure to make proper provision for Gypsies and Travellers and Travelling Showpeople’s accommodation needs could render the whole Plan subject to being found unsound at Examination, as has been experienced by various councils elsewhere in the country.

- 2.24 Members are therefore requested to support the ANA, both to inform and support the East Herts District Plan, and to inform Development Management decisions.
- 2.25 To follow on from this ANA, site scoping work is required to be undertaken to determine which locations could potentially be selected, either as allocations or within the broad locations, to meet the need identified in the ANA across the Plan period within the provisions of emerging Policy HOU7 in the District Plan. This element of the evidence base is currently being carried out and will be addressed in the forthcoming 'East Herts Gypsies and Travellers and Travelling Showpeople Identification of Potential Sites Study', which will be reported to Members in due course.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- East Herts Gypsies and Travellers and Travelling Showpeople Accommodation Needs Assessment, ORS, March 2014;
- Planning policy for traveller sites, CLG, March 2012.

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