

SOUTH HOLLAND DISTRICT COUNCIL

REPORT TO: CABINET – 9 MAY 2006

BY: HEAD OF PLANNING AND DEVELOPMENT

SUBJECT: Addressing the Needs of Gypsies and Travellers in South Holland

PURPOSE: To receive the Traveller Needs Assessment and agree the work programme for addressing Gypsies' and Travellers' needs

It is anticipated that this report will result in the Cabinet making a non-key decision. The decision will be subject to call-in.

1.0 INTRODUCTION

1.1 This report:

- sets out the planning policy context relating to Gypsies and Travellers on a national, regional and local level
- reports on the findings of the Travellers Need Assessment (TNA)
- examines the way forward regarding the number of pitches needed and the selection of possible sites
- examines the way forward regarding enforcement.

1.2 In this report and the TNA, a single 'pitch' refers to a household space for a Gypsy Traveller family on a site, which may typically accommodate two caravans.

2.0 NATIONAL POLICY

2.1 The Government has recently produced Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites. Its main intentions are

- to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, services and facilities and where there is mutual respect and consideration between all communities;
- to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause;
- to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission
- to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- to underline the importance of assessing needs at regional and sub-regional level
- to identify and make provision for the resultant land and accommodation requirements;
- to ensure that Development Plan Documents include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- to promote more private gypsy and traveller site provision in appropriate locations through the planning system,
- to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.

2.2 Circular 1/06 also indicates that in rural areas, securing adequate land with planning permissions may be difficult for Gypsies and Travellers. Under these circumstances, local authorities are allowed to operate a rural exception site policy. This will allow, under

exceptional circumstances, the allocation of planning for Gypsy and Traveller sites where planning for settled housing would not normally be granted.

- 2.3 Capital funding for Gypsy and Traveller sites may be available from the ODPM under certain circumstances, but the arrangements for 2007/08 are not yet clear and funding is not available for privately-run sites.

3.0 REGIONAL POLICY

- 3.1 As members will know, the East Midlands Regional Assembly (EMRA) is preparing a new Regional Spatial Strategy (or Regional Plan). An Officers' seminar was held on 29 March relating to the number of pitches for Travellers which may be allocated to Districts.

- 3.2 The timescale for the Regional Plan is given below, with the approval dates shown relating to the Regional Planning Board. The indicative figure for South Holland, based on averages from the ODPM caravan count was ten caravans, which would be around seven pitches. It is not clear what time period these figures would be for, although there is a suggestion that these should be provided towards the start of the time period. It is also not clear if the figures are minima or maxima or whether developments will be windfalls or allocations. However, it is likely that the detailed implementation will be left to local discretion through the Local Development Framework (LDF) process. EMRA propose the following steps:

May 2006	Approval of initial housing, planning and transport framework text
July 2006	Approval of revised text including sub-regional elements
September 2006	Approval of consultation version of text

- 3.3 Cabinet is asked to receive the TNA and authorise its submission to EMRA so they can use it to inform the next draft of the Regional Plan.

4.0 LOCAL PLAN POLICY

- 4.1 The Council's approach to Gypsy and Traveller site provision was considered at the Local Plan Inquiry. The Local Plan text was amended and a new policy introduced as an 'Inquiry Change'. The text refers to the difficulties likely to be encountered in identifying sites, particularly in the open countryside. Such sites inevitably have some impact on the amenity and character of an area.

- 4.2 The Adopted (1998) and First Deposit (2001) Local Plans did not contain a policy relating to the provision of sites for Gypsies and Travellers. We have recently been faced with a number of retrospective planning applications for such accommodation. In order to assess future needs of Gypsies and Travellers we established a Forum to bring Travellers, the local community and other stakeholders together. The use of a Forum, and pro-active engagement with these groups, will help to alleviate any potential conflicts and provide wider understanding of the needs of all affected parties. We also have undertaken the traveller needs assessment which it is hoped will provide a sound base on which to determine and demonstrate how much accommodation is required and the nature of that accommodation.

- 4.3 We made it clear through the Inquiry that we want Gypsy and Traveller groups (or any individual or other body seeking to address Gypsy / Traveller needs) to consult the authority at the earliest opportunity before acquiring land on which they wish to develop, and on which planning permission would be required. The needs of Gypsy and Traveller groups will be taken into account when determining any resultant planning applications and weighted against the other policies of the Plan. Applications for permanent residential Gypsy sites will be determined in accordance with the criteria in the proposed new Policy HS19. Applications for transit sites or temporary stopping places will also be determined in accordance with these criteria but it may be possible for the criteria to be relaxed in such cases to reflect the particular proposals and the non-permanent nature of the accommodation offered. The

policy submitted to the Inspector, following consultation with Gypsy Traveller representatives is given below. This is, of course, subject to confirmation or otherwise by the Inspector.

Policy HS19 – Sites for Gypsies and Travellers

Gypsy/Traveller sites will only be permitted where the following criteria are met:

- 1) *Applicants will have to demonstrate a reasonable need to live in the District.*
- 2) *The site is within reasonable distance of a school, shop and other local services.*
- 3) *The site would not have a significant adverse effect on the amenities of existing local residents or adjoining land uses.*
- 4) *The site is already, or is capable of being, successfully assimilated into both its immediate environs and the wider landscape.*
- 5) *The use of the site would not prejudice highway safety or give rise to problems of parking and highway access.*
- 6) *The site would not adversely affect the setting of any buildings of historic or architectural interest, or harm any sites of archaeological importance, or sites of wildlife or nature conservation value.*
- 7) *The site would have adequate connections to services including drinking water supply, electricity and waste water treatment.*
- 8) *The site would provide a reasonable living environment for occupiers.*
- 9) *Sites should not normally provide for more than ten pitches.*
- 10) *The site would not be at high risk of flooding or rapid inundation and proposals must be accompanied by a flood risk assessment.*

4.4 Where planning permission is granted careful consideration will be given to the landscaping and boundary treatment of the site, to the treatment of hard surfaced areas and to lighting proposals. The development of any ancillary structures or buildings including stables will be strictly controlled.

5.0 TRAVELLERS NEEDS ASSESSMENT

5.1 The TNA (South Holland District Council Gypsy and Traveller Accommodation Assessment) was undertaken by consultants Opinion Research Services (ORS) and is compatible with the Government's Draft Practice Guidance for such surveys. It is based on interviews with 34 Traveller households on various sites in South Holland. It is appended to this report.

5.2 The TNA looked at needs for a five year period, but anticipated that most of the pitches may be required sooner than this to meet the needs of Travellers currently on unauthorised developments in South Holland. It found that there was a need for 15 additional authorised pitches and 10 transit pitches. (These could be in the form of an 'overnight stopping place' with minimal facilities.) The TNA suggested that the permanent pitches be provided privately at a number of locations and that the transit pitches be provided at a public site.

5.3 Officers agree with the conclusions of the Assessment. There is, effectively, a local need equivalent to the number of families and pitches currently on the existing unauthorised sites. However, we cannot condone the action taken to occupy the sites at Gosberton Clough and Cranmore Lane in the first place. The difficulties in pursuing enforcement and the need for us to comply with planning policy have given rise to some frustrations. Ever since the two major Planning Inquiries into the enforcement notices, we have accepted that there was likely to be a need to find alternative sites for the Gypsy Travellers. We regret that we have not had the resources available to move forward more rapidly.

5.4 It is interesting to note that the regional assessment of the likely need in South Holland is of a similar order to that identified through our own assessment.

6.0 TRAVELLERS FORUM

We have arranged to hold a Travellers Forum week commencing 22 May and, subject to

Cabinet agreement, to present the TNA report, our conclusions on the scale and type of provision required and to invite suggestions for alternative sites.

7.0 EXISTING UNAUTHORISED SITES

The period for compliance with the enforcement notice at Broad Drove expired on 9 March 2006 and for Cranmore Lane it will expire on 1 September 2006. It is likely that any prosecution would be successfully challenged by the Travellers if we were not well advanced towards identifying and making available alternative sites. We should be in a position to review this in September and, in the view of officers, any further enforcement action before then is unlikely to be successful. We appreciate that this will be disappointing to local residents affected by the Travellers' sites but believe that we have to be realistic in our assessment.

8.0 FINDING ALTERNATIVE SITES

Development control officers have begun a thorough site search of the District. We will also invite members of the Travellers Forum to suggest possible sites. We could also advertise seeking possible sites. Officers are also speaking to the Chairman of the Policy Development Panel to suggest that a task group is set up to look at the question of alternative site provision in order to involve elected members more closely in the process. We are aiming to come back to Cabinet on 5 September 2006 with a provisional list of sites.

9.0 IMPLICATIONS

9.1 The work identified in this report can be carried out using existing staff resources. The identification of alternative sites is bound to be contentious and specialist support may be needed at that time. Similarly, we should be aware that there may well be legal implications. Residents and Travellers could lodge legal challenges if they are unhappy with the process or the outcome. There are also likely to be financial implications and the acquisition of land may have to be considered.

9.2 We trust that this report addresses the implications associated with Equal Opportunities, Crime & Disorder and Human Rights and complies with the Enforcement Concordat.

10.0 CONCLUSION

10.1 Dealing with Gypsy and Traveller issues in South Holland has been challenging. We believe that the process followed so far, and that proposed, has been fair. The assessments indicate that there is a need to provide more permanent Gypsy Traveller accommodation in South Holland. The level of provision proposed should meet both local need and our contribution to regional need.

11.0 RECOMMENDATION

11.1 Cabinet is recommended:

- i. to receive the South Holland District Council Gypsy and Traveller Accommodation Assessment
- ii. to agree that officers should seek to identify sites for 15 permanent pitches and an 'overnight stopping place' able to accommodate about 10 caravans
- iii. to note what is being done with regard to enforcement in respect of the unauthorised sites and identification of alternative sites, and
- iv. to agree that a copy of the Gypsy and Traveller Accommodation Assessment is passed to EMRA to inform the consideration of provision in the emerging East Midlands Regional Plan.

File Ref:

Appendices: South Holland District Council Gypsy and Traveller Accommodation Assessment

Local Government (Access to Information) Act 1985

Please contact Steve Williams, the Head of Planning and Development, if you want more information about this report or the background papers. You can contact him/her:

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