

<p><i>Luton & South Bedfordshire Joint Committee</i></p> <p><i>29 July 2011</i></p> <p><i>Agenda Item No. 9</i></p>	
AUTHOR	Simon Andrews: Team Leader, Joint Technical Unit
SUBJECT	Core Strategy Gypsy and Traveller policy
PURPOSES	To summarise the position in terms of the need to provide Gypsy and Traveller and Travelling Showpeople accommodation and to suggest a draft policy that can be inserted into the Core Strategy.
RECOMMENDATIONS	1. That the Joint Committee consider and agree the approach to providing Gypsy and Traveller and Travelling Showpeople provision and the draft policy wording attached at Appendix A.
REASON FOR RECOMMENDATIONS	To progress with the examination of the Luton and southern Central Bedfordshire Core Strategy.

1. Introduction

- 1.1 This report addresses an issue raised by the Inspector regarding the core strategy not containing a gypsy and traveller policy. It sets out the specific concern, followed by factors which Committee may wish to consider. It is recommended that a policy should now be included in the strategy. Suggested plan text and policy wording is set out in the final section.

2. The Inspector's Comment and Initial Response

- 2.1 The Inspector stated in his letter of 6 May: "I cannot find any policy for Gypsy, Travellers and Travelling Showpeople in the CS. The RS has

relevant policies and there is submitted evidence (Documents H9 to H11). Have I missed it?"

- 2.2 The notes of the Exploratory Meeting held on the 18 May indicate that the Joint Committee would consider the need for a policy in the Core Strategy.

3. Current Core Strategy Content

- 3.1 Currently, the Core Strategy makes little reference to gypsy and traveller issues. The glossary defines "housing need" as including caravans. There is also an entry in the glossary defining a Gypsy and Traveller DPD. This was a reference to the Luton and South Bedfordshire Local Development Scheme (LDS) of October 2009, which referred to preparation of a Gypsy and Traveller Site Allocations DPD. However, this joint LDS was later superseded and the DPD removed, since responsibility for non-Core Strategy DPDs now rests with the respective Councils rather than the Joint Committee. It will now be for each Council to determine a suitable policy response to this issue for their own area. A possible policy response is provided for in the draft Local Development Schemes for each Council set out elsewhere on this agenda.

4. ODPM Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'

- 4.1 The Government seeks to replace Circular 01/2006. It still remains national policy but by the time of the Examination into the Core Strategy it is likely to have been superseded. Nevertheless since it remains current policy its content is important for the emerging Core Strategy.
- 4.2 Paragraph 31 of the Circular advises that a core strategy should set out criteria for the location of gypsy and traveller sites, which will be used to guide the allocation of sites in the relevant DPD. These criteria will also be used to meet unexpected demand. But criteria must not be used as an alternative to site allocations in a DPD where there is an identified need for pitches.

5. Regional Strategy (RS)

- 5.1 There was a single issue review of the Regional Spatial Strategy dated July 2009, incorporating policies on Gypsy and Traveller and Travelling Showpeople. Policy H3: Provision for Gypsies and Travellers requires provision in Luton for 15 pitches to 2011, and 80 in Central Bedfordshire, with a 3% compound increase in provision after 2011. Policy H3 also makes provision for local authorities to work together to establish a

network of transit pitches, totalling 10 up to 2011 for the sub-region of Bedford, Central Bedfordshire and Luton. Policy H4 addresses Provision for Travelling Showpeople with 13 plots for Bedfordshire/Luton.

6. “Planning for traveller sites” CLG Consultation

- 6.1 The Government’s draft circular states that the current policy for traveller sites does not work, claiming that top-down traveller site targets were imposed on local councils and therefore a new approach is needed. “We will put planning for traveller sites back in the hands of local planning authorities – they are best placed to know the needs of their communities, not unelected regional bodies.”
- 6.2 The main provisions of the circular are:
- To enable local planning authorities to make their own assessments of need;
 - To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
 - That local planning authorities should set pitch and plot targets, identify specific sites for 15 years from the date of adoption, with deliverable sites in the first 5 years;
 - Authorities to consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites.
- 6.3 The draft guidance also states that criteria should be set to guide land supply allocations where there is identified need, but even if there is no identified pitch need, criteria based policies should still be included to provide a basis for decisions in case applications nevertheless come forward. Local authorities are also encouraged to ensure their policies promote peaceful co-existence between the site and local community.

7. Scale of need

- 7.1 The current Core Strategy was largely written at a time when the Regional Strategy was revoked, before its later reinstatement following the legal challenge by CALA Homes. It is based on assessments of local need using the net nil migration approach. If the same approach were to be followed for Gypsy and Traveller provision, the scale of provision would be lower than that set out in the Regional Strategy. While the Regional Strategy remains extant it is likely that it will have been abolished by the time this Core Strategy gets to Examination. This being the case it is recommended that the Core Strategy is based on a local assessment of need, rather than the regional requirement.

- 7.2 The local needs assessment, published in 2006, established a local need for 15 pitches in Luton and 37 pitches¹ in what is now southern Central Bedfordshire for the 5-year period between 2006 and 2011. For the period 2011-16, Central Bedfordshire Council's Executive have previously concluded that a growth rate of 3% per year (as set out in the Regional Strategy) is more representative of the scale of local need rather than the higher annual figure of 6.9% set out in the GTAA. It is therefore recommended that 3% annual growth is used to generate the pitch requirement between 2011 and 2016, based on the total number of pitches at 2011. Clearly, any pitches granted planning permission since 2006 can be deducted from the total required. In southern Central Bedfordshire 32 pitches have been granted permanent planning permission since 2006. Table 1 below summarises the requirement for both areas.

Table 1: Local Pitch Requirements for Luton and southern Central Bedfordshire

	Luton	Southern Central Bedfordshire
Total pitches at 2006	20	79
Pitches needed 2006 – 2011 (from GTAA)	15	37
Total pitches at 2011	35	116
Pitches needed 2011 – 2016 (using 3% compound growth rate above 2011)	6	18
Total pitches at 2016	41	134
Planning Permissions (Granted Since 2006)	0	32
Total requirement by 2016 (minus permissions and existing pitches)	21	23

- 7.3 For Travelling Showpeople, the local needs assessment covered the southern Central Bedfordshire area but not Luton. This assessment produced a figure of 19 pitches 2006-11 across Bedfordshire. However, the assessment's methodology was not supported by the independent Panel of Inspectors examining the draft East of England Plan review on Gypsy and Travellers. The Panel instead recommended a figure of 13 pitches across Bedfordshire, based on work by the Showman's Guild.

¹ The GTAA set out a range of pitch provision between 34 and 40 pitches. Central Bedfordshire Council's Executive concluded in January that provision should be made at the mid-point of this range i.e. 37 pitches.

Using the existing distribution of pitches within the county results in 5 pitches being required in the southern part of Central Bedfordshire. Beyond 2011, growth of 1.5% per year is recommended, which equates to 1.5 pitches for southern Central Bedfordshire 2011-16. Provision beyond 2016 in both Luton and southern Central Bedfordshire should also be based on the 1.5% growth rate but such provision will need to be reviewed in light of future needs assessments. Through permissions granted recently sufficient provision has already been met to accommodate the required need in the southern part of Central Bedfordshire to 2016.

8. Suggested Approach

- 8.1 Both the existing Government circular and the proposed replacement advocate the need for planning policy to set out the scale of need for Gypsy and Traveller and Travelling Showpeople accommodation and a means of delivery. The Regional Strategy, although earmarked for abolition, remains extant and, along with the local needs assessments carried out, paints the picture that additional pitches are required. It is therefore appropriate that this Core Strategy makes a strategic response to this issue, while leaving the more detailed delivery issues to subsequent documents. The draft policy below is therefore recommended for inclusion in the Core Strategy.
- 8.2 The additional policy will need to be consulted on as part of the Proposed Changes to the Core Strategy arising from the Inspector's concerns. This consultation is due to take place from 29 August 2011 for 6 weeks. The draft policy will also need to be subject to Sustainability Appraisal using the same methodology as has been applied to the rest of the Core Strategy.

FINANCIAL IMPLICATIONS

- 7.1 The addition of a new policy on this subject does not have any direct financial consequences but the implementation of it could have, depending on the method of implementation chosen. The process of preparing a Development Plan Document for Gypsy and Traveller provision will have a cost associated with it. However, there is a requirement for the two Councils to make such provision and appropriate provision will need to be made in future years' budgets to cover the costs associated with the planning policy elements of implementation.

LEGAL IMPLICATIONS

- 8.1 A policy as proposed will help to fulfil the Councils' statutory duties in respect of Gypsies and Travellers and Travelling Showpeople.

EQUALITIES IMPLICATIONS

- 9.1 It is important to make provision for the accommodation needs of all sections of the community. This policy helps to make explicit the needs Gypsies and Travellers and Travelling Showpeople and to enable a policy response.

Appendices

Appendix A – Draft Core Strategy policy wording relating to accommodation for Gypsies and Travellers and Travelling Showpeople

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7.10a Making provision for the housing needs of the whole community is an important part of this Core Strategy. Provision for the Gypsy and Traveller and Travelling Showpeople communities is a part of that approach.

7.10b The policy below sets out the scale of provision, the approach to finding suitable sites and the means of delivery. More detailed policy guidance on how planning applications will be determined will be set out in later Development Management Policies.

Policy CS6a – Accommodation for Gypsies and Travellers and Travelling Showpeople

Provision will be made for Gypsy and Traveller and Travelling Showpeople accommodation. The scale of pitch provision will be informed by appropriate assessments of local need.

For the period to 2016, 21 additional pitches will be provided within Luton Borough and 23 additional pitches will be provided within southern Central Bedfordshire for Gypsies and Travellers. For the remaining years of the plan period, provision will be based on a 3% growth rate but such provision will be informed and refined by future local needs assessments and provision adjusted accordingly.

Sites will be delivered through the consideration of planning applications and through future Site Allocations policies. Sites will also be provided as part of the Strategic Site Specific Allocations identified in chapter 10.

The following considerations should be taken into account in the determination of locations for sites:

1. The site should be well located in relation to the highway network.
2. Provision of safe and convenient vehicular and pedestrian access.
3. The site must be large enough to provide for adequate on site facilities including the manoeuvring of vehicles, parking, storage, play and residential amenity.
4. Convenient access to local services, communities and facilities.
5. The site should be appropriate in scale and not detrimental to the amenities of adjacent occupiers.
6. Adequate levels of privacy and residential amenity for occupiers need to be provided.
7. Provision should be consistent with other policies in the plan.

For Travelling Showpeople, sufficient provision has already been delivered to meet the required need in the southern part of Central Bedfordshire to 2016. For the remaining years of the plan period, provision in Luton and southern Central Bedfordshire will be based on a 1.5% growth rate but such provision will be informed and refined by future local needs assessments and provision adjusted accordingly.