

**REGIONAL SPATIAL STRATEGY
SINGLE ISSUE REVIEW
ACCOMMODATION FOR GYPSY AND TRAVELLERS AND TRAVELLING
SHOWPEOPLE IN THE EAST OF ENGLAND
THE SECRETARY OF STATE'S PROPOSED CHANGES MARCH 2009**

(Joint Report by Head of Planning Services and Head of Housing Services)

1. Introduction

- 1.1 This report considers the Council's response to the Government's Proposed Changes to the Draft Policy put forward by the East of England Regional Assembly (EERA) for Gypsy and Traveller accommodation.
- 1.2 This matter was considered by the Gypsy & Traveller DPD Officer Steering Group on 29th April 2009. It was agreed that this report should be circulated to all Members of the Overview and Scrutiny Committee and Cabinet, so that their comments could be available for a meeting with the Executive Member for Planning Strategy and Transport. This enabled the Council's views to be sent to GO-East before the end of the consultation period with ratification by Cabinet on the 18th June. A copy of that response to GO-East is copied at Appendix 1.

2. Background

- 2.1 EERA submitted the Draft Policy to the Secretary of State in February 2008 and it was the subject of 12 weeks public consultation. An independent panel of inspectors held an Examination in Public to test the soundness of the draft policy in October 2008. The Panel submitted their Report to the Secretary of State in December 2008.
- 2.2 The consultation on the Proposed Changes runs from 27th March to 22nd May 2009 (and it is confirmed that the Council did submit its response to the consultation by the closing date of 22nd May).
- 2.3 This Council is preparing a Development Plan Document (DPD) for Sites for Gypsies and Travellers. It will be important to ensure that the DPD is consistent with the RSS policy and policies in the Council's Core Strategy.

- 2.4 The Hearings for the Examination into the Huntingdonshire Core Strategy have now closed. Policy CS6, which sets out criteria for the location of sites for Gypsies, Travellers and Travelling Showpeople was not a matter on which the Inspector sought additional information through the Hearings.
- 2.5 The District Council published an Issues Consultation document in January 2009 which was subject to public participation. The results of this participation will be reported to Members and will inform the next stages in the production of the DPD.

3. The Draft Policy

- 3.1 With regard to Huntingdonshire the Draft East of England Policy proposed that the existing 20 permanent residential pitches (as at 2006) should increase by 20 pitches to 40 pitches by 2011. For the longer period, the draft policy proposed that provision should be made on the basis of an annual 3% increase on the overall planned provision in 2011. Huntingdonshire's share based on the increase required between 2006-2011, would translate into a further 18 pitches being required for the period 2011-21 with the total additional pitches therefore being 38 pitches for the period 2006-2021.
- 3.2 The Draft Policy did not include provision for either Transit Sites nor for Travelling Showpeople. It simply stated that this is the subject of "ongoing research".

4. The Proposed Changes

- 4.1 Having taken the Panel's report into consideration, GO-East has now published Proposed Changes to the Draft Policy; the main matters for Huntingdonshire are as follows.

General

- 4.2 The Panel recommended that the next round of GTAA's should give more emphasis to investigating the preferences of Gypsies and Travellers living in bricks and mortar to return to living on caravan sites, and include a fuller investigation of the needs of New Travellers. This has been accepted by the Government, although it does not form part of the Policy.

Comment:

This will be noted in respect of the review of the Cambridgeshire Sub-Region GTAA which is due to be prepared in 2011.

Provision of permanent residential pitches

- 4.3 The Proposed Changes include the provision of permanent residential pitches to be on the basis of an “at least” requirement in exactly the same way as the RSS does for housing. The Policy makes it clear that such provision counts towards meeting housing requirement targets set out in the RSS and to affordable housing targets.
- 4.4 The number of permanent residential pitches which Huntingdonshire would have to provide rises from +20 to +25 by 2011. This change is based on the Panel’s assessment that Huntingdonshire had potential “to increase local opportunity in an area convenient to sub-regional need” (Panel’s report paragraph 4.77).
- 4.5 This modest increase is still within the range suggested by the Cambridgeshire Gypsy & Traveller Accommodation Assessment of 2005, which suggested provision of a range of 20-25 additional pitches.
- 4.6 There is no Proposed Change to the approach to the longer term (which is based on 3%), so for the period to 2021 (the plan period for the DPD), a further 21 pitches would be required compared with a further 18 pitches in the Draft Policy. This Council expressed concerns at the earlier stage that the 3% annual compound increase in provision appeared to be based on inadequate evidence. Although this matter was examined by the Panel of Inspectors and they concluded that it is robust, it is recommended that reference be made to the potential for Gypsy and Traveller Accommodation Assessments (GTAA’s) to arrive at more robust figures.

Comment & Recommended Response:

The addition of the “at least” requirement has implications for the Council’s DPD but is consistent with the RSS approach for housing for the settled community and therefore would be difficult to challenge. No response on this is proposed.

The increase in the requirement of permanent residential pitches by 5 for the period up to 2011 is still consistent with the findings of the GTAA.

Recommended Response 1: The District Council accepts the Proposed Change to the requirement for permanent residential pitches from 20 to 25 by 2011 as this is the upper limit of the range suggested by the Cambridgeshire Sub-Region GTAA.

The consequential increase for the post 2011 period is consistent with the approach in the Draft Policy. This is a matter that we previously objected to on the basis that a 3% increase was not based on thorough research. It is recommended that an opposing stance on this is maintained.

Recommended Response 2: The Council has previously expressed concerns about the approach taken to calculate longer term need beyond 2011. The 3% annual compound growth rate for permanent pitch provision is not strongly based on evidence as there are difficulties of establishing longer-term needs. The Council considers that GTAAs will be better placed to establish the level of longer term need and reference should be made to them in the policy.

Provision of Transit Pitches

- 4.7 The Panel recommended that Transit provision should be a requirement of the Policy because:
- There is evidence from across the region both confirming that there is a need for some transit provision and indicating where this should be provided.
 - Unauthorised encampment is extremely undesirable and the benefits of providing an alternative should be given considerable weight.
 - Although there is an understandable concern about the pressure there may be for transit sites to become used to make up the shortfall of residential provision, the Panel did not believe these are insurmountable difficulties, as is indicated by the continued operation of two transit sites in the region.
- 4.8 Further, the Panel's report at paragraph 5.13 notes, *"Cambridgeshire Constabulary reported that there are frequently summer encampments for about 2 months in the Peterborough and Huntingdonshire areas. Peterborough City Council accepted that there is a need which it intends to meet, although the precise figure is difficult to quantify. Huntingdonshire DC suggested that an emergency stopping place might be necessary but that this should be investigated locally. FFT argued for a network of provision, including a site in the vicinity of Cambridge. Fenland DC is progressing the provision of a 9 pitch site. The need for this has been established from the work of the Gypsy Liaison Officer, and is intended to accommodate seasonal workers."*
- 4.9 Paragraph 5.14 of the Panel's report states *"Calculations based on the Caravan Count data produce a range of 6-33 pitches. FFT argues for four sites (40 pitches) spread around the virtual county in Cambridge, East Cambridgeshire, Fenland and Peterborough."*
- 4.10 The Proposed Changes put forward a requirement to provide 40 Transit pitches across Cambridgeshire and Peterborough by 2011 but give very limited locational guidance as to how these might be distributed, simply referring to the "Cambridge area, Fenland, Huntingdonshire and Peterborough". The 9 pitches referred to in the Panel's Report in Fenland

District have now been granted planning permission and therefore it can be assumed that this counts towards the requirement.

- 4.11 The Policy as now proposed to be changed requires local authorities to work together to establish a network of Transit pitches, with location and size defined by local studies. Given the evidence from the Examination presented by the Cambridgeshire Constabulary, there will be some pressure for at least some of this provision to be made in the A1/A1(M) corridor.

Comment & Recommended Response:

This is a significant new requirement which is likely to result in the need for a transit site with several pitches in Huntingdonshire. The evidence base for including specific pitch requirements in the Policy is not robust and is open to challenge. Also, given the general need for permanent accommodation, and the pressure on existing sites, it is possible that Transit sites would simply be occupied as permanent residential sites, particularly until sufficient permanent sites are established across the region. This, in turn, could create significant management difficulties.

The Proposed Change would require the network of transit sites to be delivered in less than 2 years. This is not realistic or appropriate in all areas, including in Cambridgeshire and Peterborough where additional studies are needed to give further locational guidance and to disaggregate the figures to a District level to inform DPDs. A degree of flexibility should be included in the policy, to enable Transit provision to be delivered in the subsequent 5 year period if local circumstances mean this is a more appropriate approach.

A further problem is that work to inform DPDs on Transit pitches could delay the production of those documents and consequent delay to the provision of permanent residential pitches. If the Policy remains as proposed to be changed and DPDs do not include Transit pitch provision, there would be a real danger of them being found unsound.

Recommended Response 3: The Council has grave concerns regarding the Proposed Change to introduce County requirements for Transit provision by 2011. These figures have been introduced at a late stage in the process on the basis of limited evidence which has not been subject to full participation and scrutiny and this runs the risk of the Policy being unsound. Furthermore, the Proposed Changes would require the network of transit sites to be delivered in less than 2 years. This is not realistic or appropriate in all areas, including in Cambridgeshire and Peterborough where additional studies are needed to give further locational guidance and to disaggregate the figures to a District level to inform DPDs. A

degree of flexibility should be included in the policy to enable Transit provision to be delivered in the subsequent 5-year period if local circumstances mean this is a more appropriate approach.

Provision for Travelling Showpeople

- 4.12 The Proposed Changes also add a specific figure for provision for Travelling Showpeople. The Draft Policy did not include a specific figure, indicating that it was the subject of on-going research. At the Examination evidence was submitted by the Showmen's Guild of need in each district. This was subject to comment by the participants, but it was acknowledged by the Panel that local authority members had not had the opportunity to consider the subject. The Panel's Report recommended an interim plot requirement by County be added to the policy.
- 4.13 The Proposed Changes accord with this, noting that there is existing provision for 54 families of Travelling Showpeople in Cambridgeshire and Peterborough and requiring 18 additional plots in "East Cambridgeshire and elsewhere" by 2011, with a 1.5% per annum allowance for household growth beyond 2011.
- 4.14 Most of the existing provision is in East Cambridgeshire, and the evidence presented by the Showmen's Guild to the Examination in Public did not suggest any need in Huntingdonshire.

Comment & Recommended Response:

Although there is no direct suggestion that Huntingdonshire should provide plots for Travelling Showpeople, this raises similar concerns to those raised by Transit provision. The needs of Travelling Showpeople across the region should be the subject of further research, as there is currently insufficient information to make specific district or county based requirements. Evidence from the Showmen's Guild which led to the requirements was introduced at a very late stage in the plan making process, during the Examination in Public. It did not form part of the evidence base for the consultation process, and the appropriateness of the evidence and potential options for distribution of provision have not been subject to options testing or wider consultation. The figure included is considerably higher than the need identified through the Cambridgeshire GTAA, which indicated a need of only 5 plots.

Again, as with Transit pitch provision, the introduction of a county-based requirement at this late stage could also delay planning for permanent pitches, if DPDs are delayed to account for this.

The requirement for a 1.5% annual compound increase in plots is not well based in evidence, in the same manner as the 3% requirement is not for permanent residential pitches.

Recommended Response 4: The Council is also concerned at the Proposed Change to introduce County requirements for plots for Travelling Showpeople. The needs of Travelling Showpeople across the region should be the subject of further research, as there is currently insufficient information to make specific district or county based requirements for 2011 followed by an annual compound increase requirement. Evidence from the Showmen's Guild which led to the requirements was introduced at a very late stage in the plan making process, during the Examination in Public. It did not form part of the evidence base for the consultation process, and the appropriateness of the evidence and potential options for distribution of provision have not been subject to options testing or wider consultation. The figure included is considerably higher than the need identified through the Cambridgeshire GTAA, which indicated a need of only 5 plots. For these reasons, this Proposed Change should be rejected and instead the Policy should refer to the need for further work to be undertaken to inform a subsequent review of the Policy.

5. Cambridgeshire & Peterborough Joint Response

- 5.1 Work at Officer level has been undertaken by the councils to agree a broad approach which can be sent to GO-East. There is general agreement about the problems which would accrue if the Proposed Changes on Transit and Travelling Showpeople were to be included in the final policy. The Draft Joint Statement is attached as Appendix 2.

6. Recommendations

- 6.1 It is recommended that Cabinet makes the following representations to GO-East, based on the comments and proposed responses above, together with an additional recommended response which emphasises the potential for DPD provision to be delayed as a result of these Proposed Changes:
- 1. The District Council accepts the Proposed Change to the requirement for permanent residential pitches from 20 to 25 by 2011 as this is the upper limit of the range suggested by the Cambridgeshire Sub-Region GTAA.**
 - 2. The Council considers that GTAAs will be better placed to establish the level of longer term need and reference should be made to them in the policy.**

- 3. A degree of flexibility should be included to enable Transit provision to be delivered in the subsequent 5-year period if local circumstances mean this is a more appropriate approach.**
- 4. The Proposed Change on Travelling Showpeople should be rejected and instead the Policy should refer to the need for further work to be undertaken to inform a subsequent review of the Policy.**
- 5. The Council considers that without the changes suggested in these representations, there is a danger that the production of DPDs in Cambridgeshire and Peterborough allocating much needed permanent pitches will be delayed.**

CONTACT OFFICER - enquiries about this report to Richard Probyn (Planning Policy Manager), on 01480 388430 or Steve Plant (Head of Housing Services) on 01480 388240

APPENDIX 1

Regional Planning Team,
GO-East,
Eastbrook,
Shaftesbury Road,
Cambridge.
CB2 8DF

20th May 2009

Dear Sir

EAST OF ENGLAND RSS GYPSY AND TRAVELLER REVIEW: DECISIONS ON THE RECOMMENDATIONS OF THE EXAMINATION PANEL AND PROPOSED CHANGES

Please find below comments from Huntingdonshire District Council on the Proposed Changes to the Draft Policy in the East of England Plan on Gypsy and Traveller accommodation:

The District Council accepts the Proposed Change to the requirement for permanent residential pitches from 20 to 25 by 2011 as this is within the upper limit of the range suggested by the Cambridgeshire Sub-Region GTAA.

The Council has previously expressed concerns about the approach taken to calculate longer term need beyond 2011. The 3% annual compound growth rate for permanent pitch provision is not strongly based on evidence as there are difficulties of establishing longer-term needs. The Council considers that GTAAs will be better placed to establish the level of longer term need and reference should be made to them in the policy.

The Council has grave concerns regarding the Proposed Change to introduce County requirements for Transit provision by 2011. These figures have been introduced at a late stage in the process on the basis of limited evidence which has not been subject to full participation and scrutiny and this runs the risk of the Policy being unsound. Furthermore, the Proposed Changes would require the network of transit sites to be delivered in less than 2 years. This is not realistic or appropriate in all areas, including in Cambridgeshire and Peterborough where additional studies are needed to give further locational guidance and to disaggregate the figures to a District level to inform DPDs. A further problem is that work to inform DPDs on Transit pitches could delay the production of those documents and consequent delay to the provision of permanent residential pitches. A degree of flexibility should be included in the policy to enable Transit

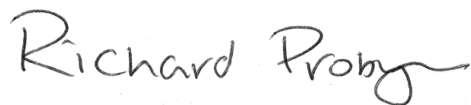
provision to be delivered in the subsequent 5-year period if local circumstances mean this is a more appropriate approach.

2.

The Council is also concerned at the Proposed Change to introduce County requirements for plots for Travelling Showpeople. The needs of Travelling Showpeople across the region should be the subject of further research, as there is currently insufficient information to make specific district or county based requirements for 2011 followed by an annual compound increase requirement. Evidence from the Showmen's Guild which led to the requirements was introduced at a very late stage in the plan making process, during the Examination in Public. It did not form part of the evidence base for the consultation process, and the appropriateness of the evidence and potential options for distribution of provision have not been subject to options testing or wider consultation. The figure included is considerably higher than the need identified through the Cambridgeshire GTAA, which indicated a need of only 5 plots. For these reasons, this Proposed Change should be rejected and instead the Policy should refer to the need for further work to be undertaken to inform a subsequent review of the Policy.

The Council considers that without the changes suggested in these representations, there is a danger that the production of DPDs in Cambridgeshire and Peterborough allocating much needed permanent pitches will be delayed.

Yours faithfully,

A handwritten signature in black ink that reads "Richard Probyn". The signature is written in a cursive, flowing style.

Richard Probyn
Planning Policy Manager

APPENDIX 2

JOINT STATEMENT ON BEHALF OF CAMBRIDGESHIRE LOCAL AUTHORITIES RELATING TO GOVERNMENT PROPOSED CHANGES TO THE SINGLE ISSUE REVIEW: TO GYSPY, TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION

Inclusion of Transit sites in Policy H3 – Provision for Gypsies and Travellers

It is accepted that the creation of a network of transit sites for Gypsies and Travellers within the East of England region would be beneficial. However the Cambridgeshire and Peterborough Authorities consider that the immediate need for provision within this area is for permanent residential Gypsy and Traveller sites rather than additional transit sites based upon the evidence provided by the Cambridge Sub Region Travellers Needs Assessment (paragraph 3.9.3 of the Assessment).

This policy requires that the Cambridgeshire Authorities will work together to identify an agreed distribution of transit pitches based upon additional technical work and that sites will be brought forward by 2011 at the latest.

This presents significant difficulties for the Local Planning Authorities in that it could delay the preparation of Development Plan Documents within Cambridgeshire relating to the provision of Gypsy and Traveller accommodation.

This would have a negative impact on the delivery of permanent residential sites for the Gypsy and Traveller community within Cambridgeshire.

It is therefore suggested that this policy should be amended to allow for greater flexibility in relation to the timing of the provision of transit sites within Cambridgeshire.

Policy H4 -Travelling Showpeople plots

The Cambridgeshire and Peterborough Authorities recognise that there is a need for additional travelling showpeople plots within the area based upon the evidence provided by the Cambridge Sub Region Travellers Needs Assessment.

However it is important to emphasize that the evidence provided in support of this policy has not been subject to any independent testing and is weaker in comparison to that which has been used to support the proposed scale and distribution of residential pitches for Gypsies and Travellers within the East of England region.

This policy requires that the Cambridgeshire Authorities will work together to identify an agreed distribution of sites for Travelling Showpeople plots based upon additional technical work and that sites will be brought forward by 2011 at the latest.

As is the case of transit sites this requirement has the potential to delay the preparation of Development Plan Documents within Cambridgeshire.