

## BABERGH DISTRICT COUNCIL

TO: STRATEGY COMMITTEE:

REPORT NUMBER: **J65**

FROM: Housing Panel

DATE OF MEETING: 30 July 2009

### **GYPSY AND TRAVELLER ACCOMMODATION NEEDS IN BABERGH**

#### **1 PURPOSE OF THE REPORT**

- 1.1 To provide Strategy Committee with the latest information on the requirements for Gypsy and Traveller pitches in the Babergh District, to establish a Member led Gypsy and Traveller Accommodation Working Group, to agree the Terms of Reference for the Group and seek the appointment of two Members of the Committee to serve on the Group.

#### **2 RECOMMENDATIONS**

- 2.1 That a Gypsy and Traveller Accommodation Working Group be established and the Terms of Reference for the Group set out in paragraph 8.3 of this report be approved.
- 2.2 That two Member representatives be appointed to serve on the Gypsy and Traveller Accommodation Working Group.

The Committee is able to resolve these matters.

#### **3 FINANCIAL IMPLICATIONS**

- 3.1 The Secretary of State's report recommends that Babergh delivers 15 permanent pitches by 2011 through development control decisions and Local Development Documents. The government, through the Homes and Communities Agency, has made grant funding available for the delivery of these pitches for the years 2008 to 2011. At present no grant funding has been confirmed for the period beyond 2011. This means, if the Council developed pitches after 2011, that government grant funding may not be available; leaving the Council liable to fund such developments without grant aid.
- 3.2 Furthermore, if the Council does not deliver a total of 15 pitches by 2011, the Secretary of State could direct the Council to produce a document allocating sites for the provision of these pitches as set out in the Secretary of State's `Proposed Changes to the Draft Regional Spatial Strategy and Statement of Reasons`. This will also have an impact in terms of resources for the Council.

3.3 The financial implications of providing Gypsy and Traveller pitches depends upon the number and tenure of pitches delivered. Many Gypsy and Traveller families want to own their pitches, which will mean minimal cost to the Council. If Council or Housing Association owned and managed pitches are needed this could have significant capital and revenue cost implications for the Council, particularly if no government grant funding is available. The actual costs are difficult to estimate and will depend on a number of variables such as the cost of land, the number of pitches, the design and construction costs of the site and the day to day management and maintenance of the site. There is also likely to be a requirement for a significant staff input, whatever the outcome.

#### 4 **RISK MANAGEMENT**

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
Babergh fails to provide 15 pitches by 2011 and the Secretary of State directs the Council to produce a document allocating sites for the provision of fifteen Gypsy and Traveller pitches.	Significant	Critical	Create Member led Group to consider process and criteria for establishing 15 pitches.  Determine approach to provide Gypsy and Traveller sites in accordance with the RSS when revised.
No grant funding is available from the Homes and Communities Agency beyond 2011 for the delivery of Council or Registered Social Landlord owned and managed Gypsy and Traveller pitches.	Significant	Critical	The Council agrees to the delivery of pitches so that these can be brought forward as appropriate in time to claim for Homes and Communities Agency grant funding.

#### 5 **KEY POINTS**

##### **Background Information**

5.1 The Housing Act 2004 imposed a legal duty on local authorities to undertake Gypsy and Traveller Accommodation Assessments (GTAA) for their area. These are designed to provide information enabling the development and implementation of strategies to respond to the accommodation needs of Gypsy and Traveller communities. Babergh's GTAA was commissioned in partnership with Waveney, Mid-Suffolk and Suffolk Coastal District Councils and Ipswich Borough Council. The results were published in May 2007. This recommended the provision of 1 permanent pitch within the Babergh District by 2010 and between 8 and 12 temporary transit pitches.

- 5.2 The Housing Panel's report G92 informed Committee in 2007 of the full outcomes of the GTAA and recommended that the Council works with neighbouring local authorities to assess the best way of jointly meeting the identified accommodation needs of the Gypsy and Traveller community. Since this time officers of the Council have been working in partnership with Suffolk County Council and the other District and Borough Councils as a member of the Suffolk Gypsy and Traveller Steering Group.
- 5.3 At the same time as our local GTAA study was being published the government directed The East of England Regional Assembly (EERA) to review its regional planning policy on Gypsies and Travellers. This included a full consultation process.
- 5.4 The outcome of this review was announced in January 2008 when EERA endorsed the recommendation of the Regional Planning Panel that all local authorities in the east of England should provide a minimum of 15 pitches to accommodate Gypsies and Travellers by 2011. EERA then announced a 12-week consultation period for responses to their decision.
- 5.5 At its meeting on 6 March 2008 Strategy Committee was informed in Paper G213 of EERA's decision and Committee approval was given for the Head of the Natural and Built Environment, to exercise delegated authority to respond to EERA, confirming the Council's view that only 1 pitch was required to meet the identified accommodation needs of the Gypsy and Traveller community in the Babergh District.

## **6 THE SECRETARY OF STATE'S RECOMMENDATION**

- 6.1 The Secretary of State made her recommendations on pitch provision in March 2009, following the results of EERA's detailed Examination in Public by planning inspectors in late 2008.

The Secretary of State's report recommends that:

- Babergh is required to deliver 15 permanent pitches
- The 15 pitches are to be delivered by '2011 or as soon as possible through development control decisions and Local Development Documents'
- 'The preparation of joint or co-ordinated Local Development Documents is encouraged and where they are produced, provision can be re-distributed across the areas concerned'
- 'Opportunities should be taken to secure provision through major developments'
- 'Local Development Documents should consider the need for rural exception sites....to meet the required provision'
- Local Authorities should also work together to establish a network of transit pitches; one to be delivered in the Ipswich/Felixstowe area
- After 2011 provision should be made for an annual 3% compound increase in residential pitch provision
- Local Development Documents should identify the location and capacity of sites to deliver the pitch requirements set out in government policy H3

## **7 THE SECRETARY OF STATE'S CONSULTATION**

7.1 The Secretary of State's recommendation (set out above) was followed by an 8-week consultation period ending on 22 May 2009. Babergh has invested substantial time and expertise in presenting the Council's case at the Examination in Public and has consistently objected to the Secretary of State's recommendation that the District delivers 15 permanent pitches.

7.2 The key elements of the Council's response to the Secretary of State's consultation was as follows:

- Babergh does not oppose the principle or disagree with the available evidence that there is a need to increase the level of accommodation available to Gypsies and Travellers. The issue at hand is the approach to how this is to be achieved and the number of pitches required.
- The overall regional strategy, replying upon a radical regional redistribution of existing Gypsy and Traveller settlement patterns and preferences, is unrealistic and inappropriate.
- The proposed revision does not adequately reflect the available evidence (Suffolk GTAA results). The Council has invested considerable resources and time in researching the local accommodation needs of Gypsies and Travellers and considers this evidence to be up-to-date and reliable. The Council has concluded that there is no (or at least inadequate) evidence to support the provision of 15 pitches in Babergh.
- The proposed revision should closely reflect the key principle of meeting accommodation needs where they arise (or close to), as is the accepted principle when meeting the accommodation needs of the settled/bricks and mortar based community. In such respects, meeting the accommodation needs of all communities should be approached in an equal and consistent way.

7.3 A response from the Government Office is awaited.

## **8 THE GYPSY AND TRAVELLER ACCOMMODATION WORKING GROUP**

8.1 A working group of officers from across the relevant service areas of the Council has already been formed. Its role is to work in partnership with Suffolk County Council and the other Suffolk District and Borough Councils on Gypsy and Traveller issues. At district level the group is also working to establish links with the local Gypsy and Traveller community.

8.2 The Housing Panel is proposing that this Group be formally established as a Member/Officer Group working to an agreed set of Terms of Reference as detailed below.

8.3 **Terms of Reference for the Gypsy and Traveller Accommodation Working Group**

- Establish a set of criteria for identifying suitable and sustainable sites for Gypsy and Traveller pitches.

- Develop a procedure for delivering Gypsy and Traveller pitches on sites that meet the site identification criteria
- Examine any related sustainability and social cohesion issues relating to the wider community, along with the Council's Section 17 Crime and Disorder responsibilities
- Create a plan and a timetable that meets the level of need that exists and which can respond to government requirements for pitch delivery
- Develop a Communications Strategy to encourage improved links with the local Gypsy and Traveller community and the wider community, with particular attention to communications with those communities where pitches may be delivered
- Work in partnership with Suffolk County Council and the other Suffolk District and Borough Councils on Gypsy and Traveller issues

The Group to report to Strategy Committee with recommendations on these points.

8.4 It is proposed that two Members are appointed to sit on this Group.

## **9 PLANNING CONSIDERATIONS**

- 9.1 Gypsy and Traveller Pitches provided through Local Development Documents need to be allocated in 'Site Specific Allocations' documents produced by District Councils. Core Strategy documents normally contain broad criteria/guidelines to steer the allocation of sites in those Site Specific Allocations documents, or potentially to meet unexpected demands (through Development Control applications). It is anticipated that the Babergh Core Strategy, with its preparation scheduled for this year and part of next year, will be adopted in 2011/2012. As circumstances stand a Babergh Site Specific Allocations document could not be adopted before 2012 (at the earliest) and at this stage there are no firm intentions or timescales to produce such a document. It is therefore proposed that provision is progressed in the meantime through broad criteria/ guidelines to be established in the Core Strategy, which would steer planning applications for the development control process. The Gypsy and Travellers Accommodation Group will be developing the broad criteria/guidelines on which to assess Gypsy and Travellers accommodation. This will include opportunities for rural exception sites and windfall sites, assessing unauthorised pitches for their suitability to become authorised and considering opportunities to provide Gypsy and Traveller sites through major developments.
- 9.2 There is already substantial planning policy coverage in place to address this issue and to deal with planning applications. Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites) and Policy HS29 of the Local Plan Alternation No 2 (2006), as well as the Revised RSS and Babergh Core Strategy when adopted, will form the planning policy basis for evaluating Gypsy and Travellers accommodation planning applications.

## 10 THE POSITION OF NEIGHBOURING LAs

**For the Committee's information the situation in neighbouring District and Borough Councils is as follows:**

- Mid-Suffolk DC's GTAA identified a need for 47 to 49 pitches and the Council is reforming a Corporate Group to look at Gypsy and Traveller issues with a view to meeting the Secretary of State's (SoS) recommended 42 pitches delivery requirement.
- Suffolk Coastal DC's GTAA identified a need for 4 to 7 pitches and the Council has given authority to progress the delivery of the SoS's recommendation for 31 pitches.
- St. Edmundsbury BC's GTAA identified a need for 15 pitches and the SoS is recommending 20 pitches. The Council has a corporate group working on the delivery of pitches which has secured £737,000 government funding to deliver 6 pitches in the Borough.
- Ipswich BC's GTAA identified a need for 1 to 3 pitches and the SoS recommendation is for 15 pitches. To date the Council has not as yet given authority to progress this matter.
- Forest Heath DC's GTAA identified need is for 18 pitches and the SoS recommendation is also for 18 pitches. The Council has established a steering group to deal with this issue and has obtained government funding to refurbish an existing Gypsy and Traveller site. 12 new pitches have also been delivered across the district since 2006.

### Housing Panel Members

Sue Wigglesworth (Chairman)  
Penny Clarke  
David Grutchfield  
Jennie Jenkins  
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Richard Searle

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