

**REGIONAL PLANNING PANEL
27 April 2006**

Gypsies and Travellers – provision in RSS

Report by Regional Secretariat

Purpose of report: To consider an officer level working/steering group to guide the review and further information on the timetable for the review.

Recommendation: that RPP agree the formation of a small steering group to guide preparation of the single issue alteration to the Regional Spatial Strategy.

1. Background

- 1.1. At the 6th February 2006 RPP meeting the Panel endorsed an indicative timetable for the review to address the accommodation requirements of Gypsies and Travellers, as a basis for discussions with Government Office. This was in accordance with evidence presented by EERA to the Examination in Public into the emerging Regional Spatial Strategy following the previous agreement of RPP to a line to take on this issue at its meeting in June 2005 (see agenda item 4b to 22 June 2005 meeting). The timetable agreed in February was as follows:

Collection of baseline data	Now - mid 2006
Consult on options and issues	By late 2006
Issue and consult on draft Strategy	Early 2007
Examination in Public	Mid 2007
Panel Report	Late 2007
Final Strategy Published	Early 2008

- 1.2. The recommendation to prepare a single issue review on this subject was endorsed and it was suggested that it would be appropriate to report more detailed information on the timetable and further detail on the policy background and level of information available to inform the review at this April meeting.
- 1.3. It has not been possible to prepare a detailed timetable for this meeting but this report considers the approach to how this issue will be taken forward (a project plan for this work is being prepared and, together with the timetable, will need to be agreed with the Government Office and reported to the next meeting of RPP for endorsement prior to public consultation).
- 1.4. A summary of the policy background and recent Government Guidance on the matter is given as Appendix 1 and an outline of the base line data available is given as Appendix 2. A proposed officer level working group and the next steps for EERA are set out below.

2. **Collection of base line data (now – mid 2006)**

- 2.1 According to information supplied by the Gypsies and Traveller Unit at GO-East, accommodation needs assessments are ongoing. A spreadsheet provided by GO-East is attached as Appendix 2 and gives a broad summary of the current status of needs assessments throughout the region. EERA will need to use local accommodation assessments to take a strategic view of need across the region and in specifying the number of pitches required for each local planning authority.
- 2.2 The spreadsheet highlights some of the disparities in the availability of data, where some local authorities have completed their assessments and others have only just started work on them and do not anticipate their results to be available before early 2007. However, compared to other regions the East of England is further advanced as a whole.
- 2.3 It is likely, additional work will need to be conducted to measure the consistency between the local authority needs assessments .i.e. to establish how and when the data was collected, by whom and any differences in methodologies, interpretations and approaches. (A standard methodology has not been set by the Government for all councils to use, because they wish to give local authorities freedom to address the accommodation needs assessment process in the way which best secures an effective outcome. Every area will have a different profile and local circumstances need to be taken into account. For example, the guidance suggests that local authorities may wish to work in partnerships, rather than individually, but this is an operational decision for them to take).

3. **PPS11 - steering groups, membership and operation**

- 3.1 According to PPS11, 'RPG revisions have involved RPBs establishing focus or topic groups of stakeholders, reporting to a central steering group, chaired by the RPB but with other key regional institutions also represented, including the RDA. RPBs should ensure that, that at least 30% of the steering group is from non-local authority representatives as well as representation from those responsible for relevant regional strategies, consideration should be given to including representation from organisations responsible for planning and funding key infrastructure and services critical to RSS delivery'.
- 3.2 In line with this guidance, EERA propose to establish a relatively small officer working group to steer this project as follows:
 - EERA
 - GO-East
 - EEDA
 - Section 4(4) Authority representatives (2)
 - Local Planning Authority representatives (up to 3)
 - Gypsy and Travellers representatives (up to 2)
 - Regional Housing Delivery Group representative

A small officer working group is favoured to expedite the process of drafting the project plan and Statement of Public Participation. The group will need to meet frequently over the summer to do this and to promote discussion. EERA propose

reporting a draft project plan and Statement of Public Participation to RPP in June prior to public consultation on it. (The full list of consultees is much more extensive including all Section 4(4) authorities and the Race Equalities Commission).

3.3 Initial tasks for the Steering Group:

- According to PPS 11, a draft project plan should be drawn up, agreed with the GO, consulted on, revised in agreement with the RPB and then published. As part of the project plan there should be a Statement of Public Participation. It is essential that the public are consulted on the project plan. It should cover the following:
 - the objectives of the revision with reasons why they were chosen;
 - the areas to be considered and the timetable for preparing the revision, including the timing of key milestones;
 - the staff resources needed, as appropriate, to prepare the revision;
 - how the revision is to be aligned with other relevant regional strategy revisions;
 - identification of relevant research and technical studies, including any sub-regional studies; and
 - the involvement of the community and partnership working (where the Statement of Public Participation is part of the project plan).
- The target timetable is between approximately two years six months to two years eleven months depending on the complexity of the revision and the matters identified for examination. (Both the project plan and the Statement of Public Participation will need to be kept under review and revised as appropriate throughout).
- The project plan will be drawn up (i.e. how and when the objectives are going to be achieved) by the steering group and in discussion and consultation with GO-East, for final agreement at the next meeting of the Regional Planning Panel.
- Preparation of the Statement of Public Participation. As the RPB, EERA is required under Section 6 of the Act, to prepare, publish and keep under review a Statement of Public Participation. This will need to set out how EERA intend to approach and achieve broad public consultation on the review, including the stages of public participation in the SA process. As part of the process of preparation of the revision it is likely that a wider reference group will be established to keep all statutory consultees, key stakeholders and interested individuals informed of progress on the RSS revision.
- Conducting a Sustainability Appraisal/SEA (There is a requirement to undertake a Strategic Environmental Assessment of any proposed revision to RSS).

Contact: Jillian Luntz, EERA, Tel: 01284 729445

APPENDIX 1

1. POLICY BACKGROUND

- 1.1 *The Housing Act 2004* introduced requirement for Local Authorities to carry out needs assessments and produce local Gypsy and Traveller strategies.
- 1.2 *The Planning and Compulsory Purchase Act 2004* intends to ensure that local authorities deliver adequate land for sites

2. SUMMARY OF RECENT GOVERNMENT GUIDANCE

- 2.1 On 2 February 2006, Parliament announced the publication of the following documents relating to Gypsy and Traveller site provision and enforcement:
 - Planning Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites
 - Accommodation Assessments - Draft Practice Guidance
 - Local authorities and Gypsies and Travellers - a guide to responsibilities and powers
 - Guide to effective enforcement powers - part 1: Unauthorised encampments
 - Consultation on the definition of 'gypsies and travellers' for the purposes of the Housing Act 2004

These can all be accessed in full at the following link www.odpm.gsi.gov.uk/

- 2.2 *Planning Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'* published on 2 February 2006, replaces DoE Circular 1/94 'Gypsy Sites and Planning'. The new Circular explains how the planning system operates in relation to site accommodation for Gypsies and Travellers.
- 2.3 The aims of the Circular are as follows:
 - a. to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in the Circular;
 - b. to increase significantly the number of gypsy and traveller sites with planning permission in order to address under-provision; and
 - c. to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to - it is generally more cost effective to make provision than have to deal with the costs of enforcement, clear up costs and housing those in priority need.

2.4 The Circular (pp. 7 – 8) outlines **the role of RSS and responsibilities for RPBs** as follows:

(23.) “The RSS revision should identify the number of pitches required (but not their location) for each local planning authority in the light of the GTAAs and a strategic view of needs across the region”.

(24.) “Regional Planning Bodies (RPBs) should maintain an up-to-date understanding of the likely strategic accommodation requirements of their areas over the lifespan of their RSSs, which should inform the preparation and review of RSSs. In allocating pitch numbers by local planning authority, RPBs should work in concert with the body developing the RHS in their region, with housing providers, with adjoining regions where appropriate and with RPBs’ constituent local authorities. This should include county councils who will have relevant expertise due to their historical responsibility for gypsy and traveller issues. It is important that there is a common evidence base, prepared in partnership with stakeholders, in particular with gypsy and traveller housing providers, to inform the RHS, RSS, Local Development Frameworks (LDFs) and other relevant regional and local strategies.

(25.) “The draft RSS revision is subject to an examination in public at which representatives of the gypsy and traveller community, and local residents may be invited to give evidence. The examining Panel will then report to the Secretary of State who will consider the Panel’s recommendations and any representations before proposing any changes to the RSS (NB: this does not apply to the SDS in London, where the Mayor will consider the Panel’s recommendations)”.

(26.) “Pitch numbers could be identified by sub-regional area if a joint DPD were produced. A joint DPD could be prepared, with the agreement of the local planning authorities involved, on a county wide or other sub-regional basis”.

2.5 The Circular also outlines Transitional Arrangements (pp.11) for where it is not possible to allocate pitch numbers comprehensively in the current round of RSS revisions i.e. this should include a clear statement as to the regional context including:

- a) priority attached to addressing immediate need and timescale for doing so;
- b) extent of existing provision;
- c) identifying those parts of the region with high numbers of unauthorised sites;
- d) an interim estimate of the additional pitch requirements at regional level; and
- e) arrangements for putting in place district level pitch requirements (e.g. need for further research, engaging local authorities, timetable for any single issue review).

- 2.6 The circular provides other key messages, particularly for local authority officers and members. These include the following:
- a. the Government's commitment to ensuring that members of the gypsy and traveller communities should have the same access to appropriate accommodation as every other citizen and that there are sufficient sites available to meet need;
 - b. a new Circular is necessary because evidence shows that the advice set out in Circular 1/94 has failed to deliver adequate sites for gypsies and travellers in many areas of England over the last 10 years;
 - c. local authorities now effectively have a duty to make provision for gypsies and travellers by allocating land within their local plans;
 - d. local authorities must identify land within plans for gypsy and traveller sites – it is no longer acceptable to assess each application on an ad hoc basis against policies in the local plan;
 - e. the new circular re-states existing policy that gypsy and traveller caravan sites are subject to the same planning restrictions in relation to Green Belt and other planning designations as other types of development;
 - f. there is new guidance on windfall applications – a sequential test applies (as it does for bricks and mortar) which means that applications for sites outside areas identified in plans are likely to fail;
 - g. it is in local authorities' best interests to allocate land and make provision as this increases certainty for both settled and gypsy and traveller communities, and makes enforcement more effective;
 - h. the Government's aim is to ensure that planning policies and controls are respected by all sections of the community and that where breaches occur effective enforcement action is taken;
 - i. the circular urges gypsies and travellers to consult local planning authorities on planning matters before buying land on which they intend to establish any caravan site;
 - j. the new planning system, as set out in the Planning Act 2004, places emphasis on early consultation between local authorities and the communities they serve. The aim is to ensure that local plans properly reflect the needs and aspirations of all sectors of the community; and
 - k. local authorities have a legal duty to promote good race relations, equality of opportunity and community cohesion in all of their policies and practices. This duty covers all racial groups, including gypsies and Irish travellers. The duty applies to planning for site provision and planning enforcement as they impact on race relations generally and on the way in which services are delivered to this group.

APPENDIX 2

Region wide picture of needs assessments for Gypsies and Travellers – 3 April 2006

LA	Public Site Management	Contact	Needs Assessments
Beds CC	5 sites - Some County managed other managed by Westgate (private co.)	Derek Batchelor / Annie Bailey	Initial work to appoint consultants completed for all Beds LAs plus Luton-To complete Needs Assessment by October/Dec 2006
Cambs CC	District Managed / HA – 11 sites	Allan Davidson / Jessica Miller	County lead. Sub Regional Needs Assessment, being carried out by Dr. Margaret Green and Dr. Robert Home – now complete, awaiting launch (includes Peterborough (Unitary), Forest Heath and St. Edmundsbury in Suffolk)
Essex CC	County Managed - 11 sites	Stephen Andrews / Ann Lee	Chelmsford lead authority in Needs Assessment for County + 2 unitaries (Thurrock & Southend) complete – launch date 21 February 2006 (14 LAs in total) - Thurrock has now requested further assessment to assess/address local need. Research carried out by Salford University.
Herts CC	County Managed - 11 sites	Norbert Mc Cabe / Charlie Sherland / Les Middlewood	Needs Ass. For S&W Herts complete (Pat Niner – University of B'ham, research). Rest of County (N&E) almost complete (ORS – research).
Norfolk CC	District managed – 5 sites	Jon Blunkell	Currently undertaking Countywide Needs Assessment. (Headed by County, but no consultants involved to date) - G/T Strategy complete.
Suffolk CC	Sites - District managed	Andy Yacoub /Shammi Jalotta	Further to recent meeting with Havengateway (Dec.) Needs Assessment for the remainder of Suffolk to be initiated (Tracey Brinkley - mid Suffolk- co-ordinating work). Meeting in February saw further discussion re needs assessment. Work to complete by late 2006 / early 2007. To complete asap ensuring not to compromise a quality assessment.