

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Leader and Cabinet

8 December 2005

**AUTHOR/S:** Strategic Officer Group on Traveller Issues

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### TRAVELLERS' HOUSING NEEDS SURVEY

#### Purpose

1. The twin purposes of this report are to advise the Cabinet on:
  - a. emerging official guidance, to be taken into account when preparing the Council's Supplementary Guidance to the Local Development Framework (LDF) on the future provision of Traveller sites.
  - b. the provisional outcomes of the Travellers' Housing Needs Survey, carried out in partnership with other agencies in the Cambridge sub-region.

#### Effect on Corporate Objectives

2.	Quality, Accessible Services	Traveller Issues have implications for all four corporate objectives, not least 'Quality Village Life'. The Council's Policy on Traveller Issues features a commitment to "engage with Travellers and the local community in order to make available appropriate and authorised traveller sites - identifying suitable additional sites, where necessary, and accommodating the service needs of Travellers, wherever possible".
	Village Life	
	Sustainability	
	Partnership	

#### Background

3. As part of the new Local Development Framework, the Council needs to produce Supplementary Guidance on the future provision of traveller sites in the district. This needs to be informed by an assessment of Travellers' housing needs, which is itself a statutory obligation under Section 225 of the Housing Act, 2004.
4. The Government has produced draft guidance - specifying key aspects of the Needs Assessment process - and a draft Circular on "Planning for Gypsy and Travellers Sites" (also referred to in this report as 'the Planning Circular'). The Council responded with a robust and detailed constructive critique of this draft Circular last March: this can be found on the Traveller Issues pages of the Council's website under <http://www.scambs.gov.uk/Environment/TravellerIssues/lobbying.htm?showpage=-1>.
5. The LDF Supplementary Guidance has to be produced within a very tight timescale, so much so that officers need to bring to Members attention the provisional approach being taken to meet draft Government guidance, even before those official requirements have been finalised. Consultation with statutory partners on the way forward needs to take place early in the New Year, followed by wider public consultation later next Spring.
6. This report is presented to the Cabinet because the Cabinet took on the responsibility for the Council's strategic approach to Traveller Issues in December 2004. The main

points of the draft guidance are set out in paragraphs 7 – 16, while the headline provisional findings from the Traveller Housing Needs Survey can be found in paragraphs 17 – 21 and the attached **Appendix**. These findings will also help to inform a possible bid from this Council for ODPM funding in 2006-08 for new or refurbished council/housing association-run traveller sites: progress will be reported to next month's Cabinet meeting.

### **Overview of Official Guidance**

7. **Delays:** The official guidance, which has been emerging from the Office of the Deputy Prime Minister (ODPM), has been delayed by a number of months. The guidance takes the form of draft documents with final versions not available at the time of writing this report. (It is understood that the final version can now be expected "in the New Year"). However, it is not feasible to wait for final versions without jeopardising the LDF timetable, particularly since the ODPM has not been able to state definitely when final guidance will be issued.
8. Earlier this year, officers were keen to ensure that – despite this delay with the official guidance - both the requirements of the LDF process and the statutory requirements of the Housing Act could be met. Having sought advice on the wisdom of undertaking the project without waiting for the final official guidance, officers have received a reply from the Government Office for the East that recommended carrying on with the survey:

*"given the tight timelines you are working to, this current position on the ODPM guidance would seem to suggest that you continue with the assessment you are undertaking. I have looked at the brief you have prepared and it looks to me to be a comprehensive and thorough approach to the work."*

9. **Objectives:** The overall intention of the legislation and subsequent regulations is set out in the draft Circular on "Planning for Gypsy and Traveller Sites":
  - a. to increase significantly the number of Gypsy and Traveller sites with planning permission in order to address under provision;
  - b. to recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers; and
  - c. to identify and make provision for the resultant land and accommodation requirements.
10. **Assumptions:** There are a number of explicit assumptions within the guidance, which will help to put the research and the subsequent steps in the LDF into context.
  - a. **Local Connection:** The guidance specifically rejects the notion of defined local connection. The Needs Assessment guidance requires local authorities to assess the needs *"of gypsies and Travellers residing in or resorting to their district."* The draft Circular on planning for Gypsy and Traveller Sites states that:

*"Local planning authorities should not refuse private applications on the grounds that they consider public provision in the area to be adequate, or because alternative accommodation is available elsewhere on the authorities' own sites or because the applicant has no local connection."*

- b. Work-related locations: The guidance makes it clear that the location of Gypsy and Travellers sites should reflect their current working patterns rather than be tied to historical work patterns. The draft Circular says:

*“There is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. In view of the changes in their work patterns, these may not be the same areas they have located in or frequented in the past.”*

- c. Travellers with Access to “Permanent Accommodation”: The draft Needs Assessment guidance makes it clear that the needs of Travellers who occupy permanent housing for some of the year and travel at other times must be included in the needs assessment:

*“Seasonal variation in preferences and need should be identified (some Gypsies and Travellers may occupy housing at particular times of year, but have a need for transit sites whilst on the road)”*

11. **Use of the research**: The guidance issued by the Government indicates that local Travellers Housing Needs Assessments will be used to inform regional planning which, in turn, will need to be reflected in Local Development Documents (LDDs). The ODPM evidence to a Parliamentary Select Committee explained the process in the following way:

*“It is important that Gypsy and Traveller issues are considered regionally as well as locally. There often appear to be regional patterns of movement, and some local authorities fear to make provision or take a lead, as they fear others will not do their fair share.*

*The new planning system delivers this regional element. Local authorities will undertake a Housing Needs Assessment to assess the need for Gypsy and Traveller accommodation. This will be a statutory requirement on commencement of section 225 of the Housing Act 2004 (amending section 8 of the Housing Act 1985), and will be supported by guidance to be issued in the summer of 2005.*

*Regional Planning Bodies will have to make an assessment of the regional need for Gypsy and Traveller sites, based upon these Housing Needs Assessments. Strategies for meeting these needs (whether they are for transit sites, permanent residential sites or bricks and mortar housing) will have to be included in Local Housing Strategies.*

*The Regional Spatial Strategy (RSS) will, in the case of Gypsy and Traveller site provision, translate these housing strategies into pitch numbers allocated to each local authority area in that region. The RSS would normally be subject to an Examination in Public and the Secretary of State would then agree the finalised Strategy.”*

12. This Housing Needs Assessment, as part of a sub-regional project, is clearly part of that process. At present, the relevant regional documents have little real content in relation to Travellers policies. The Regional Housing Strategy 2005-10 says:

*“The Regional Housing Delivery Group will work with EERA, EEDA and the Government Office for the East of England to develop regional policies based on further research into the accommodation needs of Gypsy and Traveller communities.”*

13. The Regional Housing Board Investment Plan for the East of England 2006-8 in its Gypsies and Travellers section says:

*“A policy is being developed for inclusion within the East of England plan to provide the strategic framework for the provision of sites. The policy will reflect the RHS and provide a strategic steer for LA’s Local Development Documents as well as the wider needs of Gypsies and Travellers.”*

14. It is therefore clear that the regional dimension is still at a very early stage in its development. The draft guidance anticipates that the incorporation of Local Housing Needs Assessments into the Regional Spatial Strategy, and the subsequent allocation of pitch numbers to local authorities, will not be a purely “mechanical” task. In other words, the pitch numbers might not equal the Local Housing Needs Assessment figure. To quote the draft Planning Circular:

*“The Regional Housing Board will take a regional/sub-regional view when determining pitch requirements which will reflect local circumstances (i.e. the need determined in a particular area through the local housing assessment will not necessarily have to match its own assessed need in that area, but the overall totals for the larger region/sub-region will, in much the same way general housing allocations are agreed)”*

15. At its meeting on 28 September 2005 the Regional Housing Board noted that not all of the authorities in the region had completed Traveller Housing Needs Surveys and that further work was needed to research needs. They therefore concluded that the identification of specific pitch number for each local authority is a “medium to long term task”.

16. **Interim arrangements:** The draft Circular anticipates that it will be some time before the RSS allocates pitch numbers and sets out the role of the Travellers Needs Surveys in the Planning process in the interim. Basically, it asserts that the results of surveys should be one factor that is taken into account in considering planning applications. The relevant text of the draft Circular states:

*“In advance of the consideration of new local housing needs assessments at a regional level by the Regional Housing Board and subsequent incorporation into local development documents (LDDs), other means of assessment of need will be necessary.*

*The early data available from the local housing needs assessment will be one element of a range of information sources that local authorities should consider when assessing the required level of provision. Other sources of information could include a continuous assessment of incidents of unauthorised encampments, both short and longer-term, the numbers and outcomes of planning applications and appeals, levels of occupancy, plot turnover and waiting lists for public authorised sites, the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions, as well as the twice-yearly Caravan Count undertaken on behalf of ODPM.*

*Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application and to provide it as part of any appeal documentation.”*

### **Travellers Housing Needs Survey:**

17. **Background:** Even before the Housing Act 2004 and draft guidance, the Cambridgeshire authorities agreed, early in 2004, to commission a countywide Travellers Housing Needs Survey, which would provide information both at a sub-regional level and at district council level.
18. Cambridgeshire County Council led a multi-agency consortium in preparing a brief for the work, which was put out to competitive tender. The councils involved in this joint project are; South Cambridgeshire; East Cambridgeshire; Fenland; Huntingdonshire; Cambridge City; Peterborough (unitary); King's Lynn & West Norfolk (Norfolk); Forest Heath and St. Edmundsbury (both Suffolk). The contract was awarded to Dr R Home from Anglia Polytechnic University and, in order to ensure credibility with the traveller community, a Traveller Consultant was engaged to work with the research team.
19. Progress in developing the brief for the Traveller Housing Needs Survey was reported to the Development Conservation and Control Sub-Committee last December. All Councillors were sent an update in May 2005 about the survey getting under way.
20. The external consultants have completed the research based on the best guidance available from the ODPM at the time. This Cabinet report focuses on the draft Housing Needs Assessment element of the research for South Cambridgeshire. A second phase of results will follow at a later date, which will deal with other issues such as health and education and welfare.
21. **Provisional findings:** Whilst there are a few more interviews to be completed, the findings so far indicate that, in South Cambridgeshire, there is demand for a further 170 – 220 Traveller pitches over the next 5 years. These figures have been calculated on five assumptions relating to: current supply; families in unauthorised caravans; overcrowding; preferences for housing/caravans and natural population increase. A detailed explanation of these can be found in the interim findings report in the Appendix.

### **Next steps:**

22. The final survey report, including the methodology, questionnaire and more region-wide information on accommodation need, health, education and welfare will be reported to Cabinet in the New Year in line with other authorities reporting timescales. This will also pick up queries raised by Councillor Mason. Cambridgeshire County Council, as the lead authority on the project, will be arranging a news release and launch of the data around the same time.
23. In the light of the provisional findings, consultants will be commissioned to prepare the LDF Supplementary Guidance. Site identification will be a major challenge; few, if any, councils have reached this stage of the process. Accordingly, we need to retain consultants, whose first task will be to identify the relevant search criteria against which the suitability of sites can be tested. Following on from this, they will need to assess and identify those of our parishes that have the capacity to properly accommodate Traveller sites. Finally, they will help with site selection.
24. At the time of writing this Cabinet report, it is not clear how the Regional Housing Board will carry out the task of bringing the regional information together. Officers will pursue this with the newly appointed ODPM Gypsy and Traveller lead officer in the Eastern Region.

25. As part of that process, officers will highlight the guidance in the draft Planning Circular which notes that pitch allocation will not necessarily be equal to the needs discovered in local surveys. In particular, there are valid reasons why some of the need for Travellers currently located in South Cambridgeshire could be legitimately met by pitch allocations in other districts.
26. Here are the main point that officers will emphasise:
- a. Traveller families themselves are flexible about where they are located. The Needs Survey says: "No specific geographical location was preferred - more sites anywhere".
  - b. There are a large number of approved sites in South Cambridgeshire because the authority has responded positively to earlier legislative requirements and to planning applications. However, this provision has encouraged Travellers to visit the area (and relatives here) in contrast to local authorities that have not taken such a positive attitude. This places an increasing burden on finding suitable sites and becomes cumulatively more difficult. The RSS has the opportunity to redress the regional imbalance by requiring site allocation in areas that have not been constructive and positive in the past.
  - c. The burden of housing and other growth, coupled with Green Belt restrictions etc, puts available land at a premium whereas other areas in the region may well not face the same pressures.
  - d. Travellers are increasingly moving away from some traditional occupations (e.g. seasonal farm work) towards other work (e.g. trading). Having a more widespread network of site options than the current pattern - with its bias towards previous work patterns - will facilitate their options for developing new patterns of work, trading and travelling.
27. The results of the Travellers' Housing Needs Survey will be reported to Development Conservation and Control Committee, in order to comply with the draft Circular.

### **Financial Implications**

28. Whilst there are no specific implications arising from this report, Traveller Issues represent a considerable draw on the Council's resources. This needs to be placed in the context of current financial constraints and the recent service cutbacks following council tax capping. Efforts to identify approved sites for Travellers, either in this district or elsewhere in the region, could help to reduce the need for the costs of enforcement action on unauthorised sites. The findings of the Travellers' Housing Needs Survey will also help to support bids for ODPM funding to develop or maintain council/housing association-run Traveller sites.

### **Legal Implications**

29. The completion of the survey should discharge the Council's obligations under section 225 of the Housing Act 2004. The results are also being referred to the Development and Conservation Control Committee for its consideration to comply with the requirements of the draft Planning Circular.

### **Equal Opportunities Implications**

30. The Council has a statutory duty under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 to promote race equality and good race relations. Romany Gypsies and Irish Travellers are recognised ethnic minorities.
31. The Council's policy on Traveller Issues upholds the rights of all local residents and Travellers to live peacefully and safely, with mutual respect for the rights of others. South Cambridgeshire has more caravans on authorised private plots than anywhere else in the country. It is also in the top 10% of all districts for the number of caravans on council-run sites. The Council continues to call on the Government for a national policy on Traveller Issues, a duty on all councils to make provision for Travellers, and for sites to be kept to a reasonable size.

### **Staffing Implications**

32. The issues of future site provision and the response to current unauthorised sites in the district have implications for a wide range of Council services. A considerable amount of work has continued to take place throughout the last year in order to
  - a. Enforce planning controls fairly, firmly and consistently;
  - b. Strengthen community relations between local households and Travellers; and
  - c. Lobby for changes in planning law.
33. In the coming months. the work continues on:
  - a. the next steps in following up the Traveller Housing Needs Survey;
  - b. preparations for the LDF Supplementary Guidance;
  - c. on-going planning and legal enforcement action (especially injunctions) against unauthorised traveller sites;
  - d. preparations of bids for ODPM grant funding;
  - e. updating the Council's Race Equality Scheme.

### **Risk Management Implications**

34. Traveller Issues feature prominently on the Council's corporate Risk Register. The actions listed in paragraph 32 above are aimed at managing those risks. The Council needs to implement policies on future Traveller site provision that strike an appropriate balance between the needs of all sections of the community and that recognise the Council's commitment to firm, fair and consistent planning enforcement. In addition the Council needs to ensure that it meets its statutory obligations and that the LDF requirements are followed in order to get the LDF process successfully completed.

### **Consultations**

35. The development of the brief for the Travellers Needs Survey followed draft Government guidance. At the same time, a wide range of statutory and voluntary stakeholders, including the Travellers Implementation Group (TIG), discussed the operational aspects of the project.

## **Recommendations**

36. The Officer Group make the following recommendations to Cabinet:
- a. to note the provisional findings of the Travellers Housing Needs Survey, as they relate to South Cambridgeshire, as set out in paragraph 21 and the Appendix;
  - b. to instruct officers to make the survey findings available to the Regional Housing Board and, at the same time, make the case as to why not all of the need currently found in the district should be met long-term within the South Cambridgeshire district, as set out in paragraphs 25 – 26;
  - c. to instruct officers to adopt the same approach as in (b) above in respect to the Examination in Public of the East of England Plan.
  - d. to use the results of the survey to support any future bids for capital or revenue funding for site provision.
  - e. to refer this report and the Travellers Housing Needs Survey to the Development and Conservation Control Committee, for its information.

## **Background Papers:**

The following background papers were used in the preparation of this report:

- a. "Planning for Gypsy and Travellers Sites - Consultation Paper", ODPM, December 2004 - available from [www.odpm.gov.uk](http://www.odpm.gov.uk).
- b. Council's response to ODPM Consultation Paper, SCDC, March 2005 – available from <http://www.scams.gov.uk/Environment/TravellerIssues/lobbying.htm?showpage=-1>.
- c. Draft Housing Needs Assessments – Appendix: Gypsies and Travellers, ODPM - available from Mike Knight at [mike.knight@scams.gov.uk](mailto:mike.knight@scams.gov.uk) or Tel 01954 713377.
- d. Traveller Housing Needs Survey newsletter 2, Cambridgeshire County Council, April '05
- e. Regional Housing Strategy 2005-2010 - available from [www.eera.gov.uk](http://www.eera.gov.uk).
- f. Government Response to ODPM Select Committee report on Gypsy and Travellers Sites - available from [www.odpm.gov.uk](http://www.odpm.gov.uk)
- g. Report to the Regional Housing Board 28/9/2005 - "Single Regional Housing Pot Allocations 2006-08"-available from [www.go-east.gov.uk](http://www.go-east.gov.uk).
- h. Cabinet report on ODPM Funding for Gypsy and Traveller Sites, SCDC, November 2005.

## **Contact Officer:**

Strategic Officer Group on Traveller Issues  
E-mail: [traveller.project@scams.gov.uk](mailto:traveller.project@scams.gov.uk)  
Telephone: (01954) 713297