



Irish Traveller Movement in Britain

An Irish Traveller Movement in Britain Report



Planning for Gypsies and Travellers: The Impact of Localism

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June 2011**

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Foreword

After the lengthy and painstaking work of Gypsy and Traveller Accommodation Needs Assessments, followed by public inquiries and redistribution of the numbers to bring in local authorities that hadn't pulled their weight, there was every likelihood that the process would be accepted as fair. Groups of people would still have raised vociferous objections to the designation of land for Traveller sites, as they always do, but councillors would have been able to say that the targets had been arrived at by democratic processes of cooperation.

It was obvious that when the Secretary of State Eric Pickles MP tore up the targets and the legislative framework behind them, leaving 300 local authorities to decide whether to grant planning permissions for any Traveller sites guided only by their unaided wisdom, the result would be that insufficient land would be provided for the identified needs of the Traveller population, and there will be more unauthorised sites throughout the land. In this study, the ITMB has estimated the shortfall, based on the responses of 100 out of 152 local authorities in three different regions. Overall, the number of residential pitches for which planning would be granted fell by more than half, from 2,919 in the Regional Strategies to 1,395 in the plans of local authorities, and there are indications that further reductions may be in the pipeline. There is nothing in the Localism Bill to oblige local authorities to make provision commensurate with the need, or to cooperate with their neighbours where some are manifestly not pulling their weight. Readers with long memories will recall that in 1994, when the local authority duty to provide sites imposed by the Caravan Sites Act 1968 was repealed there was almost a total halt to public provision, which has only now been mitigated as Travellers have taken on the job of developing their own sites. These have been on whatever land they could buy, leading generally to refusals of planning permission followed by appeals. Where Travellers have won appeals against these refusals, the permissions granted are all too often temporary, deferring the problem for a few years.

One of the most significant of the responses to the ITMB survey was from a South East authority, which said that greater community involvement could mean fewer sites because of the level of objection at local level. The Bill gives people, councillors and councils the power to initiate a local referendum (LR) on a local issue, and obliges a principal local authority to hold a LR if it receives a petition from 5% of the local people. This will certainly be exploited by the anti-Traveller groups which invariably come to the surface when there is even a whiff of a proposal for a Traveller site in any neighbourhood, and the only protection against barely concealed racism is that the local authority must determine whether or not it is appropriate to hold one. If action taken to promote the LR is likely to contravene the Equality Act, the council would have to turn down the petition. But in the meanwhile, the virulent racist feelings generated by the petition could make it very difficult for councillors to uphold the law.

The Government argue that 'top-down traveller site provision targets have failed to deliver', justifying this sweeping assertion by reference to the Equality and Human Rights Commission's estimate that at current rates of permanent pitch provision it would take 18 years to hit targets set for 2011. But it follows that if the targets are reduced by half, as this study indicates, it is now going to take 36 years to get there. The responses of local authorities to this survey indicate that in the absence of strong central guidance, they would be compelled by public antipathy to Traveller sites to scale down even the lowered provision they had been intending to make. Only one authority out of the 100 surveyed

half indicated that it would make provision more difficult; “the sad reality for Gypsies and Travellers is that Regional Strategies are being abolished just as they were beginning to work”, they say. And the Government themselves admit there is a risk of short term reductions in authorised Traveller sites.¹

Most people would probably agree that too many powers have been taken away from local authorities; but as the ITMB study underlines, the CLG Select Committee believes there are strategic issues, including planning for Traveller sites, that need to be addressed at a higher than local level. This study demonstrates the consequences of proceeding as if ‘localism’ were an article of faith. There is still time to think again on a matter that is of enormous concern to the most deprived and disadvantaged of all ethnic minorities. Let them at least have somewhere they can live within the law, and let not the Government try to pretend that if they proceed with the Clauses affecting Travellers in the Localism Bill, it will not make their lives even harder.

Lord Eric Avebury

Secretary of the All Party Parliamentary Group for Gypsies, Roma and Travellers

*** This report is endorsed by Professor Pat Niner, Centre for Urban and Regional Studies, University of Birmingham**

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Acknowledgements

This study and report was researched and written by Michael Hargreaves, town planner and volunteer researcher at ITMB, and Matthew Brindley, ITMB policy and research officer.

It was carried out in response to a request from Lord Eric Avebury, the long term advocate for Gypsies, Travellers and Roma in Parliament, for evidence on the consequences of the Government's abolition of Regional Strategies for the provision of accommodation for Gypsies and Travellers. It builds on an initial paper by Steve Staines from the Traveller Law Reform Project, which highlighted the issue of local authorities dropping and reducing additional pitch targets.

We are very grateful for the expert views and advice we received at various stages from Margaret Greenfields, Pat Niner, Jo Richardson, Andrew Ryder and Steve Staines.

We are very grateful to Grace O'Malley and Richard Crozier for their help in carrying out the interviews.

Finally we are very grateful for the time, support and thoughtful comments from the many local authority planning and housing officials who answered our questions.

Executive Summary

Introduction

The study responded to a request from Lord Eric Avebury for evidence on the consequences of the abolition of Regional Spatial Strategies (RSSs) for planning for Gypsy and Travellers. Lord Avebury's concerns that the abolition of RSS will make it harder to meet the accommodation needs of Gypsies and Travellers are shared by community members and the Parliamentary Select Committee for Communities and Local Government.

The study is intended to inform decisions on the Localism and Decentralisation Bill and the consultation on CLG's Planning for traveller sites policy guidance. It focused on three regions in England and had returns from 100 of the 152 local authorities (66%). The response rate varied: 91% in the East of England, 68% in the South West, and 47% in the South East.

Traveller pitch targets: All regions

- While RSS would have given pitch targets to every local authority, the study found that 63 (63%) of the 100 local authorities who responded had targets for additional residential pitches and 37 (37%) did not. 74% of councils in the East of England had residential pitch targets, 80% in the South West, but only 34% in the South East. The differences reflect the different stages reached in RSS preparation and differences in the extent to which councils accept the evidence on need.
- Councils' targets for additional residential pitches fell by 52% from the 2,919 in the three published and emerging RSSs to the 1,395 recognised by the authorities themselves.

The Implications of Localism

- Of the 100 local authorities who responded, only one (1%) saw the Localism and Decentralisation Bill as likely to make planning for Gypsies and Travellers easier, while 40 (40%) expected it to make it more difficult. 13 (13%) thought it would make no difference, 25 (25%) weren't sure and 15 (15%) said they weren't sure but also made comments indicating they thought it would be more difficult.
- 40 % of respondents specifically expressed concerns about increased local opposition to development for Travellers under a community based planning system. The strongest single message from the responses was the tension between how localism is understood by many local communities - that they can expect to have proposals they oppose rejected - and providing for Travellers' accommodation needs.
- Other concerns were about uncertainty, delay and mixed messages in Government policy, the risks from insufficiently clear policy and losing or watering down Circular 1/06, funding and the need for a strategic approach to planning.

Plans

The study found widespread delay and uncertainty amongst local authorities on how to move forward with their development plans (15 out of 100 Councils). A further 18 only have or are putting in place defensive development management policies. Of the substantial group (40) who are developing criteria for site allocation, there is widespread reticence to go beyond defining criteria to actually identifying and allocating sites. We also found that at least 19 councils are looking to update or revisit the evidence, and a number made it clear that this was because they were uncomfortable with their existing targets and want to reduce them.

Regional Findings

- In the **East of England** 32 out of 43 councils had local targets for residential pitches
- The 11 authorities without targets included 7 with major green belt constraints and two of the three districts with the highest need.
- Of the 32 councils with targets, 22 had retained the RSS target while 10 had lower targets.
- Of the councils with targets 5 indicated a risk of further reductions. Councils reduced targets in light of Government policy and to avoid making provision for high need areas.
- Overall targets were **36% less** than in the RSS.

- In the **South West** 20 out of the 25 councils who responded had targets for residential pitches.
- 8 had residential pitch targets based on the RSS, 8 lower targets, and 4 higher.
- Overall residential pitch targets were **32% less** than in the emerging RSS.

- In the **South East** only 11 of the 32 councils who responded had residential pitch targets.
- Of the 11 councils with targets, one had a target higher than the emerging RSS and the other 10 lower (often considerably lower).
- Overall the residential pitch targets were **82% less** than in the emerging RSS.

Conclusions and Policy Recommendations

1. Regional Spatial Strategies (RSSs) have not led to a big increase in provision for Gypsies and Travellers, but were making a difference.
2. Abolition of RSS has put things back, but not all the gains have been lost. However, they are vulnerable.
3. Planning for Gypsies and Travellers should be carried out at a wider than local level.
4. The new guidance must recognise the challenges in making provision under a community based planning system.
5. Loose guidance on preparing evidence is a major risk to meeting Traveller needs. Councils should be under a duty to assess needs building on GTAAs.
6. Councils must be required to plan jointly on a sub-regional basis.

7. We need strong transitional arrangements.
8. We need to move on from producing plans to delivering sites.
9. Local Authorities identifying sites won't work.
10. We need resources for training, community development and to allow Traveller organisations to engage in the planning system.
11. We need to address the conflicts over development for Gypsies and Travellers in the green belt and countryside.
12. Without major changes, the Government's proposals will make provision for Gypsies and Travellers even worse.

1. Introduction

1.1

This study has been carried out during a period of change and uncertainty in national policy towards planning for the residential accommodation needs of Gypsies and Travellers following the election of the Coalition Government in May 2010. It has been produced to inform the debate on planning for Gypsies and Travellers and decisions on the Localism and Decentralisation Bill and the consultation on the 'light touch' draft planning policy guidance, Planning for travellers sites,² which Ministers propose will replace Circulars 1/06 and 4/07.³

Background – Planning for Gypsies and Travellers from the war to the coalition

1.2

Adequate housing is a basic human right under Article 8 of the Human Rights Act, which protects the right to private and family life, including the home. The huge difficulties Gypsies and Travellers face in securing culturally appropriate accommodation is a central aspect of the multi dimensional deprivation which Gypsies and Travellers experience. Based on the latest caravan count 20 per cent of Gypsies and Travellers living in caravans in England are legally homeless in that they are living on unauthorised sites (land they own or have a legal right to occupy but for which they do not have planning permission) or are on unauthorised encampments (land which they have no right to occupy, including the roadside).⁴ The lack of security in where they live is a factor behind many of the other disadvantages from which Travellers suffer – including in education, training, access to health facilities and employment.⁵

1.3

Inadequate provision of accommodation for Gypsies and Travellers has been an on-going issue throughout the post war period. Since the war, employment in agriculture, which previously allowed many Traveller families to move from job to job and provided an income has fallen dramatically with a consequent negative impact on Travellers prosperity and ability to travel.⁶ The way that the comprehensive control of the use of land introduced by the 1947 Town and Country Planning Act was implemented by

2 <http://www.communities.gov.uk/publications/planningandbuilding/travellerssitesconsultation>

3 ODPM Circular 01/2006, Planning for Gypsy and Traveller Caravan Sites
DCLG Circular 04/2007, Planning for Travelling Showpeople

4 DCLG, July 2010 Caravan Count
<http://www.communities.gov.uk/publications/corporate/statistics/caravancountjul2010>

5 See the comprehensive survey, Inequalities experienced by Gypsy and Traveller Communities, Cemlyn, Green fields, Burnett, Matthew and Whitfield for the Equality and Human Rights Commission, particularly pages 5-34, Accommodation.

6 ITMB, 2010, Roads to Success: Economic and Social Inclusion for Gypsies and Travellers, p.44
http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

local authorities made it difficult for Travellers to get planning permission while many traditional road side stopping places were stopped up. This resulted in many families being forced into bricks and mortar housing. In recognition that the old way of life was coming to an end and that Gypsies and Travellers needed somewhere to live, the 1968 Caravan Sites Act gave a duty to local authorities to provide sites. The majority of existing public sites in England were built during the period in which this duty was in force.

1.4

The 1994 Criminal Justice and Public Order Act abolished the duty on local authorities to provide sites, discontinued Government grants for sites, and made it a civil offence to camp on land without the owner's consent – and a criminal offence if they failed to move when directed to do so. The intention was that local authorities would make land available and that Gypsies and Travellers would provide accommodation for themselves through private sites. However, little land was made available and in the large majority of cases when families acquired land they were refused planning permission.⁷

1.5

The Criminal Justice and Public Order Act led to a growing shortfall in accommodation and consequential increased conflicts over unauthorised development as Travellers were forced to take the law into their own hands by occupying land without planning permission. Following negative press coverage around the 2001 general election, the then Deputy Prime Minister, John Prescott, determined to solve the issue. His initial response focussed on tougher enforcement, but he was eventually persuaded, including by evidence from the Travellers Law Reform Project and others, that the issue would not be solved without more sites. The outcome of the John Prescott review was the introduction of Circular 1/06 Planning for Gypsy and Traveller Caravan Sites. Its objectives included reducing the number of unauthorised encampments and developments and the conflict they cause, whilst significantly increasing the number of sites with permission to address under-provision within 3-5 years.⁸

1.6

Circular 1/06 introduced a three stage process for planning to meet accommodation needs: local authorities assessing needs through Gypsy and Traveller Accommodation Needs Assesements (GTAAAs); regional planning bodies defining targets for additional accommodation for each local planning authority area through their Regional Spatial Strategies (more recently known as Regional Strategies); and local planning authorities determining how those targets are to be met at the local level through their Development Plan Documents.⁹

1.7

Between February 2006, when Circular 1/06 was published, and May, 2010 there was a period of policy stability. Progress in approving additional accommodation was

7 ACERT and Wilson M. 1997, Directory of Planning Policies for Gypsy Site Provision, Bristol, Policy Press

8 Circular 1/06 paragraphs 20 b) and c)

9 Circular 1/06 pages 7 – 9

very slow. At recent approval rates it will take around 16 years to meet the immediate requirements identified in GTAAAs in England, 27 if temporary or personal planning consents are excluded¹⁰ (and by then there will be further needs because of household growth within the Traveller communities). This very slow progress is despite the fact that the proportion of permissions granted on appeal increased from 40% prior to the introduction of Circular 1/06, to 70% after it, though a majority of the approvals were temporary.¹¹

1.8

This study focuses on plan making. It complements the Brown, Henning and Ninerand Richardson studies and provides evidence of Regional Spatial Strategy and development plan provisions of Circulars 1/06 being put in place all too slowly by Regional Assemblies and Local Planning Authorities.

1.9

Since May 2010 and the election of the Coalition Government we have entered a period of considerable change and, as some of the findings of this research show, of uncertainty and mixed messages.

1.10

In July 2010 the Secretary of State for Communities and Local Government, Eric Pickles announced the revocation of Regional Spatial Strategies (RSSs) in all regions of England. However, following a legal challenge by housing developer, CALA Homes the courts found that the Secretary of State had exceeded his powers in attempting to abolish the whole national structure of RSSs and in doing so without any Strategic Environmental Assessment.¹² This study has been conducted in a context where RSSs have been temporarily reinstated as a result of the CALA homes judgement, while the Government has made it clear it intends to abolish them through measures in the Localism Bill.¹³

1.11

There has been widespread concern at the implications of the loss of the strategic regional dimension to planning (see in particular, A Big or Divided Society, the interim

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- 10 Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update, Brown, Henning and Niner for the Equality and Human Rights Commission, 2011
- 11 Richardson, J, 2011, The Impact of Planning Circular 1/06 on Gypsies and Travellers in England
- 12 Cala Homes V. Secretary of State for Communities and Local Government, 10 November 2010
<http://www.bailii.org/ew/cases/EWHC/Admin/2010/2866.html>
- 13 DCLG, 27 May 2010, letter from the Secretary of State to local planning authorities and the Planning Inspectorate and 10 November 2010, letter from Steve Quartermain, DCLG Chief Planner to local planning authorities
<http://www.planning-inspectorate.gov.uk/pins/rss/10-05-27%20-%20SofS%20to%20Council%20Leaders%20-%20Abolition%20of%20Regional%20Strategies.pdf>
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1765467.pdf>

recommendations and report of the Panel Review into the Localism Bill and Coalition Government Policy on Gypsies and Travellers).¹⁴ In their report, *Abolition of Regional Spatial Strategies: a planning vacuum?* (March 2011) the Communities and Local Government Select Committee concluded that a number of strategic planning issues, including planning for Gypsies and Travellers need to be addressed at a larger than local level (paragraph 43 of their report). In regard to Gypsies and Travellers they concluded, paragraph 57:

*'Gypsy and Traveller sites are a contentious issue and without a statutory requirement for local authorities to provide sufficient sites, there is great concern that Gypsies and Travellers will not have adequate accommodation and that the new system of planning may discriminate against these communities. This means there is a problem both for those individuals without accommodation, and also for settled communities that have unwanted, unauthorised sites. Urgent action is needed by the Government to ensure that there is adequate permanent and transit site provision to meet the needs of Gypsies and Travellers by increasing both. We see little evidence that the abolition of RSS will do anything but hinder the resolution of problems relating to Gypsy and Traveller housing.'*¹⁵

1.12

The Government has indicated some of the headlines of its revised approach to planning for Gypsies and Travellers, including New Homes Bonus incentives for local authorities for the development of authorised sites, the abolition of 'flawed' Whitehall guidance (ie Circular 1/06), and stronger powers for councils to tackle unauthorised development.¹⁶ However, it was only with the publication of the Draft Planning Policy Statement, Planning for travellers sites in April 2011 that any details of the new approach emerged.¹⁷

The Scope and Objectives of the Study

1.13

The study was carried out in response to a request from Lord Eric Avebury for evidence on the consequences of the abolition of RSSs on Gypsy and Traveller accommodation provision and of the implications of emerging legislation and guidance. It built on an initial paper by Steve Staines of the Travellers Law Reform Project identifying the problem of local authorities abandoning or reducing targets for additional sites. It has been carried out over a relatively short period to inform the debate about the Localism Bill and the draft 'light touch' policy guidance.

14 <http://www.travellersaidtrust.org/wp-content/uploads/2011/01/A-BIG-OR-DIVIDED-SOCIETY-Interim-Report.pdf>

15 Select Committee for DCLG, March 2011, *Abolition of Regional Spatial Strategies: a planning vacuum?* <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/517/51702.htm>

16 DCLG, 29 August 2010, Eric Pickles: Fair deal for travellers and the settled community <http://www.communities.gov.uk/newsstories/newsroom/1701109>

17 <http://www.communities.gov.uk/publications/planningandbuilding/travellerssitesconsultation>

1.14

In working up the brief for the study (Chapter 2) the objectives expanded from looking at the consequences of the abolition of RSSs (Chapter 3) to an overview of local authorities approaches to planning for Gypsies and Travellers (Chapters 4 and 5) and their perceptions of the consequences of the emerging community based planning system (Chapter 6). Our conclusions (Chapter 7) make proposals about how a more local based planning system can be designed to ensure the accommodation needs of Gypsies and Travellers can be met.

1.15

Rather than study the whole country, which was unrealistic in the time available, we have focussed on three regions. We chose to look at the East of England, the South East, and the South West on the basis that they are the three English regions outside London with the largest Gypsy and Traveller populations and they had reached significantly different stages in the processes of adopting RSS Gypsy and Traveller reviews. There were also indications of varying approaches to planning for Gypsies and Travellers between them.

1.16

The study focuses specifically on planning for residential and transit pitches for Travellers.¹⁸ Such sites and how they can be accommodated is the overriding concern of local planning authorities in regard to Gypsies and Travellers. However, it should not be forgotten that local authorities interact with Traveller communities in a range of ways, including through management of sites and Traveller Education Services, nor that between half and two-thirds of Gypsies and Travellers in Britain live in bricks and mortar housing, sometimes by choice, but often contrary to their preferences and cultural traditions.¹⁹ One of the little understood issues in planning for Travellers is how much suppressed demand there is for residential caravan sites from Travellers living unhappily in bricks and mortar housing.

1.17

Planning for the residential and operational needs of Travelling Showpeople is closely related to planning for Gypsies and Travellers and ODPM Circular 4/07, Planning for Travelling Showpeople, requires the same three stage process for planning to meet their needs. Although we gathered some data on planning for Travelling Showpeople (with development proposals for Showpeople often opposed for similar reasons of discrimination and prejudice), the primary focus of the study is planning for Gypsies and Travellers, which in terms of levels of need, numbers homeless, stress, conflict and community cohesion is a higher profile and larger scale issue.

18 Pitches typically involve a static and touring caravan and an amenity block providing kitchen & bathroom facilities, plus in some cases workspace, grazing for horses and children's play area.

19 EHRC, 2009, Inequalities experienced by Gypsy and Traveller Communities, p. 19
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

1.18

The study focuses on the decisions and attitudes of local authorities and how they are responding to the changing policy environment created by the Coalition Government. We would argue that a focus on local authorities is justified because through the exercise of their planning powers local authorities are crucial gate-keepers for Traveller communities in controlling the supply of residential accommodation. That gate-keeping role has a huge impact on Gypsies and Travellers, who in many cases are deeply frustrated and feel themselves manipulated and tortured by the bureaucracy of the planning system.

Context: Planning for Gypsies and Travellers in the Regional Strategies for the three regions**1.19**

The study found significant differences in the position on targets for additional site provision between the three regions. To understand why it is necessary to go into a little detail on the varying approaches and different stages they had reached in their RSS reviews.

1.20

The **East of England Review**, Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England, A Revision to the Regional Spatial Strategy for the East of England, TSO July 2009, was one of only two Gypsy and Traveller reviews in England which by the change in Government had been finalised and published, meaning it is formally part of the Development Plan for the purposes of determining planning applications. (The other was that for the East Midlands.) The Review had gone through the full process of local authorities preparing or commissioning GTAAs, the Regional Assembly submitting a draft review to the Secretary of State,²⁰ an examination in public under an independent panel,²¹ the Secretary of State publishing proposed changes informed by the Panel's findings,²² and formal publication.

1.21

The level of need in the review submitted by the East of England Regional Assembly was informed by the testing of the GTAAs for the East of England in the Niner Report.²³

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- 20 Draft Regional Spatial Strategy Single Issue, Planning for Gypsy and Traveller accommodation in the East of England, East of England Regional Assembly, February 2008.
- 21 Planning for Gypsy and Traveller accommodation in the East of England, Report of the Panel, December 2008.
- 22 Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England, The Secretary of State's Proposed Changes to the Draft Revision to the Regional Spatial Strategy, Government Office for the East of England, March 2009.
- 23 Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by Regional Planning Bodies, Department for Communities and Local Government, March 2007, developed a methodology to benchmark the robustness and consistency of GTAAs and applied that methodology to the East of England.

1.22

Reflecting the objective in Circular 1/06 (paragraph 12c) of addressing under-provision over the next 3-5 years (i.e. from February 2006) the draft review had targets for meeting immediate needs for net additional residential accommodation by 2011. It also indicated that provision after 2011 should assume a 3% compound annual increase in residential pitch provision.

1.23

A notable feature of the East of England review was that need was strongly concentrated in certain parts of the region, with 4 local authorities having 37% of the total needs and 9 having a need for two or fewer pitches (and in four cases zero).²⁴ The RSS responded to this by re-distributing provision with all districts asked to accommodate at least 15 additional pitches and a number of districts²⁵ with moderate local needs and few constraints asked to accommodate higher numbers redistributed from the three districts with the highest local needs, two of which were also heavily constrained by green belt.²⁶

1.24

Contrary to the requirements of Circulars 1/06 and 4/07, the draft review submitted by the Regional Assembly did not include targets for additional transit sites for Travellers, nor for additional plots for Travelling Showpeople. On the basis of the available evidence the examination panel was unable to recommend district level targets but did recommend provision for additional transit pitches and plots for Travelling Showpeople for county groupings of local planning authorities.²⁷

1.25

Not all the local authorities supported the approach of the Regional Assembly. As the Panel Report shows, a substantial proportion appeared at the examination to argue for lower targets and two made legal challenges to the published review.²⁸ In the event the challenges were never heard in court because they were overtaken by the general election.

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- 24 Planning for Gypsy and Traveller accommodation in the East of England: Issues and Options, East of England Regional Assembly, May 2007 paragraph 1.11 & table 1.
- 25 Except Stevenage and Watford where the examination panel recognised their particularly tight boundaries and development capacity and recommended reducing their targets to 10.
- 26 Panel Report paragraphs 3.1, 3.15, 3.25- 3.27 and Secretary of State's decisions on panel recommendations 4.1 – 4.5 and 4.9 (Secretary of State's Proposed Changes, Part 1.)
- 27 Panel Report pages 60 – 76.
- 28 Basildon and St Albans, perhaps significantly both green belt authorities. Basildon is also the location of the substantial partly unauthorised Dale Farm Irish Traveller site.

1.26

The **South West Review** was originally ahead of that for the East of England with the draft review submitted to the Secretary of State in July 2007, an examination in public in March 2008, the Panel Report published in April 2008, and the Secretary of State's Proposed Changes published for consultation in July 2008. However, the finalised review was never published because it was linked to the rest of the RS review, which was delayed because of issues with its proposals for sub-regional housing growth and the need to revisit the strategic environmental assessment.

1.27

The review in the South West covered need to 2011 and, on the advice of the Panel, the assumption of subsequent growth at 3% per annum compound. As well as residential pitches the draft review included targets for additional transit pitches, but not of additional plots for Travelling Showpeople, where the panel recommended the approach (that was subsequently followed by the East of England Panel) of specifying targets for additional plots for County groupings of local authorities, rather than at district level.

1.28

The **South East Review** was submitted to the Secretary of State in June 2009. There was an examination in public in February 2010 but the Panel Report was never published because it was overtaken by the May 2010 general election and the new Government's intention to abolish regional strategies.

1.29

The draft review covered the period 2006-2016 and, as well as targets for additional residential pitches, it included targets for additional plots for Travelling Showpeople, but not transit pitches. The proposed targets for residential pitches were based on a strategic redistribution of need with 25% of additional pitches redistributed between areas based on two factors, land area without planning constraints and their population at 2016, which was used as a measure of economic opportunities.²⁹

1.30

An unfinished draft of the Panel Report has been made available as a result of a Freedom of Information request to the Planning Inspectorate by Friends Families and Travellers, the Travellers Law Reform Project, and the Showman's Guild.³⁰ Whereas in the East and South West the panels only recommended marginal increases in the total net additional residential pitch requirements,³¹ the South East Panel found that

29 Partial review of the Regional Spatial Strategy for the South East, Provision for Gypsies, Travellers and Travelling Showpeople, paragraphs 5.9–5.15.

30 South East Regional Spatial Strategy G&T: Report of the Panel, 2010
http://www.planning-inspectorate.gov.uk/pins/rss/SERSS_GTTS_Report_draft_incomplete.pdf

31 From 1,187 to 1,237 net additional pitches in the East of England, Panel Report Appendix 1 and from 1,136-1,156 to 1,203 -1,205 in the South West
http://www.southwestra.gov.uk/media/SWRA/RSS%20Documents/Gypsies_and_Travellers/Comparison_Table.pdf
http://www.gos.gov.uk/goee/docs/Planning/Regional_Planning/808762/809975/Proposed_changes_document

the Regional Assembly's proposals had significantly underestimated need. They were highly critical of the soundness and credibility of the GTAAs commissioned by the local authorities and suggested that at a number of points they had ignored best practice in engaging with Traveller communities and in their assessment of need to reduce targets (see chapter 2 generally and their conclusion at paragraph 1.13):

'In our examination of the Partial Review we have had two major concerns regarding the tests of soundness, namely the evidence base and the level of involvement of gypsy and traveller and travelling showpeople communities. We have found many shortcomings in the evidence base due to the different methodologies in the GTAAs and TSAAs but this is not surprising considering much of the work was undertaken in 2006 and 2007 and the methodology was not tried and tested as, for instance, in assessing other housing needs. What was more surprising is the lack of regard by some authorities of the evidence base they did have in their GTAAs. Although attempts were made to reach the communities there were some major shortcomings, particularly concerning those gypsy and travellers in housing and the New Travellers.'

1.31

They were specifically critical of the fact that the South East Regional Assembly had commissioned Pat Niner's team to benchmark the GTAAs and advice from the individual authorities on the draft targets and then ignored the team's findings.³²

*'This may have enabled the policy evolution process to continue with broad support from all local authorities, but it effectively over-rode the findings of the external independent scrutiny and, in sanctioning figures which that study judged too low, allowed requirements which were not a sound estimate of local or regional needs to be presented to the public and remain in the Draft Policy.'*³³

1.32

The Panel were also strongly critical of the population in 2016 basis for the regional redistribution of additional provision, which had the effect of increasing provision in a small number of primarily urban and / or green belt authorities and which doesn't reflect the rural or semi rural locations where most Travellers live and will want to live.³⁴

1.33

The Panel recommended a major uplift in additional residential provision from 1,064 to 2,119 net additional pitches by 2016, as well as an increase in plots for Travelling Showpeople from 302 to 397, together with the inclusion of targets for an additional 153 transit pitches.³⁵

32 Unpublished panel report paragraphs 2.60 – 2.62

33 Unpublished panel report paragraph 2.62

34 Unpublished panel report paragraphs 3.21 – 3.35

35 Unpublished panel report chapter 15

2. The Study

Approach to the Study

2.1

The principal source of data for the study was information provided by local authority officials through telephone interviews or questionnaires between January and March 2011.

2.2

The research team sent an initial email to all the local planning authorities in the three study regions (Annex 1). The email introduced the study, asked them whether they were willing to participate and, if so, to provide contact details of a member of their staff we could approach to interview. If we didn't receive a response, we followed up with a telephone call asking to speak to the person who could provide information about the authority's policy towards development for Gypsies and Travellers. This meant the majority of responses were from planning policy officials, although in a minority of cases we spoke to housing officials. Some officials came back quickly, whilst others were heavily committed or weren't available. Where possible we chased.

2.3

We initially sought a telephone interview, but in a number of cases respondents indicated they would prefer to fill in the questionnaire themselves. Reflecting this, we amended our approach to offer the choice of a telephone interview or to fill in the questionnaire. In both cases we used the same questions (Annex 2). Where we interviewed officials we sent the questions in advance so they had time to prepare their thoughts and consult colleagues. We then wrote up the responses and sent them to respondents so they could indicate if we hadn't accurately reflected their comments or wanted to make further points.

2.4

We made clear that the information they were giving would be treated in confidence, would only be available on an aggregate basis and would not be attributable (Annex 1). We believe this guarantee of confidentiality and the findings being presented on a non-attributable basis allowed people to provide more specific and perhaps honest responses to the questions.

2.5

In chapters 3 - 6 we summarise the study's findings. We express the main findings in quantitative and graphical form. We have also, however, made much use of the specific comments respondents made to us. Quotations are particularly valuable in bringing out the quality of the comments and the emphases within them.

Response rate

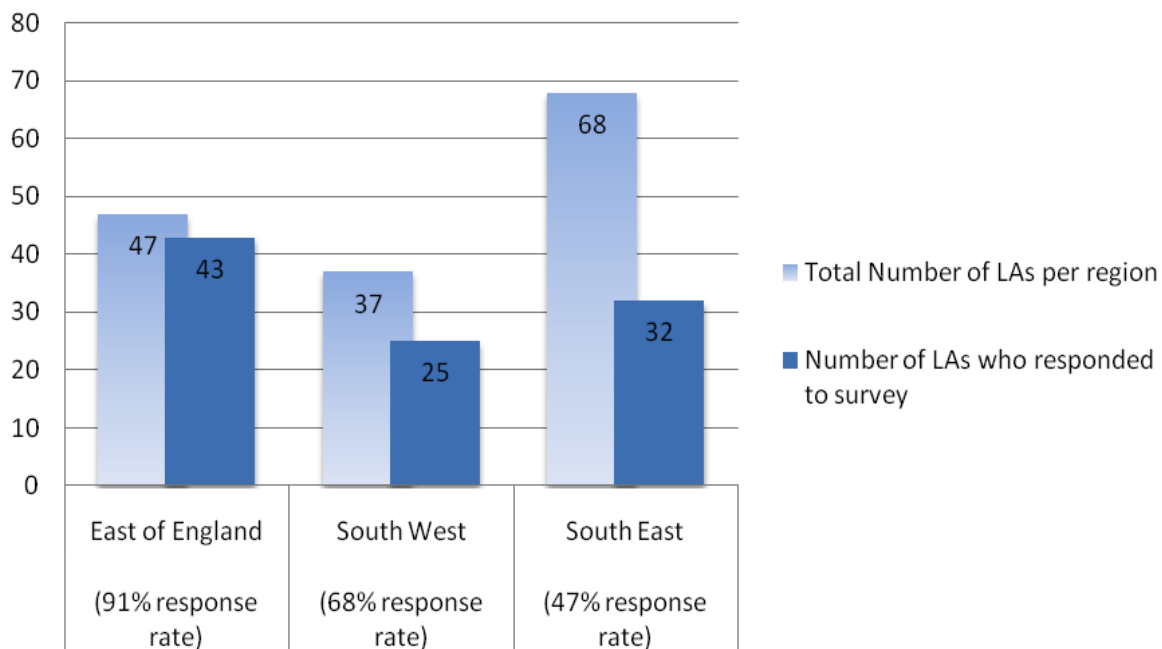
2.6

In total we had returns from 100 of the 152 local planning authorities, which represents a 66 per cent response rate.

2.7

The response rate was significantly different between the three regions (Figure 2.1): 91% in the East; 68% in the South West; and 47% in the South East. The main reason for this difference lies in how we carried out the study. We started with the local authorities in the East of England, moved on to the South West, and finally the South East. In the East of England we had time to contact all the authorities and chased a number of times, so it was only the most unwilling or overloaded who didn't provide a return. In the South West we contacted all the authorities, but didn't have time to chase everyone. In the South East it was more a case of getting as many responses as we could before the deadline for data entry.

Figure 2.1 Response rate by region



Some Observations on the Responses

2.8

One of the study authors had previously worked in the East of England and the four officials we approached with pilots of the questions were all at local authorities in the East of England. In retrospect some of the questions, notably that about change in targets over the last year, were slightly more relevant to the position in the East of England than the two other regions.

2.9

Based on some of the reactions we got from officers in local authorities we approached, we posit that those local authorities who did not provide returns may be less engaged with Gypsy and Traveller issues. Conversely we were more likely to get returns from officials at local authorities with a degree of commitment and interest in Gypsy and Traveller issues or with a personal interest in such issues. If this is the case, it may mean the responses may be skewed towards more positive local authorities and this may have influenced our findings, particularly in the South West and South East with their lower response rates. It implies that the full picture may be even bleaker than our findings suggest.

2.10

The study was carried out during a period of significant policy change and uncertainty. Many local authorities indicated they were reviewing their positions and expect to respond to Government policy once it was clarified. It means in some cases that responses would be different if the study had been carried out a couple of months earlier or later and that the study's findings should be seen as a snapshot of an evolving picture.

3. Planning for Gypsies and Travellers: Targets

3.1

A key focus of the study has been the extent to which local authorities have targets for additional residential pitches and transit pitches for Gypsies and Travellers. We also asked whether they have targets for additional plots for Travelling Showpeople.

3.2

The key function of Regional Spatial Strategies in the three stage process for planning for Gypsies and Travellers set out in Circular 1/06 was to establish the requirements for additional provision for each local authority. In a post RSS world, the equivalent targets will be set through local authorities' development plans.

3.3

Targets are important because they are an indicator of local authorities' recognition of the need for additional provision and of their responsibility to work towards meeting that need. Not having targets does not necessarily mean that additional provision cannot be made, but given that proposals for Travellers normally attract strong opposition from local communities, it risks creating the expectation that additional Travellers are not welcome and that proposals from them will be rejected.³⁶ It tends to mean permissions have to be sought through the conflict and expense of appealing to the Planning Inspectorate after refusal of planning permission.

3.4

In determining whether local authorities have targets for additional pitches, a small number of the responses were ambiguous and reflected change and uncertainty in policy. In such cases we used follow up questions and information on local authorities' web sites.

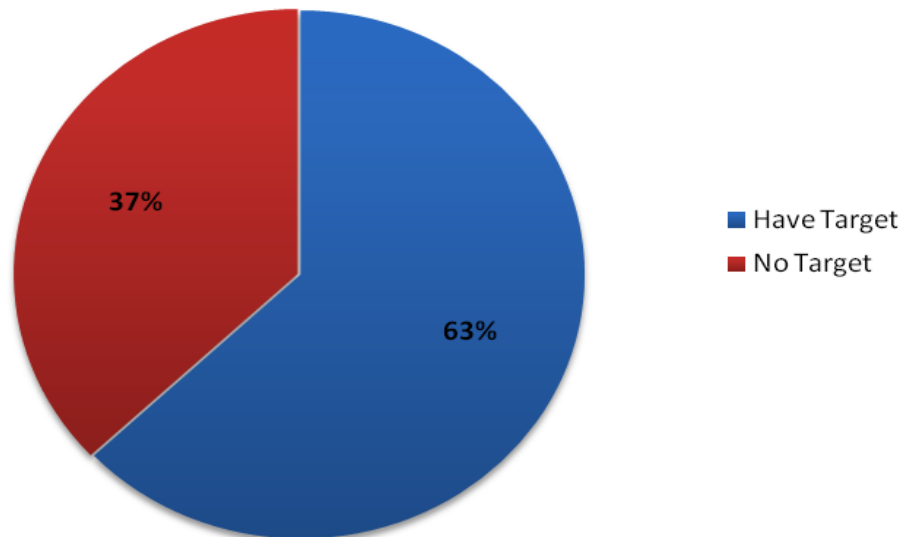
Overall Findings

3.5

Overall 63 of the 100 local authorities in the three regions recognised local targets for additional residential pitches, and 37 did not (Figure 3.1).

36 EHRC, 2009, Inequalities experienced by Gypsies and Travellers: A review, p.11
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveler_communities_a_review.pdf

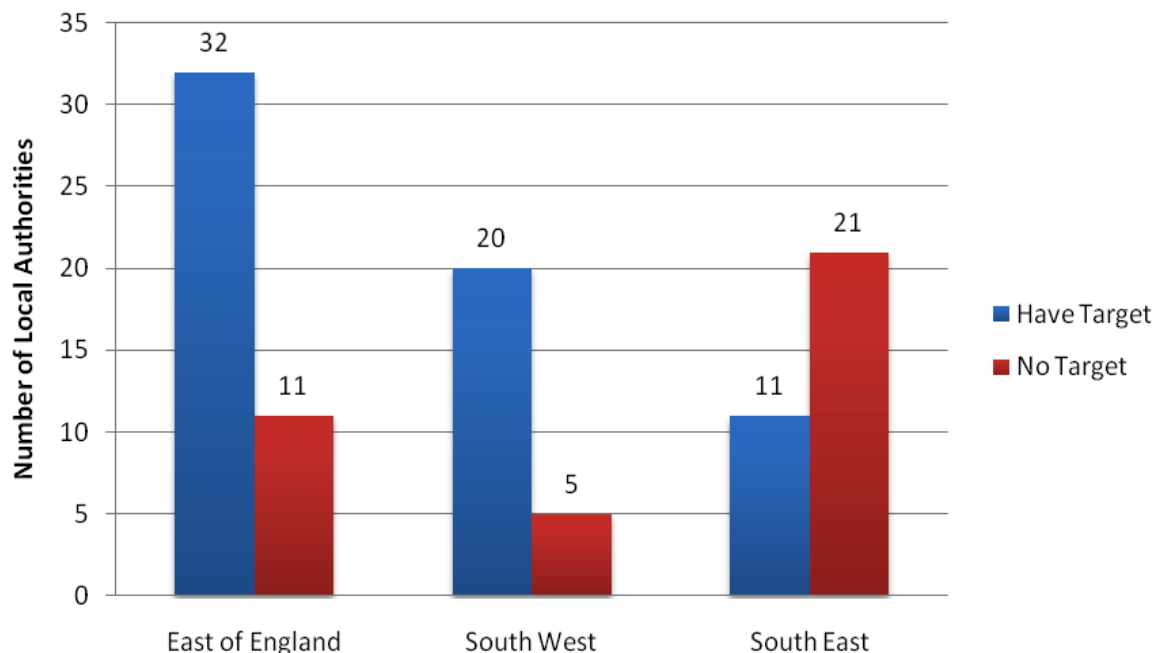
Figure 3.1 Residential pitch targets: all three regions



3.6

There were marked differences between the three regions. In the East of England 74% of local authorities had targets, in the South West 80%, but in the South East only 34%, (Figure 3.2). A major reason for the differences was the different stages reached in the preparation of their RSSs, particularly in the South East where the process was abandoned before the Panel Report was published. But this was not the only factor. There were also differences in the nature of the regions – their size and extent of green belt - and the degree of acceptance of the evidence on Gypsy and Traveller needs, with acceptance of the evidence highest in the South West and most disputed in the South East.

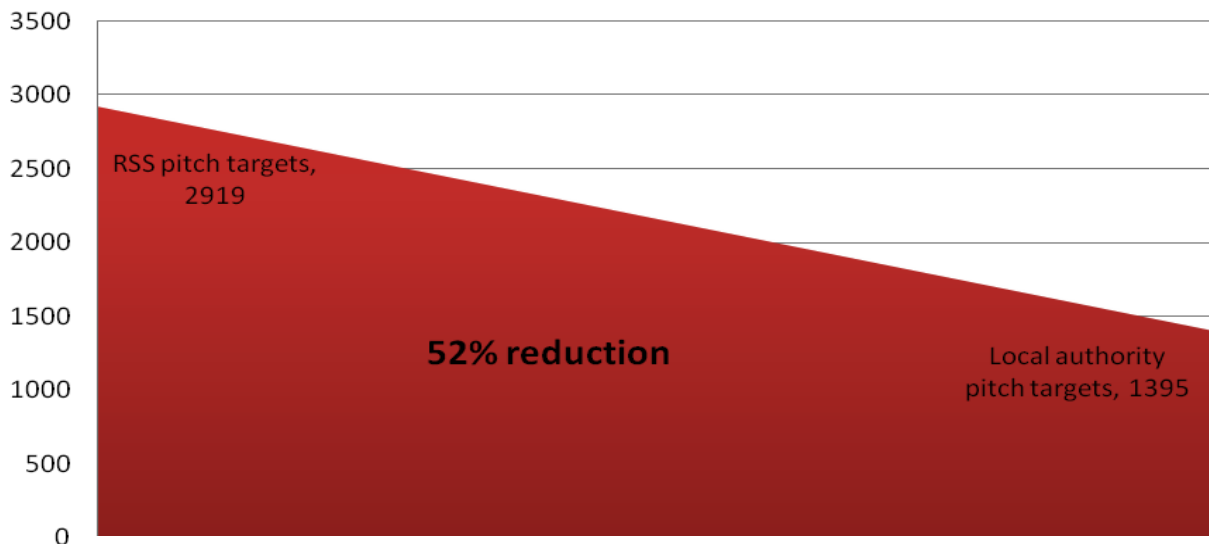
Figure 3.2 Residential pitch targets by region



3.7

Further analysis of the responses reveals that overall the targets for additional residential pitches have fallen by 52% from 2,919 in the three published / emerging RSSs to the 1,395 pitches recognised by the local authorities themselves for the equivalent periods (Figure 3.3).

Figure 3.3 Local authority compared with RSS pitch targets: All regions



*Target based on emerging and required RSS pitch target in 100 council areas by 2011

Targets: The Regional Findings

The East of England

3.8

The East of England was the only region where the RSS was finalised and formally part of the development plan. Consequently the issue in the East was whether, in light of the impending abolition of RSS, local authorities still recognise a local target.

3.9

Of the 43 councils who provided returns, 32 (74%) had targets for additional residential pitches and 11 (26%) did not (Figure 3.2). Of the councils with residential pitch targets 22 had targets corresponding to the RSS figure, while 10 had adopted lower targets.

3.10

All the 10 councils who adopted lower targets cited GTAA evidence, which suggested a lower level of locally generated need than their RSS target. 7 of the 10 were among the councils who had their targets raised through the RSS review process either to the minimum 15, or a higher figure as a result of being asked to meet needs from neighbouring high need authorities (see paragraph 1.23 above).

3.11

Two notable characteristics of the 11 authorities without targets is that they include 2 of the 3 very high local need authorities (paragraph 1.23 above) and that 7 of them are highly constrained by green belt with all or most of their non developed area so designated, combined in two cases with tight administrative boundaries.

3.12

Of the 21 councils who either reduced their targets or do not have a target, 12 specifically cited the Government's abolition of RSS.

'The revocation of the East of England Plan resulted in the removal of pitch targets for the East of England region until a further assessment is carried out.'

'Following the RSS we had proposals for 4 sites, 1 transit site, & 1 travelling showpeople's plot in the submitted core strategy. Following Eric Pickle's announcement that he was withdrawing the RSS we carried out a targeted consultation which resulted in our indicating to the Inspector that we were seeking a change in the core strategy.'

3.13

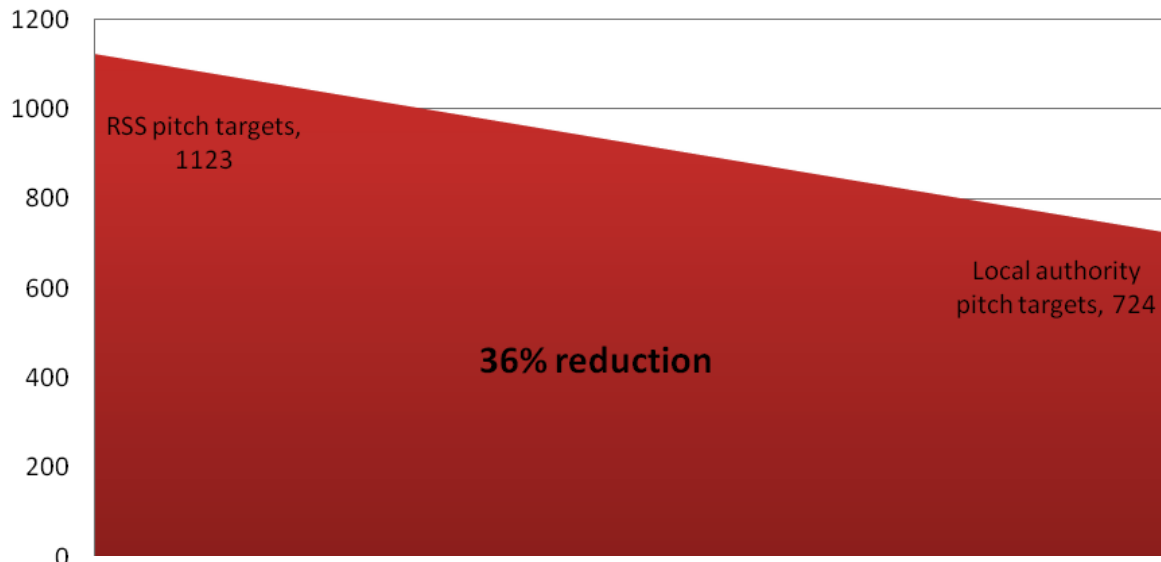
Taken together the effect of these changes in Traveller pitch targets is to undermine the strategic regional approach to provision in the RSS. Authorities with high needs or green belt constraints are more likely to have abandoned targets, while authorities with fewer constraints and relatively low needs and hence potential to accommodating provision from more constrained authorities have moved to lower targets based only on their local needs.

3.14

Overall the targets for additional residential pitches in the 43 councils in the East of England represent a fall of 36 per cent from the 1,123 additional pitches that the RSS would have required them to accommodate by 2011 to 724 pitches (figure 3.4).³⁷

37 In some cases the lower targets adopted by the local authorities relate to a later period than the 2006 – 11 in the RS. To enable comparisons we recalculated the rates in those revised targets as if they related to 2006 –11.

Figure 3.4 Local authority compared with RSS pitch targets: East of England



*Target based on RSS required pitch targets in the 43 council areas by 2011

3.15

It is also likely that the process of reducing targets has not ended. Although we didn't ask the question directly, in their comments officials from 5 local authorities identified the likelihood or risk of further reductions:

'We haven't so far reduced our target, but very likely it will go down to the 5 in the GTAA once we have the Act and the replacement circular.'

'There was some concern at the time that the figure was too high because we were being asked to make up for shortfalls in other districts so this figure may be reduced.'

3.16

Compared with the 32 councils with targets for residential pitches far fewer had targets for additional transit sites or plots for Travelling Showpeople, only 12 (28%) of local authorities in both cases. In regard to Travelling Showpeople this partly reflects the patchy distribution of need, but some comments suggest some local authorities regard transit sites and provision for Travelling Showpeople as an optional add on:

'After a lot of debate members accepted the need to accept the RSS target, but not the need to make provision for Travelling Showpeople.'

'The proposed abolition of the RSS means that the LPA³⁸ decided to drop the transit pitch targets of the RSS, but there is a commitment to support the provision of transit pitches or visitor pitches on existing sites (no target though).'

'The local authorities are looking at one transit site for the county, but a number of districts have ended engagement.'

The South West

3.17

Of the 25 councils in the South West who provided returns, 20 (80%) had targets for additional residential pitches and 5 (20%) did not (Figure 3.2).³⁹ Of the 20 councils with targets, 8 corresponded to those in the emerging RSS, 8 had lower targets and 4 actually identified higher targets than the RSS.⁴⁰

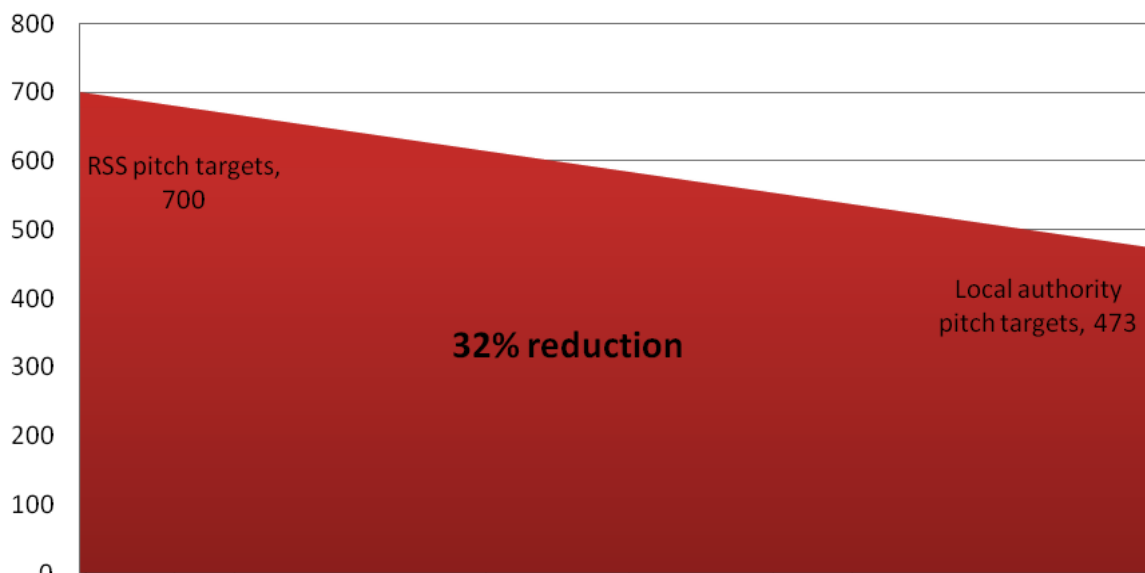
3.18

Of the authorities who had adopted lower targets three were councils whose re-sponses suggested they didn't support the GTAA evidence, while the other 5 cited GTAA evidence that justified locally generated needs.

3.19

Further analysis indicates that the 473 additional pitches planned by the 25 councils is 32 per cent less than the 700 pitches which would have been required on the basis of the targets in the Secretary of State's proposed changes to the RSS (Figure 3.5).⁴¹

Figure 3.5 Local authority compared with emerging RSS pitch targets: South West



*Target based on RSS required pitch targets in the 25 council areas by 2011

39 The five included one where the evidence suggested there was no local need and the Draft review and Secretary of State's proposed changes did not propose any local provision.

40 All in Somerset where the local authorities commissioned a new county wide GTAA in 2010. The slow rate at which additional accommodation has been approved combined with growth in numbers of Traveller households means it should not be surprising that updated evidence suggests the need for higher targets.

41 Again we have recalculated new local targets on the 2006 –11 base.

3.20

Compared with the East of England, more local authorities in the South West have targets and there has been a smaller reduction in the overall level of targets accepted by the local authorities. A number of reasons can be suggested for this:

- The possibility raised at paragraph 2.9 that the sample may be skewed in favour of relatively positive local authorities;
- Although the Gypsy and Traveller RSS was not adopted, the authorities had been working on it over a considerable period and had time to come to terms with its conclusions. One of the underlying themes of the study is that conflict can be reduced and sustainable solutions found when Councillors, local communities and Gypsies and Travellers spend time working together through the issues. In this sense the slow processes of the RSS and local authorities' development plans have been helpful.

'The figures in the West of England GTAA still represent the most up to evidence base available to the Council in terms of needs and will continue to inform work on meeting accommodation need until reviewed.'

'We conducted a call for sites amongst local land owners. We are now proactively working with the communities. RSS and GTAA were an incentive to engage with the communities and supplied good guidance and support.'

- There is a significant level of joint working over evidence and plan making by South West local authorities, which tends to be associated with better outcomes;
- Compared with the East of England (and the South East), the overall level of need is smaller (700 v 1,123 pitches by 2011), the region is larger, there aren't as many green belt constrained authorities, nor authorities with very high levels of local need. As a consequence of these factors there wasn't the same need for the redistribution of provision, which tends to be controversial and resisted by the many receiving authorities.

3.21

There was also a stronger understanding of the need for transit sites and plots for Travelling Showpeople. Of the 25 councils, 15 (60%) had targets for transit sites and 13 (52%) for additional plots for Travelling Showpeople.

3.22

The South West was the one region where the Draft RSS included targets for transit sites. This is partly explained by the presence of many New Travellers with need for transit accommodation and the strong engagement by New Travellers in several of the GTAAs (and subsequently the examination). Traveller Space was important in influencing the Cornwall GTAA, Devon had large numbers of New Travellers, and Friends, Families and Travellers (a well established Traveller organisation) originated in Somerset and Dorset and had done a lot of work with the local authorities over

significant period.⁴²

The South East

3.23

Of the 32 councils who responded in the South East, 11 (34%) had a target for additional residential pitches and 21 (66%) did not (Figure 3.2). The smaller number with targets should not be surprising, given that the role of the RSS was to define targets and that it was abandoned before the Panel Report was published. The corollary is that had the process not been abandoned, many of the councils would have adopted them. Although we didn't specifically ask this question, in their responses six local authorities indicated that they intended to adopt the RSS figures and some of their comments indicate that they have now been left in considerable uncertainty on how to proceed.

'We had been 'working to' the targets set out in the Draft Partial Review to the SE Plan (June 2009). While we continue to use these figures informally to give us an indication of level of need, we now feel as though we are in a policy vacuum in terms of targets.'

'We were waiting for the guidance on targets from the RSS Panel Report. The districts are currently considering at an officer level how to go forward, including waiting for the replacement national policy. Considering whether new needs assessment should be done at county level, by grouping of districts or at district level.'

3.24

Of the 11 South East councils with residential pitch targets, one has a higher target than the emerging RS (based on a local GTAA), and the other 10 were lower (in some cases considerably lower). Of the 10 councils with lower targets 6 of them indicated that they reflect the local GTAAs and a further two that their local target was based on an alternative more locally acceptable estimate of need.

'The County's local authorities worked together to provide advice to the partial review of the South East Plan. The number of pitches to be provided across the county was based on the findings of the GTAA with an element of redistribution based on information on constraints and opportunities and the results of a consultation exercise. This distribution was agreed by the Council Leaders.'

'The Council and Councillors are keen to stick to the target in one of the four distribution options consulted on during the South East Plan Partial Review process. However this option was not the draft policy which was under examination in February 2010 but one of the other distribution options considered prior to the EIP. Therefore the target doesn't have any weight, and unsurprisingly is significantly lower than our GTAA figure.'

This suggests that where authorities in the South East do accept targets they tend to be based on what is locally acceptable, rather than on a robust evidence base. It confirms the implication of the South East Panel findings that there is a unwillingness among a

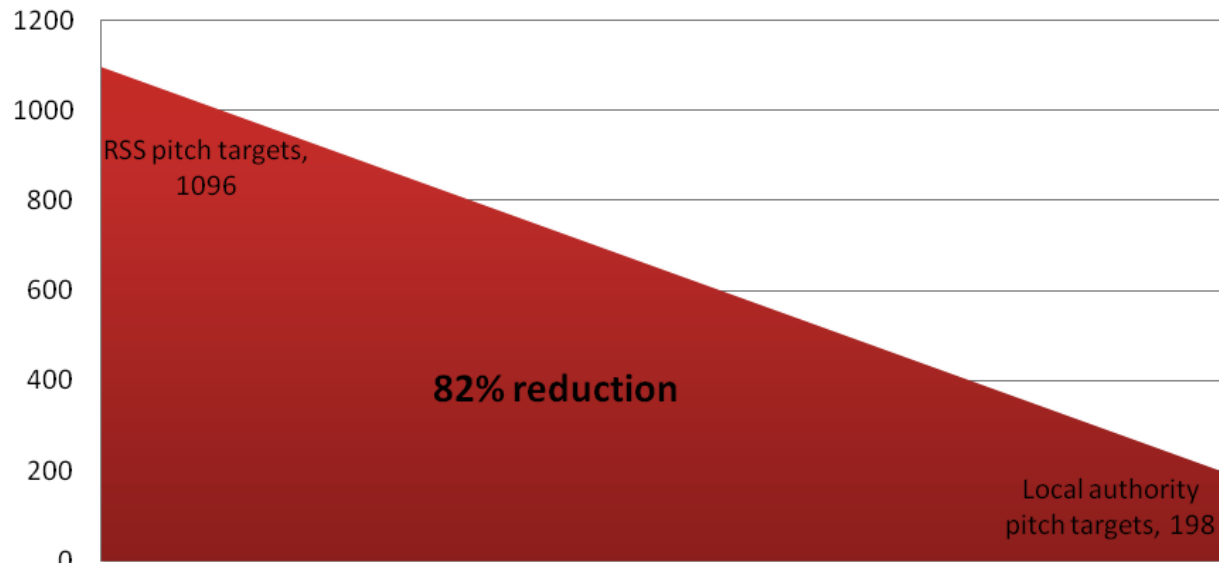
42 Steve Staines (Gypsy and Traveller Planner for the Traveller Law Reform Project) personal communication

significant number of authorities in the South East to accept the evidence on need.

3.25

More detailed analysis reveals that the 198 additional pitches planned by the 32 councils represent only 18% of the additional 1,096 pitches which would have been required by 2016 in those local authority areas by the emerging RSS.⁴³

Figure 3.6 Local authority compared with emerging RSS pitch targets: South East



*Target based on RSS required pitch targets in the 32 council areas by 2016

3.26

The small number of authorities with targets and the low level of some of those targets relative to the evidence on need reflects the stage at which the RSS process was abandoned, but also:

- the substantial extent of green belt and other environmental constraints;
- a number of local authorities who have sought to challenge the evidence on need at a number of stages of the process.⁴⁴
- difficulties in developing an approach to redistributing provision which is deliverable or takes account of Travellers' needs.

3.27

There were also a small number of authorities with targets for additional transit sites or plots for Travelling Showpeople. Out of the 32 councils who responded, only 3 (9%) had targets for transit sites and 6 (19%) for additional plots for Travelling Showpeople.

⁴³ This is based on the targets in the unpublished panel report. That it is reasonable to use these emerging recommendations as a proxy for the finalised RSS target is suggested by the fact that in both the East of England and South West the Secretary of State accepted the Panel's recommendation on the overall regional requirement.

⁴⁴ Steve Staines (Gypsy and Traveller Planner for the Traveller Law Reform Project) personal communication

'This issue [transit sites] was being investigated through a countywide working group to ensure that new provision was identified and provided in areas of need. This work ceased as a result of the abolition of the South East Plan but will need to be addressed as part of Core Strategy.'

4. *Planning for Gypsies and Travellers: Development Plans*

4.1

The three stage approach to planning for Gypsies and Travellers accommodation needs in Circular 1/06 required the district level targets for additional pitches de-fined through RSS to be translated into site allocations through the Council's Development Plan Documents (DPDs).⁴⁵ Paragraphs 30 – 35 of Circular 1/06 indicate that local authorities should set out criteria for site allocation in their core strategies and that actual sites should be identified through site allocation DPDs. (In practice how this is done depends on the particular mix of DPDs in local authorities' Local Development Frameworks,⁴⁶ but in many cases local authorities approach site identification as a two stage process: first defining the criteria for site allocation, then and only if necessary, identifying sites. Such an approach clearly adds to the length and complexity of the process).

4.2

The Draft Planning Policy Statement, Planning for traveller sites, sees a similar role for local planning authorities' development plans. Having set pitch and plot targets, which address the likely permanent and transit site accommodation needs in light of historical demand,⁴⁷ local planning authorities should in producing their development plans:

- a) set out their policies and strategies for delivering their locally set targets, including identifying specific sites that will enable continuous delivery of sites for at least 15 years from the date of adoption;
- b) identify sufficient specific deliverable sites to deliver site need in the first five years
....⁴⁸

4.3

The questions in our survey about how authorities are addressing planning for Traveller communities in their Development Plans and whether the approach to Development Plans has changed over the last year tested how far site allocation is happening in practice. The replies reflect a situation where policy was uncertain and under review. We have divided their responses into six groupings (Figure 4.1):

- Reflecting the current policy uncertainties, 15 were considering options and/ or waiting for Government guidance;
- _____ 14 councils were preparing joint DPDs covering a number of local authorities or

45 See the diagram at C1/06 page 7

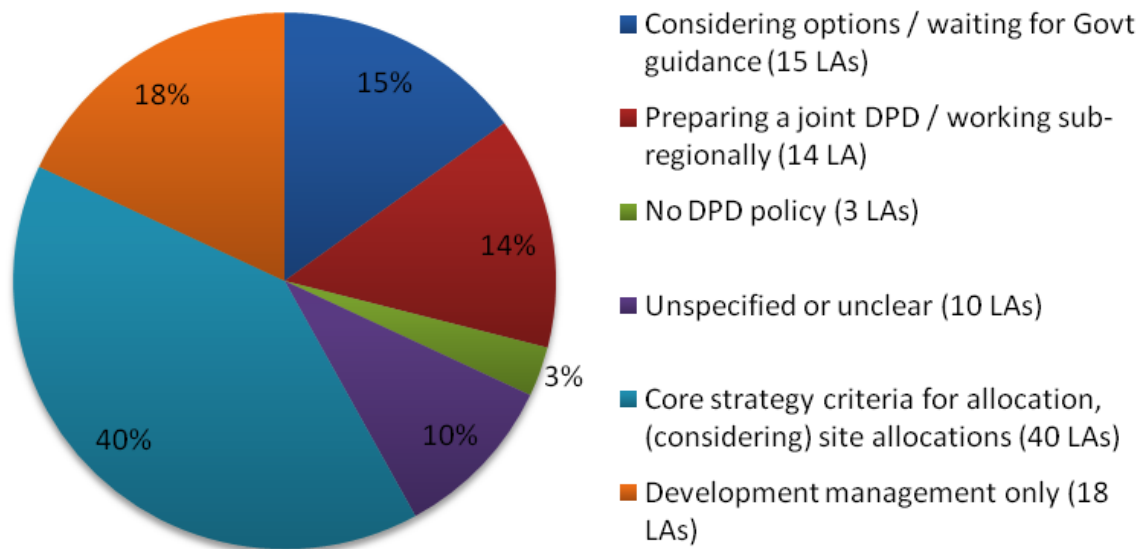
46 The Local Development Framework (LDF) is the planning system strategy introduced by the Planning and Compulsory Purchase Act 2004. It replaced the previous system of county Structure Plans and district Local Plans. LDFs were intended to be more flexible by replacing the old plans with a portfolio of Local Development Documents that can more easily be updated.

47 Planning for traveller sites, Consultation Draft policy B paragraph 8

48 Planning for traveller sites, Consultation Draft policy B paragraph 9

- working on a sub-regional basis;
- Three had no local policy and didn't give any indication they intended to put any in place;
 - Ten did not provide a response or their responses were unclear;
 - 40 had developed/were working or were intending to work on criteria for site allocation and potentially site allocation. (However, in practice most authorities were reticent to move beyond developing criteria for site allocation (which is relatively easy) to actually identify sites (which is often deeply contentious for local communities)⁴⁹
 - 18 indicated that they only had or were only putting in place development management policies (i.e. reactive policies indicating how they would determine any planning applications that come forward), as opposed to the proactive policies defining where provision should be made, which C1/06 (and the Draft Planning Policy Statement) require.

**Figure 4.1 Approach to Development Plans:
All Regions**



4.4

The responses on development plans also provided evidence that 19 local authorities were updating or proposing to update the evidence on need. Some merely indicated that they were updating their GTAA's, but others made clear they were looking to develop more locally acceptable estimates of need to address RSS targets, which they rejected. We didn't ask the question about reviews of evidence directly, which suggests a larger number of authorities may be looking to update or revisit the evidence (and indeed the

⁴⁹ The numbers of responses adds up to more than the 100 Councils in the survey, because some authorities came under more than 1 heading eg both pausing to review how to go forward and reviewing the evidence of need or working on a sub-regional basis and developing allocation criteria.

current wording of the draft planning policy statement encourages them to do so).

4.5

These findings give the impression of significant activity but should be seen in perspective:

- They are based on the comments of planners, who are committed to and have an interest in plan making;
- Any proposals will be developed against the context of often strong local opposition to proposals for Gypsies and Travellers (see Chapter 6 below);
- Local authorities' plan making timetables are notoriously liable to slippage, particularly in regard to plans which are locally controversial; and
- The whole planning system is being reorganised on community based lines with much of the detail unclear and still to be established.

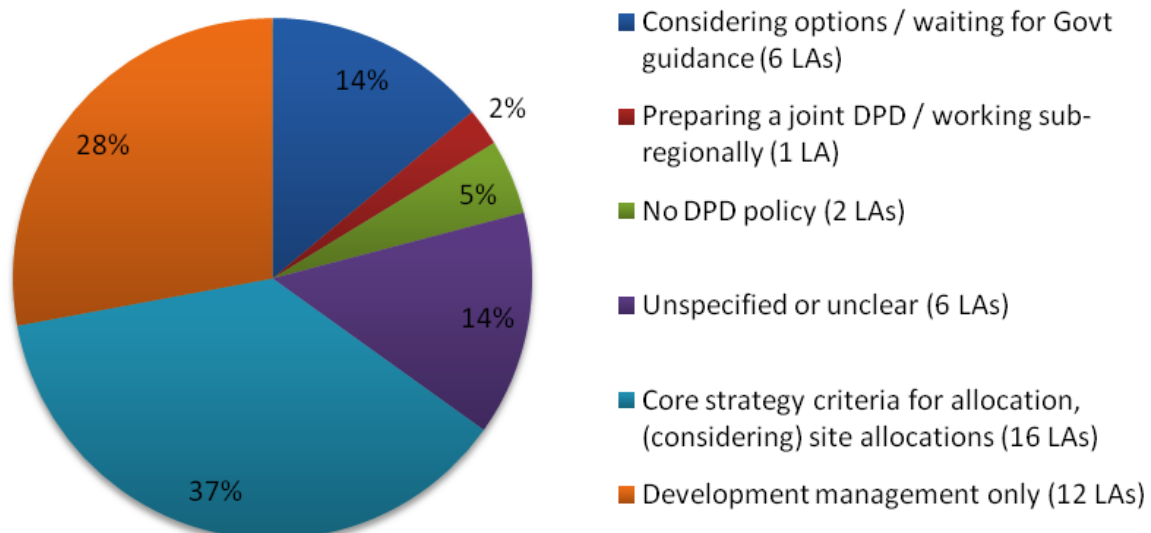
East of England

4.6

Figure 4.2 shows how the 43 councils who responded to the survey in the East of England are approaching development plans. Six indicated that they were reviewing how to proceed and / or were waiting for Government guidance:

'We were producing a Gypsy & Traveller DPD. The Issues & Options Report was published in February 09. The next stage was a Strategic Housing Land Availability Assessment, May 10 with options for sites and a high response rate to the consultation, much of it anti. In July 10 we indicated would pause and review the approach in the light of changing Government policy.'

**Figure 4.2 Approach to Development Plans:
East of England**



4.7

The six who were considering options/waiting for government guidance included five from Cambridgeshire where the authorities are updating their GTAA on a county wide basis.

4.8

One authority was working on a sub-regional basis⁵⁰ while two had no policy and six either didn't provide a response or their comments were unclear.

4.9

Among the substantial group (16) developing criteria for allocation there is considerable reticence about going beyond defining criteria to actually identify sites.

'The core strategy acknowledges the need. The challenge will be when we bring forward the site allocations & development management policies to members in 3 to 4 months time.'

4.10

Six of the 16 who were developing criteria for allocation had reduced or deleted their targets, so that they have very few, if any sites, to allocate.

'The core strategy will indicate how they will meet the need for 3 additional pitches – by approving existing unauthorised development.'

'The emerging draft ... Core Strategy is seeking to promote a sequential approach to future site allocation. Sites will be identified for additional pitches/plots in the following order:

- i. Existing identified Gypsy, Traveller and Travelling Showpeople sites which may provide additional pitches/plots through intensification and/or improved orientation;*
- ii. Existing identified Gypsy, Traveller and Travelling Showpeople sites which may provide additional pitches/plots through extension; and*
- iii. Other suitable available sites.'*

4.11

A significant group (12) were unwilling to go beyond development management policies and begin the process of identifying sites:

'There will be a reluctance to go beyond the Core Strategy policy (as currently drafted) and actually designate sites through the Site Allocation DPD (as currently intended). I expect Councillors will instead prefer to wait until a planning application is submitted by the travelling community and consider it against the Core Strategy policy.'

'We confirmed in the reviewed Core Strategy that we are unlikely to identify sites through any Site Specific or Area Action Plan documents – we expect any provision to come through via individual planning applications.'

50 Of the two Councils that we understand they were working with, one didn't provide a return and the other said they were reviewing options.

'The Council accepts the need to meet the provision, but takes enforcement action against unauthorised sites, where travellers have bought land, due to local opposition. It does not want to allocate sites for new provision, as this will create public opposition.'

4.12

Finally in their comments a small number of respondents expressed frustration at the work that had been done that was wasted and the difficulty in taking proposals forward in the light of local opposition.

'The Council had done the work – the momentum in favour was gathering pace through the GTAA, RSS process supported by funding availability. That has been dissipated.'

'The authority has put in a lot of effort and members showed considerable courage in resisting negativity, bad press. It will be difficult now to find a solution.'

'Councillors seriously want to make proper provision for Travellers but find it very difficult given residents' negative attitudes & the lack of central Government guidance requiring us to make allocations & support proposals.'

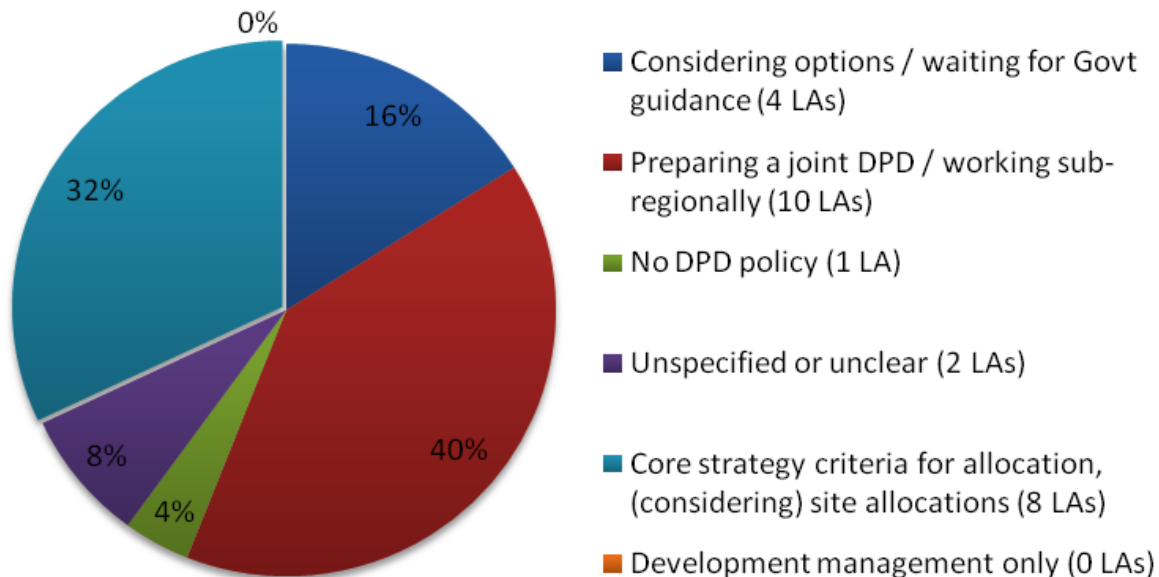
'Following the RSS we had proposals for sites. Following Eric Pickle's announcement that he was withdrawing the RSS we carried out a targeted consultation which resulted in our indicating to the Inspector that we were seeking a change in the core strategy. We are very disappointed – we had done the work, had come up with an approach which would have delivered, believed we were doing the right thing.'

The South West

4.13

The responses from the South West confirm a more positive approach to planning for Travellers' needs, but also that a significant number of authorities do not accept the targets that came out of the RSS and are working to review them.

Figure 4.3 Approach to Development Plans: South West



4.14

Four authorities had paused progress while considering options and waiting for clarification of Government policy. Out of the four at least three expressed concerns with the size of their targets and the challenges in delivering them:

'Work has commenced on a Gypsy & Travellers Site Allocations Development Plan Document, which is suspended pending a review of the Council's priorities and Planning Policy Team's work programme.'

'The County GTAA figures were criticised as too low by the EiP Panel. The Council is considering what to do. There is an acknowledgement that there is unmet need – the evidence of which is influencing appeal outcomes. It has been preparing a DPD for the last year, the work commissioned from consultants. Work has slowed down because of uncertainty about what is needed – The Council is keen to see what the new draft circular will say.'

'They paused once the new Government was elected, but recognise the need won't go away. However, they haven't taken the hard decisions on where yet.'

4.15

The 10 authorities working jointly include seven in the Dorset area who have commissioned a joint DPD, which will propose site allocations and is intended to be adopted as part of the Local Development Frameworks for the different council areas. The other three councils had undertaken a recent call for sites⁵¹ for Travellers as part of work on a joint core strategy for the three authorities.

51 A call for sites is a process where Local Planning Authorities ask people whether they have or are aware of any sites which could be developed for certain uses.

4.16

Only one authority had no DPD policy and the comments by two were unclear and their websites did not help.

4.17

The eight authorities who have or are in the process of defining criteria for site allocation and allocating sites, include four who jointly commissioned an updated GTAA for Somerset, which showed evidence of increased needs. Across the eight there was again nervousness about actually allocating sites or an expectation that they could avoid doing so.

'The emerging Core Strategy has a criteria-based policy for assessing planning applications for Gypsy and Traveller sites, and also allows for the development of an allocations DPD if enough sites do not come forward through the planning process.'

'The draft Core Strategy includes a section and policy regarding sites for Traveller communities. The allocations plan should in time provide for the allocation of sites.'

4.18

None of the South West authorities were only putting in place development management policies.

4.19

The seven authorities who are reviewing the evidence were the Dorset councils who are revisiting the GTAA which informed the targets in the emerging RSS, which we were told, they rejected plus one other Council also looking to challenge the RSS target:

'Although the RSS figure is included in the area's draft Core Strategy, the Council has always disputed its validity. The intended revocation of regional strategies allow for a review to be undertaken and given the base date of the GTAA, a review to progress the need levels beyond 2011 is required.'

The South East**4.20**

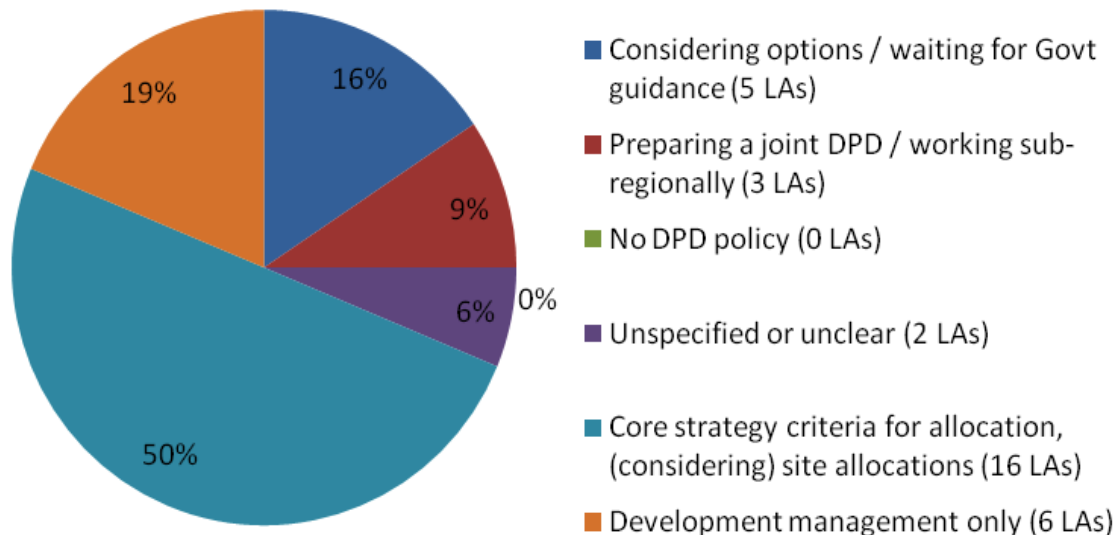
In five authorities in the South East (Figure 4.4) progress was delayed while they considered their options against the context of the Government's proposals for neighbourhood planning and the considerable uncertainty over evidence of need and targets following the abandonment of the RSS review.

'Through an FOI the draft Panel's Report was published. The draft Report make it clear that they considered that the number of pitches proposed in the South East as a whole (and in the County) to be a significant underestimate. The Council will therefore be seeking to review the GTAA. No timetable has been established for this work as consideration is being given to whether this should be done on a District, part County, or County-wide basis.'

'The Council's Preferred Approaches public consultation document (June 2009) proposed making additional provision as identified in the South East Plan. In view of the confusion surrounding the South East Plan, in July 2010 Council members determined to stop work on the Core Strategy. Only recently have officers been instructed to recommence work on the document. At the time of writing, the Council's position on pitches for Gypsy and Traveller sites has not been confirmed.'

'The council are reviewing how to take local planning forward in light of the national localism agenda. While we believe that the neighbourhood approach is suitable for the majority of issues, it is recognised that a different more strategic approach may be needed for certain matters including planning for travelling communities.'

**Figure 4.4 Approach to Development Plans:
South East**



4.21

Three authorities were working on a sub-regional basis, while none of the authorities in the South East had no DPD policy, and two did not provide clear responses.

4.22

Of the 16 who are putting in place criteria for allocation or indicated they intend to do so, their comments indicate that they expect to be able to review and have influence over the targets which will constrain how far, if at all, they have to make allocations.

'The Core strategy is currently at examination. Proposed Policy CS9 covers the criteria for site allocation & the criteria to judge any applications that come forward outside settlement boundaries. The Site Allocations and Development DPD will determine the number and location of pitches (Gypsies, Travellers, Travelling Showpeople and transit).'

'We will include a criteria-based policy on sites for gypsies, travellers and travelling showpeople in the Core Strategy ... That policy will be used to judge applications for

such sites against. Site allocations may be included in subsequent Development Plan Documents if it is considered necessary/appropriate.'

'Currently at initial stages of Core Strategy. Intend to have criteria based policy. With allocation of site(s), if required, at a later DPD.'

4.23

Six had or were putting in place only reactive development management policies. At least two made clear that they didn't see the need for allocation policies as a consequence of having reduced the target.

'The remaining shortfall is not of such magnitude as to justify the preparation of a dedicated DPD. Proposals will be considered on their merits having regard to the generic Core Strategy policy.'

4.24

Six indicated they were reviewing the evidence, carrying out local assessments of needs. This included 2 of the 3 who were working on a sub-regional basis.

'We were awaiting the final report from the South East Plan Single Issue Review. The revocation of the South East Plan has meant that the unpublished report has little weight, but is very critical of the current GTAA. Hence the update we are about to embark upon.'

'The local authorities are working together at an officer level with a view to developing a joint approach to establishing locally derived targets for the GTAA area now that there is a policy gap at the Regional level as a result of the revocation and reinstatement of the South East Plan, which meant that the Partial Review was never completed. The core strategy will identify a target once we have agreed it and a criteria based planning management policy'

5. **Planning for Gypsies and Travellers: Site Delivery**

5.1

The responses to the questions ‘Have you any other comments on your authority’s approach to planning for Travellers communities?’ and ‘Thinking about the existing sites and Traveller communities in your district are there any particular characteristics that you would comment on, either the sites or the Traveller communities themselves?’ provided information about a range of issues about the context for planning and site delivery. The comments fell into a number of groupings.

Planning Constraints

5.2

The comments about planning constraints, focussed on Green Belt and vulnerability to flooding, but also such designations as wildlife habitats and Areas of Outstanding Natural Beauty, which make it difficult to accommodate provision within some council areas. As a result some councils argued for a more strategic sub-regional approach to provision.

‘A major issue is that the area of the Borough where there are a few unauthorised plots and where gypsies and travellers would probably like to live (just outside the built-up area but close enough for access to schools / transport etc) is constrained not just by green belt (for which the exceptions policy could apply if there were insufficient sites found elsewhere) but by the 400m buffer zone policy for the Heathlands SPA .⁵² (South West)

‘We need to work with partner authorities. The shortage of developable land and extent of flood zones 3a and 3b means any provision would almost certainly have to be provided in adjoining areas.’ (South East)

‘The Borough is highly constrained by the extent of flood risk and the Metropolitan Green Belt. The existing travelling community are largely located in area affected by both these designations. This presents a significant challenge in progressing planning policy.’ (South East)

‘District is covered by greenbelt land making it difficult for Gypsies and Travellers to find suitable accommodation/land.’ (East of England)

‘Major constraints - 94% of the District is Green Belt with significant areas of AONB.’ (South East)

52 SPA: Special Protection Area, i.e. because of its importance for nature conservation.

Administrative Boundaries

5.3

A related issue was the tight administrative boundaries of some councils, which for many respondents argues for a more strategic approach to provision.

'The planning issues which arise from the travelling community cross administrative boundaries..... While regional plans will be abolished there is a clear need for local authorities to work together. The lack of a formal mechanism to achieve this brings challenges to the localism agenda.' (South East)

'Without the Regional Plan it is difficult to know how districts with tight administrative boundaries can deliver when future development was identified out-side the administrative boundaries. There is now only a duty to cooperate so negotiations are likely to take time.' (East of England)

'The previous regional planning system provided a better means of providing sites for Gypsies and Travellers because it gave Travellers and the local authority more geographical choice and options for identifying and building sites.' (East of England)

Distribution of sites

5.4

There was a group of comments about the patchy distribution of need, with some of its roots in the past willingness of local authorities to accommodate provision.

'The Council recognises and understands its responsibilities and has made substantial provision for its communities. The Council feels that other Local Authorities should also 'do their bit' in terms of planning and providing for these communities.' (South East)

'Members take the view that there would be far less objection to gypsy and traveller provision if other LPAs were felt to be doing their bit also. The Borough has a high level of gypsy and traveller accommodation provision, which is not the case in nearby LPAs.' (South East)

'The bulk of the sites are privately owned and well-established. Unlike adjoining areas, we have over the years given planning approval for new sites and extensions to existing ones. One result of this has been that, with an expansion of the G&T population locally, there is even more pressure for further pitches/plots. The local politicians feel that this is somewhat unfair when other areas have not been making adequate provision.' (South East)

'An equitable division of sites across a region is more helpful than LPAs just meeting their own need. If the Government's 'light touch' approach tells LPAs just to meet their own need, this will lead to provision in just a few districts and potential bad feeling between LPAs.' (South East)

Site Management

5.5

There was significant concern about the poor quality of much public site management, the lack of expertise and capacity to develop more sites, the challenges of site management, and the need for greater flexibility in approaches to provision, as well as recognition of the effectiveness of sites developed and managed by Travellers themselves:

'The County Council sites are in poor condition and poorly managed. The County are in the process of disposing of them but we don't yet know who to.' (South West)

'County Council looking to dispose of ownership & management for financial reasons – there is concern that they are not looking at the implications for the communities.' (South West)

'We are a stock transfer authority and don't have the skills to manage sites, but there aren't any RSLs⁵³ who want to take them on.' (South West)

'Public sites are all run by the County Council who has no intention of providing any more. The Districts do not have the resources to provide new public sites. Housing Associations operating in the area do not appear to have the capacity to take on board the needs of the G&T communities.' (South East)

'Residents on sites were very critical of the site management. There is scope for more effective site provision and management involving Travellers them-selves.' (South West)

'There are tensions between English Gypsies and Irish Travellers – There is a site with capacity (subject to refurbishment), but because of personalities it can't be used.' (South East)

'Government funding seems likely to be predicated on Local Authorities and RSLs owning and managing sites, this has not worked well elsewhere in the past and few LAs or RSLs are equipped or eager to take on this role.' (East of England)

'Private sites tend to be more cohesive than local authority sites. Example of a private Gypsy Traveller site owned and run by a Traveller which proved to be very successful compared to the public managed sites.' (East of England)

'Our existing Traveller community is predominantly Roma and our existing sites tend to be smallish family and friends sites with long-term local connections. They are owned and managed by members of the community and this self management coupled to a limited site size is our preferred option as it minimises conflicts both on site and with the settled community.' (East of England)

53 Registered Social Landlords, an alternative term for housing associations.

'Private sites are usually tidy and well-kept and accepted by the community.' (South West)

Site Location

5.6

There were a group of comments about where sites should be located and the tensions between Travellers preference for rural locations, sustainability, and the perceptions of some people that Travellers get preferential treatment in terms of development in the countryside.

'Families want sites on less expensive land – conflicts with the policy emphasis on sustainable locations.' (East of England)

'Significant problem with sites being located in rural areas where normal housing for the settled community is not often allowed to be built.' (South East)

'Government has a difficult balance to strike in enabling local authorities to make provision. Policy should not treat Travellers as exceptions - should be no easier towards development in sensitive environments as it is for other development.' (South West)

'Some of the opposition from the settled community can be because of the perceived positive discrimination of Travellers being able to get permission in open fields, where housing wouldn't be allowed. The revised policy needs to address that issue while finding ways of delivering adequate provision.' (South West)

Other Comments

5.7

The miscellaneous other comments grouping included comments about the implications of under provision for conflict and costs for local authorities, the needs of Travellers in bricks and mortar housing and of New Travellers, that when sites are developed opposition often reduces and about the Council's overall approach to planning decisions.

'The Borough Council is extremely keen to resolve the situation of site provision for Gypsies and Travellers considering the cost implications for the council in planning cases which involve either a planning inquiry or hearing. The resentment felt by both the local residents and the gypsies is made worse by the confrontation at a hearing or inquiry.' (South East)

'The borough has a high number of G and Ts in conventional bricks and mortar accommodation, where GTAA's have identified that they would prefer to be on residential gypsy sites.' (South West)

'Complicated for local authorities to reliably identify Gypsies and Travellers living in housing who may be eligible for pitches on sites.' (South East)

'New Traveller communities are seeking an alternative lifestyle and are not interested and would not move to a traditional authorised gypsy site. They are looking for a series of sites – ie approx 3 main sites which they could rotate their movement between, but each site with sufficient space for them to move around within the main site. ... They do not want services provided. They use wood burners or solar power and get their water from elsewhere. Suggestion was maybe to look at one site which would have water and electricity and which could be used as a postal address. They take their own waste to the dump or use bins provided locally.' (East of England)

'Despite the widespread opposition to the allocation of Gypsy and Traveller pitches, few people are aware that there are already 7 sites in existence, some of which are within residential areas.' (East of England)

'Once they are established, the anxieties & opposition to sites often reduces.' (South West)

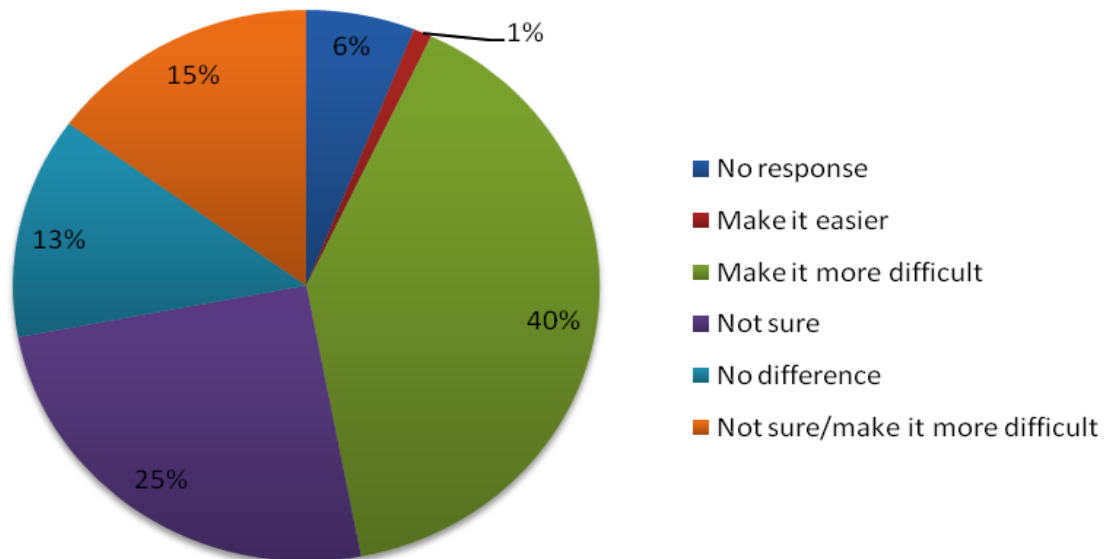
'Have become slightly more positive when dealing with Gypsy and Traveller applications most noticeably by starting to consider the use of temporary consents in place of refusals.' (East of England)

6. Government Policy and Localism Based Planning

6.1

As well as the questions about how they are approaching planning for Travellers, we asked local authority officials how they expect the community based planning system proposed in the Localism and Decentralisation Bill to impact on planning accommodation for Gypsies and Travellers. Out of the 100 respondents, only one (1%) saw it as likely to make provision easier, 40 expected it to make it more difficult, 25 weren't sure, 13 saw it as making no difference, and a further 15 indicated they weren't sure but also made comments suggesting it would make it more difficult.

Figure 6.1 Impacts of Community Based Planning System on planning for Gypsies and Travellers



6.2

In practice people interpreted the question about the community based planning system in two ways, either specifically about the impact of the Localism and Decentralisation Bill or about the impact of the wider localism agenda and community based planning system on planning for Gypsies and Travellers. Responses tended to vary depending on which interpretation respondents made.

6.3

Respondents who saw the Localism Bill as making provision more difficult pointed to the tensions between a localism / community based planning system and providing accommodation for Gypsies and Travellers. This was probably the strongest single message that came out of the responses. Local authority officers repeatedly stressed the tension between how localism is understood by many local communities – that they can expect to have proposals they oppose rejected – and providing for Travellers'

accommodation needs.

6.4

40 out of 100 respondents (40%) expressed concerns about a possible increase in local opposition to the planning and development of Traveller accommodation as a result of the Government's localism agenda. Considering respondents volunteered this information (the study did not specifically ask a question about local opposition to Traveller sites) it is highly likely that this figure could be higher. The issue of local opposition also featured strongly in the answers to the question 'Have you any other comments on the Government's approach to planning for Travellers?' The following quotes, which are typical of many, are taken from the replies to both questions:

'Our last consultation showed that there is still a lot of resistance locally to making any provision for gypsies and travellers and with the emphasis on localism communities' expectations are that they will be able to make their own decisions about numbers rather than having to meet a top down requirement.' (East of England)

'I can only envisage that localism will make what is already a difficult and sensitive issue much more contentious and potentially increase the divisions between communities. It is already apparent that the impending removal of regional targets is perceived by some as a reason for making no further provision, potentially making it even more difficult for local authorities to make decisions deemed to be contrary to the majority of local views. Localism will be seen as an opportunity for local communities to prevent further sites within their area.' (East of England)

'It will make it harder to propose new pitches in this District. There needs to be the political will to provide pitches if there is no policy making them provide them.' (South West)

'More difficult – Proposals for Travellers are always unpopular locally, with decisions largely taken by Inspectors.' (South West)

'It is difficult to see how it would make it easier. Currently the Bill is hard to fathom. A sufficient level of detail about the changes expected and impacts on the Traveller community is lacking, although this is a common issue with the Bill. It's not clear how Travellers will be able to participate without support, especially in terms of education and organisation.' (South East)

'While we believe that the neighbourhood approach is suitable for the majority of issues, it is recognised that a different more strategic approach may be needed for certain matters including planning for travelling communities.' (South East)

'The danger is that greater community involvement could lead to less likelihood of sites being delivered due to the level of objection which is often generated at local level.' (South East)

'Make it more difficult. Most people are fearful of Gypsies and Travellers and the

prospect of new sites for them.’ (South East)

‘Whilst moves towards greater localism are to be welcomed in principle, by rescinding regional spatial strategies (or announcing its intention to do so) the government has removed a mechanism (that of setting District-level targets) which would potentially have been highly effective in ensuring adequate site provision. In the absence of such targets, it is once again more likely that insufficient pitch numbers will be allocated, and therefore that sites will continue to be delivered via expensive enforcement action and appeals, and often in unsuitable locations.’ (South East)

‘I think it will be even more difficult for G&T communities to engage in neighbourhood planning than in the LDF process.’ (South East)

‘Government’s approach is unrealistic. Even with the previous Government’s requirement to identify pitches, there was little provision so without any requirement there is little opportunity of meeting the need.’ (South East)

‘Disastrous in this district. There was a negative response from local settled communities. New sites will be very very very difficult.’ (East of England)

‘I think it will make it harder as local communities could argue that there is no local need in their areas to provide for gypsies and travellers and will not see the wider picture.’ (South West)

6.5

These quotes emphasise how strong local opposition can be to development for Gypsies and Travellers and that such opposition was a major reason for the lack of site delivery under the last Government, despite very clear policy guidance. They also highlight officials’ concerns that planning at the local level without clear central Government guidance could increase tensions between communities whilst increasing the pressures on Councillors to refuse such developments.

6.6

Respondents who saw the Bill as making no difference tended to refer to the checks and balances in the Bill.

‘No difference, it is understood that Parish and neighbourhood plans will have to conform to Local Development Framework plans and cannot propose less development, although they can propose more.’ (South East)

‘The clear message we are receiving is that core strategies/local plans (call them what you will) will still need to be put in place to provide the strategic framework for more local level plans. It is in these higher level plans that the framework for and approach to meeting needs across a whole district could be set out.’ (East of England)

6.7

Those who weren’t sure referred to the fact that the Bill is going through Parliament and

isn't finalised with detailed regulations and guidance to follow.

'I am not sure at this point: the main issue is to find out what will replace Circular 1/06 and on what basis local authorities are expected to proceed.' (South West)

6.8

As well as the concerns about the tensions between a community based planning system and planning for Gypsies and Travellers, two related groups of issues stood out in the responses to the question 'Have you any other comments on the Government's approach to planning for Traveller communities?' There was a group of concerns about uncertainty, delay and mixed messages and another about the risks from insufficiently clear policy and from losing or watering down Circular 1/06. There were then smaller numbers of comments about other issues, including funding and the need for a strategic approach to provision.

6.9

Typical of the comments on uncertainty, mixed messages and delay were the following:⁵⁴

'What approach? Seems to be – we are not going to do anything – its up to the local authorities. The only visible reference has been through the New Homes Bonus – and the small financial incentives will not be enough to overcome the negative responses to any proposals for Gypsies & Travellers.' (East of England)

'Making it more difficult – saying you should provide, how you do is up to you. Having indicated direction – light touch guidance, localism, funding for sites – but not publishing the detail is causing major uncertainty.' (South West)

'Confusing at present – particularly regarding the status of Circular 1/06 in light of the Government's intention to replace it.' (South East)

'Apart from the insights of their intentions and the general localism agenda, it is not entirely clear what the approach is.' (South East)

'There is a risk that national policy will go backwards, rumours that development in open country and retrospective development won't be allowed or very much restricted under new guidance. Under the existing policy things took time, but were going forward.' (South East)

'The announcement of the revocation of the Circular without seeing what will replace it has led to uncertainty and delayed a planned approach to provision.' (South East)

'Currently uncertain – there are significant risks from the revocation of Circular 1/06. What does light touch mean and what are the timescales? We are concerned at the risks from undermining the work we have done on the core strategy, making sure the DPD is flexible and consistent with National Planning Policy.' (South East)

54 These comments predated the publication for consultation of Planning for traveller sites.

6.10

Complementing the comments about the lack of clarity in the Government's policy were a group of responses about the need for clear specific policy, which reflects an understanding of Travellers and their needs, and of the risks of losing important parts of Circular 1/06.

'We are worried the National Planning Statement will be superficial – not deal with the complexity of the issue.' (East of England)

'We would appreciate clear advice that every local authority should provide for local need. There should be no ambiguity, or else it weakens the case and enables local politicians and the community to argue that there is no need.' (South West)

'A retrograde step to get rid of C1/06 – risks giving LAs flexibility to ignore the issue – C1/06 clear about LAs responsibilities.' (South West)

'It would be easier for us if the circulars on Gypsies, Travellers and Travelling Showpeople were not removed as they provide quite clear guidance on what should be included in policy, and what evidence needs to be used. However, they would need to be amended with regards to references to the RSSs.' (South East)

'Needs to take account of the difficulty of making provision. Needs to support, rather than make it more difficult.' (South West)

6.11

Typical of comments on funding were the following:

'The financial implications are another issue that will cause concern for Councils – there will need to be an element of Council provision even if the majority of the sites will be privately owned.' (South West)

'A key factor is funding, and grant reduction is of concern.' (East of England)

'The joint member & officer 'Steering Group' has recently confirmed the pitch targets identified above but lack of access to funds has slowed the process.' (East of England)

6.12

Concerns about the need for a strategic dimension in the Government's approach echoed the comments about tight boundaries and planning constraints in the responses about the local authority's approach.

'Planning for Travellers won't work at only a local level – it needs to have a sub-regional and regional dimension. There is a clear need to work cross-boundaries with local authorities, not just within the County, but within the Region and across the regional boundaries.' (South East)

'You just can't ban people from green belts – people can't be shifted around from where

they want to live to suit planning policy. This approach could lead to unauthorised sites.'
(South East)

'The planning issues which arise from the travelling community cross administrative boundaries. At present little is known of the government's approach to planning for the travelling communities. While regional plans will be abolished there is a clear need for local authorities to work together. The lack of a formal mechanism to achieve this brings challenges to the localism agenda.' (South East)

7. Conclusions and Policy Recommendations

1. Regional Spatial Strategies (RSSs) have not led to a big increase in provision for Gypsies and Travellers, but were making a difference

Additional pitches are being approved too slowly. The three stage process in Circular 1/06 proved complex and time consuming. Local authorities focussed on making good the lack of evidence (and in some cases challenging it where they were uncomfortable with the findings), rather than developing new sites. However, we now have a reasonable evidence base and an increasing number of authorities are/were addressing the issues. Many of the authorities in the South East would have adopted the targets if the RSS review had been completed. Over time the C1/06 approach would have produced more sites. The sad reality for Gypsies and Travellers is that RSSs are being abolished at the very stage they were beginning to work.

2. Abolition of RSS has put things back, but not all the gains have been lost. However, they are vulnerable

While some authorities responded to the new Government by deciding they no longer needed to plan for Travellers, a striking finding of our work is how many authorities, particularly in the East of England and South West, continue to have targets for additional sites. But 28 of the 63 with targets have adopted lower than RSS sites and high local need and green belt constrained authorities are more likely to have abandoned targets altogether and there are risks more will do so. We also found that local authorities are revisiting the evidence to challenge estimates of need and targets they don't like.

3. Planning for Gypsies and Travellers should be carried out at a wider than local level

That was the conclusion of the Communities and Local Government Select Committee and it was what local authority officials told the study in no uncertain terms. The prejudice and racism against Gypsies and Travellers means there is a profound conflict between localism – taking decisions at the neighbourhood or community level – and making adequate provision for the residential needs of Travellers. Tight boundaries combined with concentrations of Traveller populations, green belt land, flood plains and environmental designations mean challenges for many councils in meeting local needs, while neighbouring areas often have lower needs and fewer constraints. Yet in many cases those neighbouring authorities have downsized their targets so they are unable to play a strategic role. Hence a sub-regional approach to planning for Gypsies and Travellers is essential.

4. The new guidance must recognise the challenges in making provision under a community based planning system

The new guidance must recognise the even greater challenges in making provision under a planning system which gives a leadership role to local communities, given

that vocal sections of those communities are often uninformed about and prejudiced against Gypsies and Travellers. Whether intended by Ministers or not, some local authorities took the message that planning for Travellers is no longer a priority. Without the underpinning of RSS, Ministers need to make clear the importance of meeting needs and provide strong support and incentives to doing so. Light touch guidance must be more than its name implies. The new guidance must not be weak, ambivalent and indirectly supportive of discriminatory approaches.

5. Loose guidance on preparing evidence is a major risk to meeting Traveller needs.

Councils should be under a duty to assess needs building on GTAAAs
For the first time through the GTAAAs and their examination by regional panels we are approaching a relatively detailed and robust evidence base.² At a time when resources are extremely tight, it would be inexcusable if that work was not built on, rather than being abandoned because it was done on principles developed under the last Government. If the Government's implied proposal in the Draft Planning Policy Statement is confirmed - that the GTAA process can be started again on a different basis – there are strong risks that local authorities will either drag their feet, especially given the pressures on resources, or will do so to influence the evidence on need downwards. Already many authorities are looking to revisit the evidence to reduce need estimates and targets to levels more acceptable to them.

6. Councils must be required to plan jointly on a sub-regional basis

Evidence in this study shows that working jointly across sub-regions shares the costs of developing evidence, preparing plans and developing sites. As in the South West, joint working tends to result in better outcomes, making it easier to share good practice and maintain a dialogue with Traveller organisations. But the evidence from the East of England of councils reducing their targets to avoid making provision from nearby high need areas implies a duty to cooperate will not be enough. County and Local Enterprise Partnership areas provide possible geographic bases for sub-regional planning.

7. We need strong transitional arrangements

Whilst progress has been made in the 5 years since Circular 1/06 was published, it has been far less than was hoped and intended. There is now a risk of more delay while new studies and plans are produced, most likely far slower than Ministers expect. To address the transitional period we propose that:

- the GTAA evidence and the version of the RSS targets for additional pitches which had reached the most advance stage in a region's RSS should be treated as material considerations in planning decisions until replaced by targets in local authorities' development plans; and

² GTAAAs are far from perfect and have often relied on examination by Regional Panels to ensure their robustness. As well as the South East Panel's trenchant criticisms of the GTAAAs in that region (paragraph 1.27 above) see recommendation 2.1 of the East of England Panel Report: 'The next round of GTAAAs 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'.

- Where there is clear and immediate evidence of need that councils should be advised to consider applications for grant of planning permission favourably.

8. We need to move on from producing plans to delivering sites

The management of public sites is unacceptably poor and there is an almost complete absence of local authority and RSL site delivery expertise. Private sites provided by Travellers themselves are an important part of provision, to which the draft Planning policy statement gives only passing recognition. An underlying theme of this study is the disconnect between the substantial amount of work on evidence and planning and the extremely limited activity in delivering sites. In that sense the Secretary of State's claim that RSS has not delivered additional sites is justified. However, the Secretary of State's claim does not address the root cause, which is widespread discrimination against Gypsies and Travellers which too often manifests itself in local authority planning decisions.

We recommend:

- the amendment being submitted to the Localism and Decentralisation Bill to reinstate the duty on local authorities to provide sites be included;
- use of the approaches already available, such as those in C1/06 paragraph 35;
- resourcing the Homes and Communities Agency site grant to enable the shortfall of accommodation to be made good within this Parliament;
- more flexibility in site grant so it is available to Traveller organisations and families, not just local authorities and Housing Associations;
- working with the Homes and Communities Agency and Chartered Institute of Housing to establish a small number of Housing Associations with expertise in site management and delivery who are able to operate across the country and work with Traveller organisations and families.
- supporting Gypsy and Traveller groups to set up their own Community Land Trusts and Housing Associations.

9. Local authorities identifying sites won't work

The draft planning statement sees local authorities allocating sites as the central mechanism for new provision. This is unrealistic. Even the most positive local authorities are reticent to go beyond developing criteria for site allocation (which is relatively easy) to identifying sites (which is often deeply contentious locally). Typically councils hope needs can be met by regularising unauthorised development and individual families putting in proposals. Most traveller families aspire for a site in their own ownership. Our research confirms that small, privately owned sites are the preferred delivery model for many local authorities. The statement needs to support families making site provision.

10. We need resources for training, community development and to allow Gypsy and Traveller organisations to engage in the planning system

For a local based planning system to be effective in delivering accommodation for Gypsies and Travellers it needs to recognise and address the level of misunderstanding and discrimination Gypsies and Travellers face at the local level. Resources are needed to support and train Councillors, officials and parish councils.

Ongoing engagement by Traveller organisations can help greater understanding and community cohesion between Traveller and settled communities. It is also essential if plans are to reflect the needs of Traveller communities and where necessary to challenge evidence which does not do justice to the extent of need. The difficulties for disadvantaged and marginalised communities to engage in the highly bureaucratic planning system need to be recognised. Under the C1/06 arrangements Travellers were able to engage, however much of that was due to the efforts of a small number of organisation and individuals. The challenges will be much greater in a decentralised system with hundreds of development plans.

11. We need to address the conflicts over development for Gypsies and Travellers in the green belt and countryside

Local authorities with green belt constraints have particular difficulties in planning for Travellers. The new guidance (Planning for Traveller Sites Policy E) proposes an even stronger presumption against Traveller development in green belts. Where green belts are extensive, as they are particularly around London, this risks a geographic apartheid, excluding Travellers from areas where they have lived for generations and which are important because of employment opportunities, access to established healthcare and education services. These are not simple issues to resolve.

We recommend:

- retaining the wording on green belt development on the lines of Circular 1/06, paragraph 49;
- that the new policy statement should make it clear that green belt authorities should have the same responsibility to meet needs as other areas; and
- that it includes guidance on how this can be done, including a robust approach to sub-regional working, encouraging provision within major development sites, and where there are no other appropriate mechanisms encouraging local authorities to look at local green belt boundary reviews to release land.

There is a related issue of development in the countryside. The new guidance (Planning for Traveller Sites Policy C) ignores the issues about where Traveller sites should be located. Circular 1/06 recommends (paragraph 66) first considering locations in or near existing settlements, yet this is often where objections from the settled community are most intense and land values highest. Travellers often prefer lower cost more rural sites

but, if they are approved, are vulnerable to accusations of favourable treatment when others wouldn't be able to develop housing in the countryside.

12. Without major changes, the Government's proposals will make provision for Gypsies and Travellers even worse

Performance on site provision was very poor under the C1/06 system, and yet that system is being dismantled at the point when it was beginning to be effective in favour of a looser system with no effective mechanism for sub-regional planning, provision in green belt areas near impossible, and in which local authorities will be tempted to massage the evidence on need and at risk of being driven by anti Gypsy populism. The consequences of the current proposals are likely to be:

- Continued lack of provision and indeed worsening of the situation;
- Increased reliance on expensive and traumatic appeal process by families in need of accommodation;
- Increased numbers of Gypsies and Travellers forced into housing;
- Increased numbers of enforcement actions with consequent expenses on the public purse;
- Increased unauthorised camping with all the private and public costs;
- Increased alienation amongst the Gypsy and Traveller population as they see their hopes dashed once again; and
- Increased inter community tensions.

Annex 1: The email approaching local authorities about the study

Dear Chief Planning Officer

I'm contacting you to ask if you are willing to participate in a study being undertaken by the Irish Traveller Movement in Britain is undertaking on the implications of Regional Strategy (RS) abolition for planning for Gypsies and Travellers.

We are pulling together the evidence on the affects of RS abolition for planning for Gypsies and Travellers through a short telephone survey of local authorities in three regions - the East of England, South East, and South West.

Any responses will be treated in confidence, will only be available on an aggregate basis, and will not be attributable.

We will use the survey results to inform the debate about planning for Travellers in the context of the Localism & Decentralisation Bill and the proposed 'light touch' guidance to replace Circular 1/06. We will be happy to email you a copy of the study findings.

If you are willing to take part in this study can you provide the name, telephone number & email address of an appropriate member of your staff we can contact for a short telephone interview?

It would be helpful to have this information by Tuesday 18 January 2011, if possible.

Many thanks for your help with this. Please contact me if you need any more information on this study,

Matthew Brindley

Policy and research Officer
Irish Travellers Movement in Britain
The Resource Centre
365 Holloway Road
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Annex 2: The Response Form and Interview Script

Irish Travellers Movement in Britain
The Resource Centre
365 Holloway Road
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N7 6PA

www.irishtraveller.org.uk
020 7607 2002

RSS Abolition Study Interview Response Form

Thank you very much for agreeing to be interviewed.

We are carrying out these interviews of local planning authorities in three regions the East of England, South East and South West to get evidence about the implications of RS abolition for Gypsies and Travellers. We will use the results to inform the debate about planning for Travellers against the context of the Localism & Decentralisation Bill and the proposed 'light touch' guidance to replace Circular1/06.

Any responses will be treated in confidence, will only be available on an aggregate basis, and will not be attributable.

Local Authority?

Firstly your name and job title?

How many existing public (Local authority / RSL etc) sites are there is your District?

Does your Council have a target for additional residential pitches for Gypsies & Travellers?

If so, what is it and by what date?

Do you have a target for Transit Pitches?

If so, what is it?

**Do you have a target for plots for Travelling Showpeople?
If so, what is it?**

Has there been any change in your targets over the last year?

If so, how have they changed and what are the reasons?

How is your authority addressing planning for Traveller communities (Gypsies and Travellers and Travelling Showpeople) in your Development Plans?

Has your approach to planning for Traveller communities in your Development Plans changed over the last year?

If so how and what are the reasons for the change?

How do you expect the community based planning system proposed in the Localism and Decentralisation Bill to impact on planning accommodation for Traveller communities – make it easier, make it more difficult, or not sure / no difference and why?

Thinking about the existing sites and Traveller communities in your district are there any particular characteristics that you would comment on, either the sites or the Traveller communities themselves?

Have you any other comments on your local authority's approach to planning for Traveller communities?

Have you any other comments on the Government's approach to planning for Traveller communities?

Is there anything else we haven't covered you wish to tell us?

Thank you for your time & helpful answers.
Would you like us to email you a copy of the study?