

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 24

Brighton & Hove City Council

<b>Subject:</b>	<b>Partial Review of the Regional Spatial Strategy for the South East: Provision for Gypsies, Travellers and Travelling Showpeople</b>		
<b>Date of Meeting:</b>	<b>30 July 2009</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sandra Rogers</b>	<b>Tel:</b> 29-2502
	<b>E-mail:</b>	<b>sandra.rogers@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The South East England Partnership Board (formerly the South East England Regional Assembly – SEERA) has published and submitted to government its ‘preferred option’ for the provision of new pitches for Gypsies, Travellers and Travelling Showpeople in the South East in the period 2006 – 2016 for 12 weeks formal consultation.
- 1.2 The recommendations set out in the submission document are the latest stage in the partial review of the South East Plan (the Regional Spatial Strategy for the South East) and the closing date for comments is 1 September 2009. This report sets out the Director of the Environment’s response to the proposed recommendations. Responses need to be forwarded to the Planning Inspectorate to inform the next stage of the process which is an Examination in Public scheduled to take place in February next year.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Environment agrees the proposed response as set out in this report, which states that:
  - (a) The council generally supports the overall levels of provision proposed in the submission document for Gypsies, Travellers and Travelling Showpeople (1,064 pitches for Gypsies and Travellers and 302 spaces for Travelling Showpeople for the South East region in the period to 2016).
  - (b) The council supports the proposed allocation of 13 residential pitches for Gypsies and Travellers in Brighton & Hove.
  - (c) The council supports the delegated approach to the determination of further transit provision made in the region.
  - (d) The council is unable to support the allocation of 2 Travelling Showpeople spaces to Brighton & Hove.

2.2 That the Cabinet Member for Environment agrees that the report be forwarded to the Planning Inspectorate.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The partial review of the South East Plan was initiated in 2006 in response to the publication of government guidance<sup>1</sup> requiring that Regional Spatial Strategies (RSS's) should address the accommodation requirements of Gypsies and Travellers. Guidance states that the RSS should identify the number of caravan pitches each local planning authority should provide (but not their location). The number of pitches set out in the RSS must then be translated into specific site provision through the Local Development Framework. The submission document notes that the partial review process has taken account of local authority advice, local Gypsy and Traveller Accommodation Assessments<sup>2</sup> (GTAA's) and a strategic view of needs across the region.
- 3.2 In the Autumn of 2008, SEERA undertook an extensive 'Issues and Options' consultation on the overall provision and distribution of additional Gypsy, Traveller and Travelling Showpeople pitches to be provided 2006- 2016. The overall level of provision proposed for Gypsies and Travellers was 1,064 residential pitches and 276 residential plots for Travelling Showpeople. Four distribution options (Options A-D), all providing the same total number of pitches, were consulted on (See Appendix 1 for a summary). The Council's response is attached at Appendix 2.
- 3.3 In summary, the council offered support for the overall numbers proposed at regional level. In terms of the local authority distribution options (Options A-D), the council expressed support for Options A and B (based on local authority advice) in terms of Gypsy and Traveller pitch provision and also offered some support for Option D, in terms of Gypsy and Traveller provision, which sought to promote an element of wider regional responsibility for the provision of Gypsy and Traveller accommodation. The council did not support the allocation of Travelling Showpeople spaces to Brighton and Hove on the basis that there is no evidence of local need.
- 3.4 The approach consulted on at the Issues and Options stage for transit provision (suitable authorised temporary stopping places for gypsies and travellers) recommended that the level of transit provision be determined by local authorities by them making appropriate provision through the local development framework. This approach was supported by the council.

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<sup>1</sup> Planning Circulars 1/2006, Planning for Gypsy and Traveller Caravan Sites (CLG, February 2006) and 4/2007 Planning for Travelling Showpeople (CLG, August 2007).

<sup>2</sup> East Sussex and Brighton & Hove Gypsy and Traveller Study, 2006.

- 3.5 At the Regional Assembly's Plenary Meeting in March 2009, Option D in terms of proposed pitch provision for Gypsies and Travellers and Travelling Showpeople was agreed as the recommended 'preferred option' to be submitted to Government. The submission document suggests that Option D will offer widened choice to the Gypsies, Travellers and Travelling Showpeople. It also suggests that the combination of local and regional pitch redistribution will assist pitch delivery by sharing responsibility more widely between councils.
- 3.6 In a new policy H7, the submission document recommends that an additional 1,064 permanent residential pitches are provided for Gypsies and Travellers, and a further 302 spaces for Travelling Showpeople<sup>3</sup> in the period 2006 – 2016. For East Sussex and Brighton & Hove, policy H7 recommends that 55 pitches are provided for Gypsies and Travellers and 9 for Travelling Showpeople. Brighton & Hove's share is 13 residential pitches for Gypsies and Travellers and 2 residential plots for Travelling Showpeople. In terms of transit provision, Policy H7 requires local planning authorities to make appropriate provision in Local Development Documents to meet requirements for transit and temporary stopping purposes.

### **Proposed Response to Submission Document**

- 3.7 The proposed response to the submission document recommendations is consistent with the council's response made at the earlier Issues and Options stage of consultation (2008). The recommended response is as follows: 'The council generally supports overall levels of provision proposed by the partial review for Gypsies and Travellers and for Travelling Showpeople on the basis that assessments are largely based on advice from local authorities drawing upon their local assessments of Gypsy, Traveller and Travelling Showpeople's accommodation needs'.
- 3.8 'The council is able to support the proposals for the distribution of Gypsy and Traveller permanent pitch provision which identify 13 such pitches for Brighton & Hove. Towards this end, the Council has already identified a 'preferred site' to meet the locally identified need for local Gypsy/Traveller families. The search for a suitable site has proven extremely difficult given the very densely developed nature of the existing built-up area of the City and the highly constrained boundaries. Much of the city's urban fringe is now designated a National Park. The 'preferred site' will itself require a 'departure application' since it is located within a local countryside designation and no other suitable site was able to be identified'.

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<sup>3</sup> Submission document incorporates results of updated surveys of need for Travelling Showpeople spaces.

- 3.9 'In addition to the work being progressed to secure new permanent pitch accommodation, the council also operates and manages a 23-pitch formal transit site on the edge of the city. This site currently falls within the Sussex Downs Area of Outstanding Natural Beauty (AONB) and will fall within the intended South Downs National Park boundary. This provision represents a significant proportion of the total amount of transit provision currently being made within the South East region. The council supports the approach recommended for additional transit provision within the wider region; that it should be for local authorities to determine through their local development frameworks drawing upon local knowledge'.
- 3.10 'It is against this context that the council is unable to support a further requirement for 2 Travelling Showpeople plots. In numerical terms, the proposed allocation may appear small in comparison to some other local authorities in the region. However, this is a very densely built city which is severely constrained between the South Downs and the Sea. The particular site requirements for Travelling Showpeople (as outlined in Circular 4/2007 in terms of the space requirements and the visual/noise impact considerations regarding storage/repair/maintenance of significant amounts of equipment) need to be set against the very serious constraints to further development of all types faced by the city. The council is unable, therefore, to support this aspect of the proposed distribution'.

#### **4. CONSULTATION**

- 4.1 SEERA (now the South East Partnership Board) have held several stages of consultation as part of the South East Plan partial review process.
- 4.2 Stakeholder consultation took place in 2006 on the Project Plan for the review and the Sustainability Appraisal (SA) Scoping Report.
- 4.3 In 2007, SEERA sought formal advice from Local Authorities on the on the appropriate level of pitch provision, drawing on local Gypsy and Traveller Accommodation Assessments (GTAA's). All South East councils fed into the process. Brighton & Hove provided advice together with councils across East Sussex. Brighton & Hove undertook local consultation with local Gypsies and Travellers as part of the formulation and submission of its advice to the Regional Assembly.
- 4.4 SEERA undertook a 12 week consultation process 1 September – 21 November 2008 on 'Issues and Options'. This is detailed in Section 6 of this report.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The provision of pitches for Gypsies and Travellers is likely to bring about a reduction in the number of unauthorised encampments within the city and a reduction in the costs associated with managing these unauthorised encampments.

- 5.2 The cost of providing a site will be fully met by the Government grant which has been made available for the purpose of this provision.

*Finance Officer Consulted: Patrick Rice*

*Date: 03/07/09*

Legal Implications:

- 5.3 The Housing Act 2004 requires local housing authorities to include gypsies and travellers in their accommodation assessments and to take a strategic approach, to demonstrating how the accommodation needs of gypsies and travellers will be met, as part of their wider housing strategies.
- 5.4 The Planning and Compulsory Purchase Act 2004 introduced a new development plan system. The new system is generally known as the Local Development Framework and this Framework will include documents which have the status of Development Plan Documents (DPDs). The Regional Spatial Strategy is a DPD and is required to identify the number of pitches required for each local planning authority in the light of Gypsy and Traveller Accommodation Assessments and a strategic view of needs across the region. Local Development Documents including the authority's Core Strategy and forthcoming Development Plan Policies and Site Allocation DPDs will be required to be in conformity with the Regional Spatial Strategy and are required to translate pitch requirements into site provision.
- 5.5 The provision of pitches gives the council the opportunity to meet its obligations under section 71 of the Race Relations Act 1976.

*Lawyer Consulted: Hilary Woodward  
Oliver Dixon*

*Date: 03/07/09*

*Date: 06/07/09*

Equalities Implications:

- 5.6 The provision of pitches is clearly in line with the council's Diversity policy, in particular with regard to Gypsy and Irish Travellers, who are a recognised ethnic group as defined by the Race Relations Act.

Sustainability Implications:

- 5.7 Sustainability considerations are central to the new planning system. An independent Sustainability Appraisal (SA) was undertaken on the four options put forward at Issues and Options stage by consultants Scott Wilson and completed by the Regional Assembly. At the regional scale, the SA showed that there are no significant differences between the impacts of the four options. All options produced a positive overall effect on sustainability without adverse effects on habitat areas of European significance. The most important SA effects are the positive socio-economic benefits to Gypsies, Travellers and Travelling Showpeople of making provision, and the consequent reduction in the potentially adverse effects of recourse to unauthorised sites.

Crime & Disorder Implications:

- 5.8 The provision of permanent pitches for Gypsies and Travellers is likely to lead to a reduction in the amount of trespass on public land within the city.

Risk and Opportunity Management Implications:

- 5.9 The provision of pitches gives the council the opportunity to meet its obligations under the Race Relations Act. As stated above, it is also likely to lead to a reduction in the amount of trespass on public land within the city.

Corporate / Citywide Implications:

- 5.10 Local Development Plan Documents such as the Brighton & Hove Core Strategy (submission version November 2009) and the forthcoming Development Policies and Site Allocations DPD will need to be in conformity with the Regional Spatial Strategy. The Core Strategy is required to set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites. Such criteria can also be used to assess planning applications that come forward before the formal adoption of the Core Strategy or Development Policies and Site Allocations DPD.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 SEERA held a 12 week 'Issues and Options' consultation between 1 September and 21 November 2008 with respect to the provision of 1,064 residential pitches for Gypsies and Travellers between 2006 – 2016 and the provision of up to 276 residential plots for Travelling Showpeople between 2006 – 2016 and four distribution options (A-D). The four options consulted on at Issues and Options stage, all providing the same total number of pitches, are summarised in Appendix 1.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To inform the Environment Cabinet Member of the South East Partnership Board's recommendations to government in terms of the proposed pitch/plot requirements for Gypsies, Travellers and Travelling Showpeople for Brighton & Hove for the period 2006 – 2016 and to agree the council's response to help inform the next stage of the process which will be the Examination in Public scheduled for February 2010.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Summary of Issues and Options Consultation Distribution Options, 2008
2. Consultation response to Issues and Options Consultation (November 2008).

### **Documents In Members' Rooms**

None

### **Background Documents:**

1. Circulars 1/2006 Planning for Gypsy and Traveller Caravan Sites, CLG February 2006 and Circular 4/2007 Planning for Travelling Showpeople, CLG August 2007.
2. Partial Review of The Draft South East Plan: Somewhere to Live: Planning for Gypsies, Travellers and Travelling Showpeople in the South East, September 2008.
3. Partial Review of The Regional Spatial Strategy for the South East – Provision for Gypsies, Travellers and Travelling Showpeople, Recommendations for new policy H7, June 2009.

