

By: Oliver Mills, Managing Director, Adult Social Services

To: Gypsy and Traveller Advisory Board – 5 December 2008

Subject: **SOUTH EAST PLAN PARTIAL REVIEW: ‘SOMEWHERE TO LIVE’ PLANNING FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE IN THE SOUTH EAST: RESPONSE TO PUBLIC CONSULTATION BY THE REGIONAL ASSEMBLY (SEERA)**

Classification: Unrestricted.

Summary: This report outlines current public consultation options for the South East Plan Review on Gypsy, Traveller and Travelling Showpeople Accommodation and the merits of alternative options in providing a strategic and consistent approach across Kent. It details the discussions with other Kent authorities, and the KCC Cabinet Member response to the consultation.

Background

1. The Regional Assembly (SEERA) is required to advise Government on the scale and distribution of provision of new permanent residential and transit pitches for the accommodation of Gypsies and Travellers. This is being addressed through a partial review of the South East Plan.
2. Initial work has involved all Kent authorities, working together through Joint Officer and Member Steering Groups, to provide, at the Assembly's request, advice on two of the options (Options A and B) which are now subject to public consultation. This advice was submitted in October 2007 and revised in April 2008.
3. When submitting the advice the Joint Member Group requested that the Assembly consider additional options providing for wider distribution of pitch provision across the region and reducing the concentration of pitch provision in Kent provided for under Options A and B.

The Options for Consultation

4. Public consultation on the Gypsy and Traveller and Travelling Showpeople review commenced in September and ran until 21 November 2008. Four options were presented - all providing the same number of additional pitches (1064) for the South East as a whole SEERA has introduced two additional options (Options C and D) that provide for alternative levels of redistribution of accommodation need across the region. These would have the effect of reducing overall provision in Kent and Medway.

Option A – new pitches all provided as close as possible to where Gypsies and Travellers currently live.

Option B new pitches all provided in the same general area* but with neighbouring authorities within this area sharing the duty for providing new pitches.

Option C - half of new pitches should be in the same general area* where Gypsies and Travellers currently live with the other half spread across the region.

Option D – most (75%) of new pitches should be in the same general area* where Gypsies and Travellers currently live with a quarter spread across the region.

* i.e. Kent and Medway

5. An objective of the S E Plan review is to take a strategic view of requirements for additional pitches. A key consideration is to tackle the scale of unauthorised sites which have no legal standing. Around 25% of existing gypsy and traveller caravans in Kent and Medway are on unauthorised sites. Over time increased provision of permanent authorised pitches should be offset by reductions in the number of unauthorised pitches. In 2007 the Government's Task Group on Site Provision and Enforcement, concluded:

“Our primary message is that it is essential both to increase the number of authorised sites for Gypsies and Travellers and to do so quickly. Without levels of accommodation that are commensurate with need unauthorised encampments and developments and the attendant problems they can cause are not only likely, they are inevitable “¹

6. Pitch allocations for the region, Kent and individual districts under each of the options are as follows:

Table 1: SEERA Consultation: Options A – D: Kent and Medway area

District/ GTAA area	Additional pitches				Range within A – D
	Option A	Option B	Option C	Option D	
Ashford	20	32	28	30	12
Maidstone	48	39	32	36	16
Tonbridge & Malling	14	20	14	17	6
Tunbridge Wells	11	15	11	13	4
West Kent GTAA	93	106	85	96	21
Sevenoaks/ Sevenoaks GTAA	57	22	14	18	43
Dartford	33	27	17	22	16
Gravesham	16	13	10	11	6
Swale	64	31	20	25	44
Medway	12	32	24	28	20
North Kent GTAA	125	103	71	86	54

¹ The Road Ahead : Final Report of the Independent Task Group on site Provision and Enforcement for Gypsies and Travellers (December 2007)

Canterbury	32	33	26	30	7
Dover	6	24	20	22	18
Shepway	2	13	9	12	11
Thanet	5	19	16	17	14
East Kent GTAA	45	89	71	81	44
Kent & Medway	320	320	241	281	79
South East Region	1064	1064	1064	1064	0

Note: GTAA areas – groupings of authorities for which Gypsy and Traveller Accommodation Assessments have been undertaken

7. Kent and Medway accounts for almost a quarter of existing authorised pitches in the South East and almost a third (31%) of the total gypsy and traveller caravans in the region on both authorised and unauthorised sites. Under Options A and B Kent and Medway would account for the same proportion (30%) of new provision, thus continuing the degree of concentration of gypsy and traveller accommodation in the Kent area. Under Options C and D the Kent share of regional provision would reduce to 23% and 26% respectively (see Annex 1).

The Options

Option A

8. Option A reflects the findings of the 4 need assessments (GTAAs)² carried out in Kent, adjusted by the Kent authorities to ensure greater consistency between them. The revised need of 320 pitches is 66 pitches below the original outcome of the needs assessments. Under Option A provision would be strongly concentrated with Swale, Sevenoaks and Maidstone accounting for more than half (53%) of the total. However every district would make a contribution although this would be very modest in Dover, Shepway and Thanet.

9. In considering Option A a number of considerations should be borne in mind:

- Option A reflects the pattern of need and preferences identified by the needs assessments commissioned by Kent local authorities and their findings have been accepted, subject to the modifications referred to above;
- A substantial element of the need for additional 'authorised' permanent pitches stems from the present level of 'unauthorised' pitches (i.e. 'backlog') and thus the implied net increases in pitches is significantly less than the gross figure of 320;
- None of the GTAAs assume any future net in-movement of gypsies and travellers to the GTAA areas or Kent as a whole ;
- Plan proposals are required to be clearly evidence based if they are to meet the tests of 'soundness' applied to statutory development plans.

² Respectively for North Kent , East Kent , West Kent and Sevenoaks

Option B

10. Option B reflects a different distribution pattern although total provision is the same as for Option A (320 pitches). Option B takes account of a number of planning and environmental criteria:

- the incidence of significant national environmental constraints and the Metropolitan Green Belt;
- the extent of existing urbanisation;
- the scale of committed housing land supply on previously developed land;
- the extent of boundaries at urban areas unconstrained by nationally significant environmental constraints and the Metropolitan Green Belt;
- the level of planned housing provision in each district;
- the extent of areas with good accessibility to services.

11. The consultation document notes that it is a Government policy objective that responsibility for new pitch provision be shared more widely between authorities than at present³. The effect of Option B is to redistribute pitch provision within Kent towards parts of East Kent (Dover, Shepway and Thanet) Medway and Ashford and away from districts with high need assessments (particularly Sevenoaks and Swale and to a lesser degree Maidstone).

Options C and D

12. Options C and D provide for some redistribution across the region and aim to improve the choice of local authority locations available to Gypsies and Travellers. They respectively retain 50% and 75% of the district level requirements under Option B with the balance reapportioned region wide by equal weighting between two 'broad brush' criteria⁴. Under these options Kent and Medway's provision decreases by 25% and 12% respectively. Their share of total regional provision remains within a range of 23% - 26% compared with 30% under Options A and B (see Annex 1).

13. Options C and D reduce provision in Kent and Medway in comparison with Options A and B. Option D numbers are higher than Option C given the smaller element of regional redistribution. The effects within Kent and Medway are variable:

- In North Kent provision is lower in all districts (especially Swale) but higher than Option A in Medway;
- In Sevenoaks the C and D options are substantially lower than Option A but vary only modestly from Option B;
- In West Kent the C and D options are lower than Option A in Maidstone but higher in Ashford and at a comparable level in Tonbridge and Malling and Tunbridge Wells ;

³ SEERA : Somewhere to Live : Planning for Gypsies , Travellers and Travelling Showpeople in the South East para 6.1)

⁴ Land area free of major environmental constraints and forecast population at 2016 used as a general proxy for economic and social opportunities and access to employment and services.

- In East Kent the C and D options are significantly higher than Option A in Dover, Shepway and Thanet and only marginally different from the Option B numbers; Canterbury's figures are very similar across all 4 options.

Evaluation of Options

14. A number of factors need to be balanced in considering the merits of the options:

- How responsive are they to the local pattern of need?
- Whether, and to what degree, should provision be made in the wider region and within Kent for greater sharing of the responsibility for new pitch provision? Government advice is that this scope should be explored.
- What account should be taken of local variations in planning and environmental circumstances?
- Will the pattern of new provision be deliverable? Insufficient provision and/or an unrealistic geography for any redistribution of requirements may ultimately run counter to plan objectives, for example by continuing the difficulties often associated with unauthorised encampments and developments in areas where Gypsies and Travellers wish to stay.

15. Against these considerations each of SEERA's four options have some limitations:

Option A	Is solely needs based Need is strongly concentrated in 3 Districts Has no regional redistribution away from Kent or local redistribution within Kent
Option B	Reflects need at a county level but has no direct relationship with the local pattern of need Has no regional redistribution away from Kent
Options C and D	Provide for some regional redistribution but <ul style="list-style-type: none"> - no direct alignment with pattern of local need - strong element of redistribution within Kent to parts of East Kent - heavy curtailment of provision in districts with high need - reapportionment of the regional element is based on very broad brush criteria– rather than the more detailed and refined planning and environmental criteria that have been used locally

16. Given the above it is felt that none of the four options provide a sufficient balance between the considerations outlined in para 14 above. From a strategic perspective there are significant merits in a modified form of Option C ('Option E' as set out in Table 2). In essence this takes Option A as the starting point, retains the 'pooled' regional requirement under Option C that is reapportioned to Kent

(81 pitches) but uses the pattern of Option B, which reflects the locally based planning and environmental criteria, to distribute this within Kent (see Annex 2).

Table 2: 'Option E'

District/GTAA area	'Option E'	Option C	Option A
Ashford	18	28	20
Maidstone	34	32	48
Tonbridge & Malling	12	14	14
Tunbridge Wells	9	11	11
West Kent GTAA	73	85	93
Sevenoaks/ Sevenoaks GTAA	34	14	57
Dartford	23	17	33
Gravesham	12	10	16
Swale	40	20	64
Medway	14	24	12
North Kent GTAA	89	71	125
Canterbury	25	26	32
Dover	9	20	6
Shepway	4	9	2
Thanet	7	16	5
East Kent GTAA	45	71	45
Kent & Medway	241	241	320

17. 'Option E':

- mirrors more closely the pattern of need at district level while still providing an element of redistribution within Kent away from the localities with the highest levels of need;
- moderates the severity of impact of this redistribution on certain areas (parts of East Kent and Medway) in comparison with Option C;
- continues to ensure that all districts make a contribution to new pitch provision;
- ensures that at least 60% of district based need is accommodated in the same district where it arises notwithstanding the element of regional redistribution.

18. Only Options 'E' (or C) and to a lesser extent D provide for redistribution within the region. These reduce provision in Kent but increase it in some other parts of the South East (notably Hampshire and Oxfordshire and to a lesser extent East Sussex). Acceptance of the principles of 'Option E' (or C or D) is likely to prove contentious on a region wide basis. However this has to be viewed in the context of the varied levels of provision under Options A and B between county areas when set alongside the existing supply of authorised pitches (see Annex 1).

19. A strategic view of the most appropriate option needs to arrive at an appropriate weighting of the considerations identified in para 14 above and to reflect their consistent application on a county wide basis. Option E represents an approach to this.

Travelling Showpeople

20. The partial review has also to address the accommodation needs of Travelling Showpeople⁵. Options for these are presented separately. In Kent's case a very modest level of need over the period to 2016 under the needs based Option A is indicated (10 plots within a regional total of 234) located in North Kent (Dartford) [7] and East Kent (Canterbury and Thanet) [3]. There is no Option B with regard to Travelling Showpeople.

21. Options C and D adopt the same approach to regional redistribution as applied to the Gypsy and Traveller options but also include an apportionment for an additional 42 families whose needs have not been accounted for. Under Options C and D plot requirements in Kent and Medway rise to 23 – 30 plots (within a higher regional total of 274 plots).

22. Needs assessment surveys for Travelling Showpeople were conducted in East Kent with a separate study for the remainder of the county. The latter, in particular, proved difficult, achieving a low response rate and the robustness of the data is more questionable. It concluded that there may be a small need for additional accommodation in Dartford Borough (4 plots to 2011) but noted that this need may be capable of being met by better organisation of current site capacity. In Option A the Assembly has allowed for an element of continued household growth beyond 2011 and hence the total provision of 7 plots in Dartford over the ten year plan period.

23. Options C and D involve higher provision in Kent (and include 7 of the 42 households not covered in needs assessments). The distribution is very dispersed (generally only 1-2 plots per district and a maximum of 5) and is of questionable realism in terms of delivery. Showpeople normally form part of a travelling group and do not tend to be located in isolation. There is no apparent locationally based needs assessment for the 42 homeless families included within the redistribution arrangements. To ensure a robust pattern of provision it is felt that further work is required to understand the particular needs of the 42 homeless families and to assess the realism of the redistribution of plot provision and the highly dispersed pattern that accompanies it.

⁵ Defined in Planning Circular 04/2007 as "Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined in ODPM Circular 1/2006."

Transit Accommodation Requirements

24. Government guidance⁶ is that the South East Plan should provide district level allocations for transit spaces as well as permanent residential pitches. At SEERA's request advice was provided by the Kent authorities in 2007 indicating a need for 7 transit sites or stopping places in Kent and indicating a broad distribution within the county and the size and type of facility envisaged. This drew on the distinctive information from the monitoring of unauthorised encampments that has been available in Kent since 2004. Kent authorities did nonetheless advocate that a specific study of transit need should be undertaken on a regional basis.

25. In the current consultation the Assembly notes that there is not a complete set of transit need assessments and local authority advice for the region as a whole making it impossible to allocate transit pitch provision in a '*robust and consistent way*'. It therefore asks whether the South East Plan should simply delegate the final distribution of transit sites to local Councils working in consultation with the Gypsy and Traveller community. Whilst this would appear to be the only practical way forward in current circumstances it is important that this is approached on a wide area basis. If this is to be determined in this manner the provision required should be reviewed taking into account the current volatility in the number of encampments and the impact of increases in permanent site provision arising from this Plan.

The KCC Response to SEERA

26. The Cabinet Member for Regeneration, Kevin Lynes, following discussions with Kent and Medway Councils and the Leader of the Council, has agreed a response to SEERA, on behalf of KCC, which supports Option E above, and makes a number of other detailed points contained in this agenda item.

Next Steps

27. Following the current public consultation SEERA will select a preferred option, for submission to Government, for distributing additional pitch provision between local authority areas. This may be one of the current four consultation options or an alternative that draws upon the consultation response. Submission to Government is envisaged in April 2009. This will be followed by further public consultation and, in all probability, an Examination in Public. It is anticipated that the outcome of the partial plan review will be adopted by Government in 2010.

Conclusions and Recommendations:

28. Members of the Gypsy and Traveller Advisory Board are asked to:

- (a) note the discussions that have taken place with other Kent authorities.
- (b) note the KCC response to the consultation by the Regional Assembly

⁶ Circular 01/2006

Background Documents

Partial Review of the South East Plan: Somewhere to Live: Planning for Gypsies, Travellers and Travelling Showpeople in the South East: Public Consultation Document: September 2008

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RSS Partial Review: Gypsy and Traveller Accommodation

Annex 1: Review Options and Existing Authorised Pitch Provision in the South East

(i) Options A and B

	Existing Authorised Residential Pitches	Share of existing Authorised pitches (%)	Pitch Provision Options A/B	Share of Additional Pitch Provision (%)
Berkshire	199	11.5	78	7.3
Buckinghamshire & Milton Keynes	175	10.1	113	10.6
East Sussex, Brighton & Hove	34	2.0	47	4.4
Hampshire & Isle of Wight	141	8.1	100	9.4
Kent & Medway	441	25.4	320	30.1
Oxfordshire	222	12.8	42	3.9
Surrey	349	20.1	163	15.3
West Sussex	173	10.0	201	18.9
South East	1734	100.0	1064	100

(ii) Options C and D

	Existing Authorised Residential Pitches	Share of existing Authorised pitches (%)	Pitch Provision Option C	Share of Pitch Provision (%) Option C	Pitch Provision Option D	Share of Pitch Provision (%) Option D
Berkshire	199	11.5	78	7.3	78	7.3
Buckinghamshire & Milton Keynes	175	10.1	122	11.5	117	11.0
East Sussex, Brighton & Hove	34	2.0	59	5.5	53	5.0
Hampshire & Isle of Wight	141	8.1	205	19.3	153	14.4
Kent & Medway	441	25.4	241	22.7	281	26.4
Oxfordshire	222	12.8	88	8.3	65	6.1
Surrey	349	20.1	118	11.1	140	13.2
West Sussex	173	10.0	153	14.4	177	16.6
South East	1734	100.0	1064	100	1064	100

Source: SEERA Consultation Document: 'Somewhere To Live'

RSS Partial Review: Gypsy and Traveller Accommodation

Annex 2: Derivation of Option E

	(1)	(2)	(3)	(4)	(5)
District/ GTAA area	Option A (pitches)	50% of Option A (pitches)	Share of Option B Distribution (%)	Apportionment of regionally redistributed provision within Kent & Medway (pitches)	Option E
Ashford	20	10	10	8	18
Maidstone	48	24	12.2	10	34
Tonbridge & Malling	14	7	6.3	5	12
Tunbridge Wells	11	5	4.7	4	9
West Kent GTAA	93	46	33.1	27	73
Sevenoaks/ Sevenoaks GTAA	57	28	6.9	6	34
Dartford	33	16	8.4	7	23
Gravesham	16	8	4.1	4	12
Swale	64	32	9.7	8	40
Medway	12	6	10	8	14
North Kent GTAA	125	62	32.2	26	89
Canterbury	32	16	10.3	9	25
Dover	6	3	7.5	6	9
Shepway	2	1	4.1	3	4
Thanet	5	2	5.9	5	7
East Kent GTAA	45	22	27.8	22	45
Kent & Medway	320	160	100.0	81	241

NB Figures may not sum due to effects of rounding