

**Committee: Planning Policy Working Group**

**Agenda Item**

**Date: 29 September 2015**

**11**

**Title: Gypsy and Traveller update**

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### **Summary**

1. As part of the Local Plan process the council has been working on its evidence base and site selection for the Gypsy and Traveller process.
2. New national policy was published by the Government during August 2015.

### **Recommendations**

3. That the Working Group note the published national policy and discuss the approach recommended by officers.

### **Financial Implications**

4. Costs of the work can be met from existing budgets.

### **Background Papers**

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

### **Impact**

- 6.

Communication/Consultation	Consultation will be carried out in accordance with the Statement of Community Involvement.
Community Safety	N/A
Equalities	The policy documents which will be prepared are subject to separate equalities impact assessments.
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	The policy documents which will be prepared are subject to separate equalities

	impact assessments.
Ward-specific impacts	All
Workforce/Workplace	Existing staff resources.

## Situation

7. The Essex Gypsy and Traveller Accommodation Assessment was published in 2014 after being jointly commissioned by Essex Authorities. This assessed the need for pitches based on an established methodology which followed national policy.
8. The Council then issued a Call for Sites for potential pitches and employed Peter Brett Associates to consider and assess each submitted site in turn. The assessment and officer recommendations were then subject to public consultation at the end of 2014/beginning of 2015.
9. Two further sites were submitted as part of this last consultation and the Working Group have considered the initial officer assessment but as yet they have not been subject to public consultation.

### *New Planning Policy for Traveller Sites*

10. During August 2015 the Government published its new Planning Policy for Traveller Sites which replaces the version from 2012.
11. The document contains a number of changes but these mainly relate to enforcement and the definition (for planning purposes) of Gypsies and Travellers.
12. The amended definition is contained in Annex 1 the Glossary and states:
  1. *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
  2. *In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
    - a) *whether they previously led a nomadic habit of life*
    - b) *the reasons for ceasing their nomadic habit of life*
    - c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

13. The second paragraph has been added since the previous 2012 version of the document. It is clear therefore that a thorough assessment needs to be carried out to ensure that our evidence base and therefore the justification behind our emerging policy and site allocations accords with this new guidance.
14. Officers have been in discussion with the consultants, ORS, and other Essex Councils on this topic and the general view is that the assessment will need to be updated. The pertinent advice from the consultants is:

*What is clear is that an Accommodation Needs Assessment completed using the new PPTS definition can't simply assume that all 'settled' Gypsies, Travellers and Travelling Showpeople living on sites, yards and in bricks and mortar have ceased to travel permanently and can be excluded as components of need. The likelihood is that more in-depth fieldwork will be required with all Gypsies, Travellers and Travelling Showpeople living in a particular area in order to gain a better understanding of their individual and family circumstances.*

*It is also likely that a better understanding will be required of transit provision if the change in definition does force more households or family members to travel in order to keep their Traveller status.*

15. The advice is therefore clear that a reappraisal of our evidence base is required which will need to include in-depth fieldwork to appraise all Gypsies and Travellers within our area to understand their individual and family circumstances.
16. ORS have published a Briefing Note on the changes which is attached as appendix 1.

#### *Existing assessment and work*

17. The Working Group will be aware that a number of sites have been assessed and considered over recent months. It is likely that as part of reassessing the evidence base we will need to carry out a new call for sites and reassess all the submissions in light of the new need figures. The previous decisions therefore will need to be revisited.

#### **Conclusion**

18. The updated national Policy will have an impact on the progress of the Gypsy and Traveller section of the Local Plan. Officers are taking advice from our consultant but it is expected that a new joint Essex wide study will be required to fully consider the overall need taking into account the new definition.
19. The Working Group will be updated as soon as further advice is received or progress made.

## Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
The plan maybe found unsound because the plan has not been prepared in accordance with up to date and robust evidence	1. The production of robust evidence on a cross border basis using experience consultants reduces the risk of impact.	3.If the plan is found unsound this will cause delay and uncertainty	Ensure that the evidence base is kept up to date and refreshed as necessary.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.