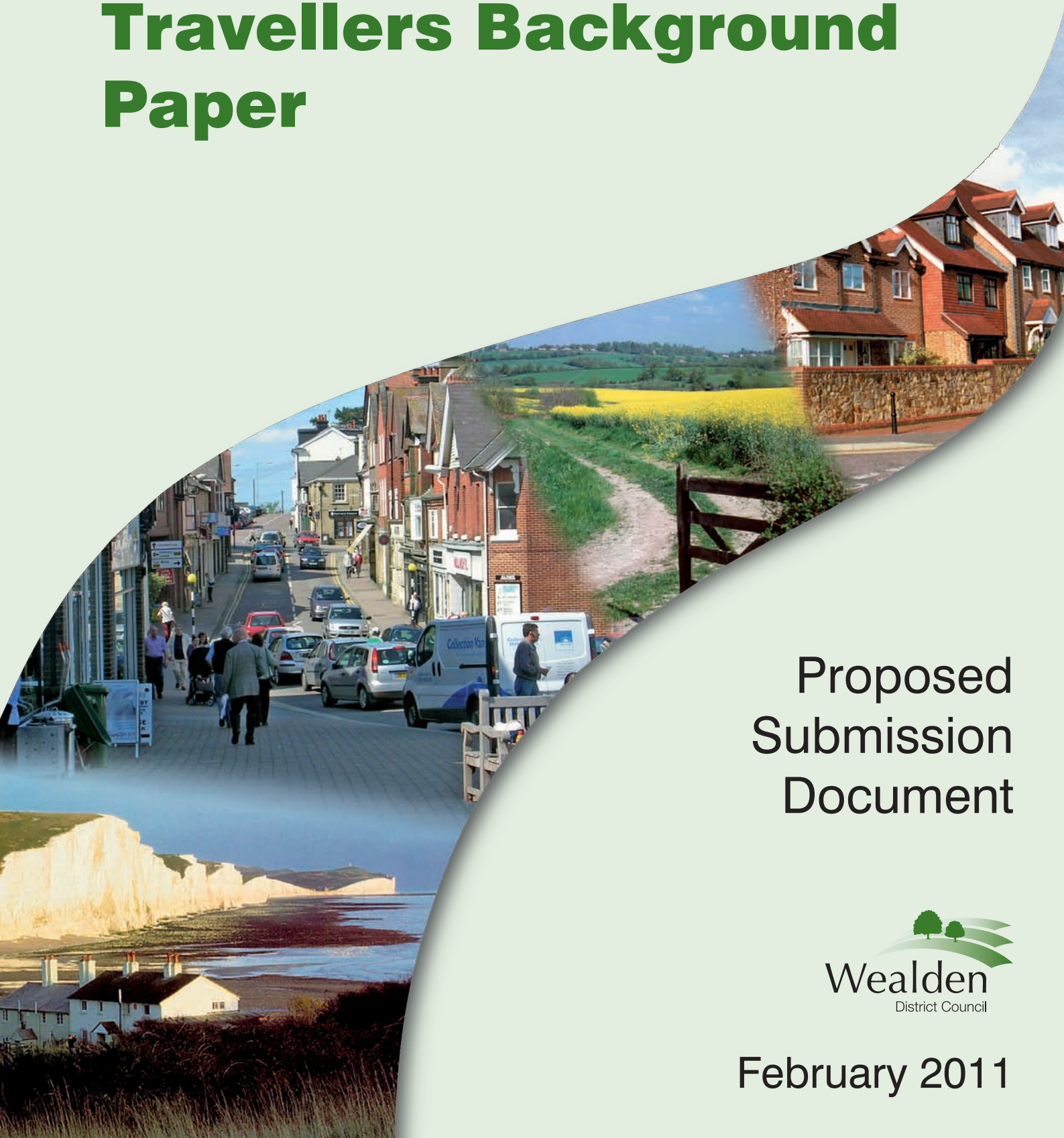
Wealden District Council
Local Development Framework

Provision for Gypsies and Travellers Background Paper



Proposed Submission Document

Wealden District Council

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Contents

1 Background

1.1 The Council has prepared a series of background papers to accompany the Proposed Submission Core Strategy. The papers cover a range of issues and provide technical and detailed information, derived from a number our specialist studies, which informs the content of the Proposed Submission Core Strategy.

These background Papers are:

BP1: Development of the Proposed Submission Core Strategy

BP2: Managing the Delivery of Housing

BP3: The Economy and the Provision of Jobs

BP4: Provision for Gypsies and Travellers

BP5: Biodiversity

BP6: Green Infrastructure

BP7: Summary of Town Masterplanning Documents

BP8: Summary of Core Strategy Consultation and Participation

BP9: Assessment of the Proposed Submission Core Strategy under the Habitat Regulations

BP 10: Sustainability Appraisal of the Proposed Submission Core Strategy

BP 11: Infrastructure Delivery Plan

BP12: Equalities Impact Assessment

BP13: Implementation and Monitoring Framework

1.2 This Background Paper, entitled Provision for Gypsies and Travellers, provides information on how relevant policy, guidance and evidence has been used to inform the Core Strategy's vision, objectives and policy in relation to provision for gypsies and travellers.

1 Background

2 Introduction

2.1 This Background Paper examines issues and responsibilities relating to planning for the accommodation needs of Gypsies and Travellers and Travelling Showpeople. This includes, in particular, determining the appropriate number of Gypsy and traveller pitches and sites for Travelling Showpeople (section 5) and how we plan to meet this.

2.2 Further to this, the Background Paper examines the issue of how we propose to set about identifying appropriate sites to meet needs. In this context, Wealden District Council has specifically appointed consultants to carry out a widespread exercise on this matter, including consultation with Gypsies and Travellers themselves. The Council has subsequently adopted a Methodology for Site Assessment and has progressed with site identification. This work is summarised in section 6 of this background paper.

2.3 Section 7 contains two proposed policies which are based upon the findings of our evidence. Firstly in relation to the assessment of needs and the number of Gypsy and Traveller pitches to be allocated and, secondly, in relation to assessing the suitability of sites for allocation against an agreed methodology and set of criteria and for considering any planning applications which may come forward.

2.4 Section 8 summarises the outcome of the sustainability appraisal of the draft policies. Appendix 1 contains an approved methodology and criteria for the identification of possible sites for gypsies and Travellers and Appendix 2 summarises specific initiatives in relation to Gypsy and Traveller needs which the Council has been engaged in.

2 Introduction

3 National Policies

Gypsies and Travellers

3.1 Planning Circular 01/2006[1] sets out the context in relation to planning for Gypsies and Travellers. The Government's aim is to ensure that all Gypsies and Travellers have the opportunity of living in a decent home. The Circular sets out a process whereby the accommodation needs of Gypsies and Travellers can be provided for.

3.2 Gypsies and Travellers are defined as persons of a nomadic habit of life, although they may have ceased to travel temporarily or permanently[2]. The Circular notes that Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England and that research has confirmed a link between a lack of good quality sites for Gypsies and Travellers and poor health and education.

3.3 The Circular recognises that many Gypsies and Travellers wish to find and buy their own sites to develop and manage. However, there will also remain a requirement for public site provision. Such sites are needed for Gypsies and Travellers who are unable to buy and develop their own sites, or prefer to rent, and to provide transit sites and emergency stopping places where Gypsies and Travellers may legally stop in the course of travelling.

3.4 A Gypsy site may contain a number of pitches. A pitch is defined as land which is suitable for a mobile home, touring caravan and a utility building, together with space for parking.

3.5 The process for the assessment of need and subsequent provision/meeting of need is set out in Circular 01/2006**.** The process begins with the assessment of Gypsy and Traveller accommodation needs (GTAA). Guidance for undertaking these assessments is provided in "Gypsy and Traveller Accommodation Needs Assessments: Guidance[3]". The Circular confirms that the Regional Spatial Strategy (RSS) would then specify pitch numbers for each Local Planning Authority in light of the GTAA's carried out and a strategic view of needs across the region. This process will, however, change if the Government's proposal to abolish Regional Spatial Strategies comes to fruition. A detailed description of the process followed by Wealden District Council in assessing need and the subsequent provision for meeting this need is provided in Section 5 of this paper.

3.6 The Circular and other relevant advice contained within it remains in force as does the best practice guidance referred to above. The Circular also provides advice on site location and selection and identifies factors which are important for the sustainability of a site, for instance:

1 Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Communities and Local Government 2006. www.communities.gov.uk

2 Circular 01/2006 defines Gypsies and Travellers as " Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

3 Gypsy and Traveller Accommodation Needs Assessments: Guidance. Communities and Local Government 2007. www.communities.gov.uk

- Means of access, availability of transport modes and distances from services
- Promotion of integrated co-existence between the site and local community
- Easy access to General Practitioner and other health services
- Near to a bus route, shops and schools
- Suitable ground conditions and levels of land
- Avoidance of sites in areas of high flooding risk

3.7 In addition to permanent residential pitches, there is also a requirement for transit pitches which are required to accommodate seasonal Travellers.

Travelling Showpeople

3.8 A further Circular (04/2007[4]) sets out the context in relation to planning specifically for Travelling Showpeople. Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs or sometimes holding circuses. Sites for Travelling Showpeople often combine residential, storage and maintenance uses. Travelling Showpeople often require larger areas than other Gypsies and Travellers due to their specific storage needs or the need for areas to exercise animals. Most Showpeople are members of the Showmen's Guild of Great Britain. The Circular states that Travelling Showpeople's needs should be included and assessed under GTAA.

Good Practice Guidance on Designing Gypsy and Traveller sites

3.9 More specific guidance for designing Gypsy and Traveller sites is provided in "Designing Gypsy and Traveller Sites: Good Practice Guide[5]".

3.10 The Guidance refers to the need to locate Gypsy and Traveller sites in locations which help to provide for the needs of the Gypsy and Traveller residents with good access to local services and opportunities for social contact with other residents. It is considered that this will help to support good community relations and help to reduce tensions with the settled community.

3.11 There is a need to ensure that sites have easy access to major roads or public transport services which in turn will help to ensure good access to employment, schools, health services and other facilities. The Guidance states that this will also help to ensure social inclusion through assisting social contact with other members of the community.

3.12 Sites should also not be situated near refuse sites, industrial processes or other hazardous places, as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. Sites should also provide visual and acoustic privacy and should not be inappropriate in their general level of amenity for ordinary residential dwellings.

4 Circular 04/2007 "Planning for Travelling Showpeople". Communities and Local Government 2007. www.communities.gov.uk
5 "Designing Gypsy and Traveller Sites: Good Practice Guide". Communities and Local Government 2008. www.communities.gov.uk

4 Local Strategies and Consultation

Sustainable Community Strategy

4.1 The Sustainable Community Strategy for East Sussex "Pride of Place[6]" contains within its list of key tasks an objective to "enable new sites to meet the needs of Gypsies and Travellers". The Wealden section of Pride of Place, which is entitled the "Wealden Vision", further contains the specific aim of providing for "enough decent, affordable homes to meet the needs of everyone who lives in or needs to live in the District". The provision of homes for gypsies and travellers can be considered to be a key part of achieving this aim.

4.2 In relation to health and social care, Pride of Place contains a priority in relation to Wealden to "support social inclusion, especially in rural areas, and seek to promote innovative ways of addressing exclusion and health inequalities". In this respect, it will be important that any proposed policy in relation to Gypsies and Travellers addresses this issue and should aim to promote social inclusion.

4.3 One of the objectives of Wealden's Sustainability Appraisal[7] is "ensure that everyone has the opportunity to live in a good quality, sustainably constructed and affordable home". Any policy which appropriately helps to meet the accommodation needs of gypsies and travellers will contribute towards achieving this objective. It also contains objectives to "improve the health and well being of the population" and to "promote social inclusion and create/sustain vibrant communities" and thus again the provision of suitable sites for gypsies and travellers could help to meet these objectives.

Consultation

4.4 As part of the process of developing our Core Strategy an Issues and Options consultation was carried out in July 2007. The consultation asked two specific questions in relation to Gypsies and Travellers. The first sought views on whether sites should be focused in the North of the District – in or close to the towns as this is where the evidence suggests that the need is greatest. The second asked whether sites should be distributed throughout the District, again in or close to towns. Overall there was greater agreement with the first proposition that sites should be found where the need is greatest. Those agreeing with it did however express concerns that sites should not be identified within the AONBs (High Weald and, at that time, Sussex Downs which is now a National Park) or in town centres. Those disagreeing with the proposition felt a greater dispersal would be more equitable and raised doubts about whether the approach is realistic if most of the north of the District is within the AONB. Some felt that the emphasis should be greater on towns. Others felt that the evidence is questionable since unlawful camps establish in areas of least resistance making a self-fulfilling prophecy on need.

6 Pride of Place, a Sustainable Community Strategy for East Sussex. Working Towards a Better Future for Local People and Local Communities. East Sussex Local and Strategic Partnerships, updated 2009. www.essp.org.uk

7 Sustainability Appraisal/Strategic Environmental Assessment Scoping Report. Wealden District Council 2007. www.wealden.gov.uk

4.5 A more recent examination of evidence in relation to the need for sites for Gypsies and Travellers throughout Wealden, however, fails to identify any clear and unambiguous pattern of need across the District.

4.6 As regards the Council's Spatial Development Options consultation in July 2009, a wide range of issues were raised in relation to protection of sensitive environments, meeting housing needs etc. There were, however, no specific questions specifically relating to the issue of Gypsies and Travellers.

5 Background to Gypsy Site Provision

5.1 To assist in the duty placed on all Councils by the Housing Act 2004 to carry out an assessment of the accommodation needs of Gypsies and Travellers, the Council undertook a joint Gypsy and Traveller Accommodation Needs Assessment (GTAA) in 2005 involving East Sussex County Council, all Districts and Boroughs in East Sussex and Brighton and Hove City Council. The GTAA predicts the need for Gypsy and Traveller sites in the study area up to 2011. This study was finalised at the end of 2006 and was one of the first to be completed in this region.

5.2 The GTAA identified the need for a total of 80 additional pitches in the overall assessment area from 2006 to 2011. This figure includes the need for both permanent residential pitches and also transit pitches. The assessment shows an indicative distribution of new permanent sites on a local authority basis. Wealden was provisionally allocated 34 pitches (based on survey respondents preferences), which was higher than for any other authority.

5.3 Travelling Showpeople's needs were not, however, specifically considered as part of the GTAA completed in 2005 but a joint consultation was carried out by all of the East Sussex Local Authorities in July/August 2007 in relation to this specific need. A response was received from the Showmen's Guild of Great Britain which indicated that there were four family groups of Travelling Showpeople in East Sussex, including one family in Wealden District, and that there was no additional demand for additional facilities/yards in the East Sussex area. The Council is not therefore aware of evidence to suggest that there is any specific need for a site for Travelling Showpeople within Wealden.

5.4 The regulations setting out the need to include information on the number of Gypsy and Traveller pitches in Regional Plans was not, however, published in time to incorporate this information within the South East Plan before its submission in March 2006. It was, therefore, necessary to initiate a Partial Review of the Plan to cover this specific issue and the GTAA which had been completed in 2005 was, therefore, used to help inform this Partial Review. Subsequent to the completion of the GTAA, new guidance has been published by DCLG which specified a methodology for reviewing GTAAs and allocating pitch requirements[8]. This guidance also facilitated the comparison of several GTAAs over a region to ensure consistency. The Partial Review was therefore conducted using this methodology. As part of this Partial Review, SEERA (the predecessor to the South East England Partnership Board) requested advice from all local authorities in the South East in relation to the provision of permanent caravan pitches for Gypsies and Travellers.

5.5 As part of the Partial Review process, a partnership , involving East Sussex County Council, District and Borough Councils in East Sussex and Brighton & Hove City Council, was set up to provide advice to SEERA in relation to permanent residential pitch provision for Gypsies and Travellers from 2006-2016. This partnership advice was also informed by an independent assessment published in May 2007 which concluded that overall the

8 Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by Regional Planning Bodies. Communities and Local Government 2007. www.communities.gov.uk

GTAA "probably over-states requirements (for permanent pitches) to a significant extent"[9]. This overestimation was primarily due to two factors. Firstly, an unrealistic assumption in the original GTAA that all households on unauthorised encampments are assumed to need residential pitches and, secondly, the assumption in the original GTAA of very high household formation rates. The partnership recalculated the requirements following the methodology in the new guidance and making adjustments for the above factors. The overall conclusion was that there was considered to be a need for 47 permanent residential pitches in the East Sussex and Brighton & Hove area. The advice was further refined to allow for 2 different options. Option A sought to meet identified needs where they arise, as identified through the Gypsy and Traveller Accommodation Needs Assessments (GTAA), and Option B distributed the need identified in Option A in relation to environmental, economic and social issues. In terms of these options, Wealden was required to provide 16 pitches under Option A and 18 pitches under Option B.

5.6 The figures were subsequently endorsed by the Council by way of a formal portfolio decision and submitted to the South East England Regional Assembly (SEERA)[10]. Advice was also provided in relation to the accommodation needs of Travelling Showpeople based upon the information provided by the Showmen's Guild of Great Britain concerning existing families living in East Sussex, and which considered that there was no evidence of additional need and Wealden Council therefore made a 'nil' return. These reworked figures for East Sussex were subsequently supported by the author of the independent assessment as being "well argued and reasonable" as regards residential pitch numbers for 2006-2011[11]. However this independent audit did not agree with the zero net estimate which had been made for 2011-16 and instead recommended that an additional 13 pitches were required for 2011-16 based on a projected 3% per annum growth rate applied to the total number of households at 2011. This would lead to an additional 7 pitches for Wealden in the case of Option A and an additional 5 pitches for Wealden in the case of Option B.

5.7 SEERA subsequently published in 2008 the consultation document "Somewhere to Live: Planning for Gypsies, Travellers and Travelling Showpeople in the South East"[12]. This consultation document proposed four options for additional permanent pitch provision for Gypsies and Travellers between 2006 and 2016 for Wealden:

- Option A: 16 pitches
- Option B: 18 pitches
- Option C: 19 pitches
- Option D: 19 pitches

5.8 Option A and B were directly related to the advice provided to SEERA and based on the overall need for East Sussex being 47 pitches as a whole. Option C and D were additional options proposed by SEERA itself and are based on higher overall need figures

9 Annex B of "Towards a Baseline Distribution of Future Pitch Provision", East Sussex County Council 2007 www.eastsussex.gov.uk

10 Portfolio Holder decision 17 September 2007 "Provisions for Gypsies & Travellers - Advice to South East England Regional Assembly (SEERA)". www.wealden.gov.uk

11 GTAA Benchmarking and Audit of Advice Final Summary Report, South East Plan Partial Review January 2008 www.planning-inspectorate.gov.uk

12 Somewhere to Live: Planning for Gypsies, Travellers and Travelling Showpeople in the South East. Partial Review of the South East Plan. South East England Regional Assembly 2008.

for East Sussex as a whole. Option C redistributed half of the total provision across the region and Option D distributed one quarter of the total provision across the region. As Options C & D introduced somewhat hypothetical calculations, the range of 16 to 18 additional permanent pitches attributed to Wealden District was felt to be the more appropriate evidence based assessment and supported by the Council.

5.9 Options for additional plots for Travelling Showpeople were also the subject of consultation. Option A prescribed for meeting any need as it arises, Option B distributed 42 homeless families not currently clearly attributed to any particular area, Option C redistributed half of the plot options across the region in addition to the share of 42 families and Option D one quarter of the plot options on the same basis. The resulting distribution options for plots in Wealden were:

- Option A: 0
- Option B (42 families): 1
- Option C: 3
- Option D: 2

5.10 It was agreed, in response to that consultation, in the absence of locationally specific justification for additional pitches for Travelling Showpeople and the previous consultation response received from the Showmen's Guild themselves that the Council's previous position should be maintained and Option A should be supported.

5.11 SEERA selected both options D from the above as the preferred options for the provision for Gypsies, Travellers and Travelling Showpeople, and subsequently submitted its recommendations to the Secretary of State on this basis. The figures for Wealden in terms of needs were subsequently updated to 20 pitches for Gypsies and Travellers and 3 pitches for Travelling Showpeople based upon updated data[13].

5.12 In practical terms, a number of pitches can be accommodated on one site. Therefore the material difference between 18 pitches, the maximum range previously supported by the Council for Gypsy and Traveller provision, and the 20 pitches subsequently submitted by SEERA was not considered to be significant and therefore no objection was raised to the recommendations made by SEERA. However, as no need has been established in Wealden for provision for Travelling Showpeople, and the implementation of the SEERA recommendation would most probably require a new site, the Council resolved not to support the recommendation of SEERA with regards to provision for Travelling Showpeople[14].

5.13 In June 2009, the South East England Partnership Board (formerly SEERA) submitted to the Secretary of State its recommendations for the provision of permanent accommodation for Gypsies, Travellers and Travelling Showpeople. The recommendations were subject to an Examination in Public which was held early in February 2010. It was intended that the Inspectors report from the Examination in Public would feed into the Regional Spatial Strategy, which would in turn require the Council's Local Development

13 Report to South East England Regional Assembly Regional Planning Committee January 2009.
14 Consultation following the submission to the secretary of state of recommendations for providing accommodation for Gypsies, Travellers and Travelling Showpeople. Wealden District Council Key Decision August 2009.

Framework to deliver the accommodation as stipulated. Although the Partial Review Panel Report has not been completed due to the Government's announcement that it intends to revoke Regional Spatial Strategies, it has been published in unfinished form[15]. Although the report is unfinished it is important to examine some of the content of the report which examines the evidence presented at the Examination.

5.14 The Panel report considers the calculation of need based on the East Sussex revised calculations to be reasonable in the light of the evidence at the time of the GTAA. The report does, however, identify problems with the way in which the supply of pitches from turnover is dealt with in the revised GTAA calculations. The revised GTAA calculations show vacancies of 2 pitches per year, or a total of 10 between 2006 and 2011, from those moving to housing. These 10 pitches are deducted from the need total of 57 pitches in the revised GTAA calculations to allow for these unexpected vacancies. The Panel Report states:

"There is no indication of why these two pitches in 2006 were to become vacant and certainly no indication of the reasons why the other eight pitches during the next four years would become vacant. As stated in Chapter 2 we see no justification for pitch turnover being counted as a net source of supply. We recommend therefore the ten pitches are reinstated as need."[16]

5.15 The Panel Report supports this case with reference to CLG Guidance on Preparing RSS Reviews.[17]

5.16 The report goes on to state:

"The GTAA pitch requirement is increased by a further 18 permanent pitches from 2011 - 2016. This is made up of 5 households from housing and a further 13 households assuming a 3% annual household growth rate. However, CD7.4b (page 14) deducts an allowance for vacancies and assumes the larger stock of pitches will provide 5 pitches per annum becoming vacant after 2011, thus obviating a need for any further provision after 2011. The report does not, however, accept that vacancies from pitch turnover should be regarded as a source of supply".

5.17 The unfinished Panel Report therefore comes to the conclusion that the revised East Sussex GTAA calculations should not have made an allowance for vacancies from pitch turnover coming forward after 2011 in the same way that it should not have made an allowance for such vacancies for the period 2006-11.

5.18 The report therefore recommends including an allowance for provision for the period 2011-16 and this is calculated on the basis of 3% annual growth rate applied to the total number of households at 2011 as a means of estimating future family formation to 2016. This is the same formula as used by the East Sussex authorities in the revised calculations (although subsequently the inclusion of an allowance for vacancies from pitch

15 Panel Report for the South East Plan Partial Review (unfinished draft). www.planning-inspectorate.gov.uk
16 Panel Report for the South East Plan Partial Review (unfinished draft). www.planning-inspectorate.gov.uk
17 Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by Regional Planning Bodies. Communities and Local Government 2007. www.communities.gov.uk

turnover obviated the need to include provision for this element). This amounts to a further 17 pitches for East Sussex for the period 2011-16. The total requirement for the period 2006-16 for East Sussex is therefore 74 pitches. It is noted that in calculating this figure, the unfinished Panel Report has included a figure of 15 additional pitches due to an error in the calculations[18] and as a result of the same error has also incorrectly stated the East Sussex total to be 72 rather than 74 which is the correct figure.

5.19 The unfinished Panel Report states that some allowance should also be made for demand for pitches from Gypsies and Travellers currently living in houses. The report recommends that provision should be made on the basis of 10% of total pitches at 2011 (this would amount to 11 pitches). The report acknowledges that this recommendation is not strictly evidence based although it is based on such information as is available.

5.20 The unfinished Panel Report also includes an allowance for a regional redistribution of Gypsy pitches. The final figure recommended for East Sussex following this regional redistribution is 96 units with 33 pitches recommended for Wealden, although it is not totally clear as to how this figure is made up from its constituent parts.

5.21 The assessment of need for Gypsy and Traveller sites needs to be based on a robust evidence base. It is appropriate to consider the joint local authority advice previously referred to which reworked the original GTAA figures as part of the partnership process[19]. The figures are shown in the Table below.

Table 1 Option A - Proposed Baseline for permanent pitches 2006-11

	Total Gross requirements	Expected vacancies	Option A requirements as per original option A submission
Eastbourne	1	0	1
Hastings	3	0	3
Lewes	10	0	10
Rother	5	2	3
Wealden	24	8	16
Brighton & Hove	14	0	14
East Sussex	43	10	33
GTAA area	57	10	47

18 PR 7.27 adds in another 15 pitches for need 2011-2016 on a 3%pa compound basis applied to the 2006 baseline (48) plus the additional pitches needed by 2011 (57), but without any assumed vacancies offsetting this need. NB This figure should be 17 as baseline (48) plus 2011 need (57) amounts to 105, not 93 as indicated in PR.

19 "Towards a Baseline Distribution of Future Pitch Provision", East Sussex County Council 2007 www.eastsussex.gov.uk

5.22 The above table shows the Option A requirement of 16 pitches for Wealden. It also shows the anticipated vacancies, which amount to 8 pitches in the case of Wealden. It is considered that this Option A distribution, which aims to meet need as it arises, is the most appropriate figure to use. However, in light of the clear findings of the unfinished Panel Report on this matter, it is considered that vacancies should not be used as a component of supply to offset need and therefore these figures should be disregarded. In this case the requirement for pitches for the period to 2011 for Wealden would be 24. There would also be a requirement to add 3% per annum compound growth to the 2006 baseline plus planned provision 2006 - 11 to provide the requirements for the period 2011 to 2016. This is necessary as anticipated vacancies can no longer be used to offset need for the period (unlike as had previously been done - see paragraphs 5.14 to 5.18). The 2006 baseline provision for Wealden is 29 pitches. If we add to this the additional provision required for the period to 2011 (which is 24), the baseline provision as at 2011 becomes 53 pitches. If we apply the 3% per annum compound growth to this figure, this generates a need for an additional 8 pitches. The total requirement for the period 2006-16 therefore becomes 32 for Wealden.

5.23 It is not considered that there is robust evidence for adding in any additional allowance for Gypsies currently living in permanent dwellings who may wish to transfer to pitches (as discussed in the unfinished Panel Report). It is noted that the LA advice figures do, in fact, include a modest allowance for such transfer in our "Towards a Baseline Distribution" Paper as part of the backlog of need[(20)]. It is also considered that there is no sound basis for any regional redistribution of pitches.

5.24 The total requirement for Wealden for the period 2006-16 is 32 additional pitches as shown in the Table below.

Table 2 Gypsy and Traveller Site Provision for Wealden 2006-16

A	B	C	D	E	F
2006 Baseline provision	Option A total gross additional requirement 2006-11 (see Table 1)	2011 baseline provision (A + B)	3% per annum compound growth applied to 2011 baseline (C)	Additional requirement 2011-16 (D - C)	Total additional requirement 2006-16 (B + E)
29	24	53	61	8	32

5.25 As regards pitches for Travelling Showpeople, it is considered that there is no requirement for any pitches within Wealden as this is again the outcome of the assessment of need as it arises (Option A), and also based on the methodology as set out in

20 "Towards a Baseline Distribution of Future Pitch Provision", East Sussex County Council 2007 www.eastsussex.gov.uk

Government Guidance 2007[21]. This would cover the period from 2006-2016 and it is intended that a further GTAA be carried out in order to inform provision beyond this date.

5.26 A Gypsy and Traveller transit study in the South East Region was undertaken in 2009 by Pat Niner of the Centre for Urban and Regional Studies, University of Birmingham[22]. This was based on existing published evidence and evidence/views gathered from specific questionnaire responses from stakeholders. The research identifies the need for 2 small additional transit sites within the East Sussex and Brighton and Hove region. This analysis is based on an approach which aims to create a network of transit sites and starts from the premise that the underlying reason for providing transit accommodation is to facilitate a travelling lifestyle. To achieve this a network of transit sites and stopping places is required so that people can move between legal places and have a chance of finding somewhere to stop accessible to most parts of the region where the diverse reasons for travelling might take them. A network, providing the possibility of choice, could accommodate ethnic and other differences between Gypsy and Traveller communities. Such an approach is essentially policy rather than evidence-based. The implication of this approach is that, as there are existing transit sites within Brighton and Hove and also in Lewes District, the main need appears to be in the coastal districts in the east of the county.

5.27 The County transit site, just outside of Wealden area, in Lewes District, has recently been extended and upgraded and was reopened at the end of 2009. The site is not yet running at full capacity but early indications are showing the site to be well used and its existence permits the police the use of S62 powers.

5.28 From the above analysis it does not appear that there is a requirement for any further transit sites within Wealden at present.

21 Preparing Regional Spatial Strategy Reviews on Gypsies and Travellers by Regional Planning Bodies. Communities and Local Government 2007. www.communities.gov.uk

22 South East England Regional Gypsy and Traveller Transit Study Final Report, Pat Niner, University of Birmingham October 2009 www.planning-inspectorate.gov.uk

5 Background to Gypsy Site Provision

6 Site selection criteria

6.1 In order to ensure that the aims of the Sustainable Community Strategy[23] are achieved and also to comply with National Planning Guidance in meeting the legitimate needs of Gypsies and Travellers, the Core Strategy will need to provide the framework within which the accommodation needs of Gypsies and Travellers can be met. It will be necessary to ensure that sites which are provided are appropriate to the needs of the travelling community and meet the specifications as set out in Circular 01/2006[24] and the Good Practice Guide on Designing Gypsy and Traveller Sites[25] (see paragraphs 3.6 and 3.9-3.12). Critically it will be necessary to ensure that they provide a safe environment.

6.2 With good access to services and facilities and that the location helps to promote social inclusion. In essence, this guidance states that the sites should not be inappropriate for ordinary residential dwellings.

6.3 Wealden benefits from a very diverse and rich landscape and natural environment and it is critical to ensure that this environment is protected. It is also important to ensure that the amenities of local residents are protected. There is therefore a need for a strong pro-active planning framework to be in place which will help to ensure that sites for Gypsies and Travellers are provided in appropriate locations. This will help to prevent unauthorised encampments and the prospect of sites being granted on appeal in the absence of any clear identified methodology and criteria for site selection. This in turn will help prevent adverse impact on the environment and local amenities.

Wealden District Council Methodology for Site Assessment

6.4 In view of the identified immediate need for sites which had been highlighted by the GTAA and in the absence of a current adopted Core Strategy or a Development Plan Document allocating specific sites for Gypsies and Travellers, Wealden engaged an experienced planning consultant to develop a methodology and criteria for site finding together with a subsequent assessment of possible sites. The consultants, Parker Dann, have also been working with Lewes District Council and Eastbourne and Hastings Borough Councils in relation to a methodology and criteria. It is understood that a similar approach has been followed in each authority although the precise criteria are slightly different due to the varied results of the local consultation exercises.

6.5 In March 2010 Wealden District Council[26] approved the methodology and criteria which had been drawn up by Parker Dann[27].This followed comprehensive consultation on the matter including with Parish Councils and with representatives of the Gypsy and Traveller community.

23 Pride of Place, a Sustainable Community Strategy for East Sussex. Working Towards a Better Future for Local People and Local Communities. East Sussex Local and Strategic Partnerships, updated 2009. www.essp.org.uk
24 Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Communities and Local Government 2006. www.communities.gov.uk
25 "Designing Gypsy and Traveller Sites: Good Practice Guide". Communities and Local Government 2008. www.communities.gov.uk
26 Methodology and Criteria for the Identification of Possible Sites for Gypsy and Traveller (15/2010) 'Appendix 1'
27 Methodology for Site Assessment; Identification and appraisal of potential sites for gypsies and travellers for Wealden District Council. Parker Dann 2009. www.wealden.gov.uk

6.6 The adopted methodology includes 13 criteria to ensure that landscape, nature conservation and historical designations are taken into account. The methodology also aims to ensure that sites are not visually intrusive; have suitable access; have availability of services and transport; and are appropriate for use by Gypsies and Travellers in terms of living conditions, size and topography of site.

6.7 This methodology was the subject of widespread consultation including with District Councillors, Parish and Town Councils and with representatives of the Gypsies and Travellers themselves. The criteria are being used to progress possible provision to meet identified needs through site identification and consideration of planning applications. The agreed criteria are drawn from a wide selection of sources as follows:

- Government guidance (Circular 01/06)
- County Council guidance/policy (East Sussex Traveller Strategy and work for SEERA on identifying need and capacity)
- other published guidance (Designing Gypsy and Traveller Sites Good Practice Guide 2008)
- DCLG, RTPI Good Practice Notes (The Road Ahead: Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers 2007 - DCLG)
- what other Local Authorities have done.

6.8 A copy of the methodology and criteria is provided at Appendix 1.

6.9 Subsequent to the adoption of the methodology, officers from the Council's Housing Service and Planning Policy Team have visited over 40 parcels of land in public and private ownership over the past 18 months to assess their suitability as potential Traveller sites. The external consultants that drafted the methodology (Parker Dann) were then provided with a list of 21 sites, mostly in public ownership, which officers considered may be suitable and some private sites which had also been proposed, either with or without the owners consent. Parker Dann have applied the site selection criteria to the list of sites producing a scoring for each site. They have also scored the existing public sites within the District as a benchmarking exercise in order to help provide a robust and objective site appraisal.

6.10 An initial draft appraisal report has been produced which evaluated the outcome of the site assessments. Further investigations are now taking place with regards to those sites which were classified as suitable, in particular those that scored highest in the assessments. There is potential for suitable sites to be later allocated in a Site Allocations DPD.

Objectives

6.11 The key objective is to ensure that appropriate provision can be made to meet existing acknowledged need and that any available sites are appropriate for the residents (Gypsies and Travellers) and are not detrimental to others (neighbours and existing residents) as well as not being harmful to the environment.

7 Proposed Polices

Gypsies, Travellers and Travelling Showpeople

7.1 Government guidance in ODPM (now CLG) Circular 1/2006 "Planning for Gypsy and Traveller Caravan Sites[28]" and CLG Circular 4/2007 "Planning for Travelling Showpeople[29]" highlight the need to make specific site provision to meet the needs of Gypsies and Travellers.

7.2 Policy WCS 10 specifies the number of sites required for the period up to 2016, with a further review (GTAA) required to identify any need beyond that date. It is noted that a number of pitches for Gypsies and Travellers have been granted planning permission in Wealden since April 2006. These amount to a total of 9 pitches which leaves a requirement to find a further 23 pitches.

WCS 10 The Travelling Community - Provision for Gypsies, Travellers and Travelling Showpeople

To meet the identified need for Gypsies and Travellers within the District for the period 2006 to 2016, 32 pitches will be provided for (an additional 23 pitches). Sites will be allocated within the Delivery and Site Allocations Development Plan Document (DPD) to make up any shortfall.

7.3 Circular 01/2006 and Good Practice Guidance on Designing Gypsy and Traveller Sites[30] provide advice on appropriate site location and selection. The criteria contained within the policy below are intended to reflect the adopted "Methodology for Site Assessment" whilst also recognising the advice provided in Circular 01/2006 and the Good Practice Guidance referred to. In particular, the Council wishes to support sites which provide the opportunity for an integrated co-existence with the local settled community. Policy WCS 11 sets out the criteria that will be used to help identify sites to meet the requirement set out in Policy WCS 10 above and to provide a basis for dealing with any planning applications. The policy aims to provide clear guidance in relation to site selection and assessment. It also aims to be positive in nature and not to impose unnecessary restrictions which could act as a barrier to site identification.

28 Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Communities and Local Government 2006. www.communities.gov.uk

29 Circular 04/2007 "Planning for Travelling Showpeople". Communities and Local Government 2007. www.communities.gov.uk

30 "Designing Gypsy and Traveller Sites: Good Practice Guide". Communities and Local Government 2008. www.communities.gov.uk

Policy WCS11 The Travelling Community - Provision for Gypsies, Travellers and Travelling Showpeople: Site Criteria

In assessing the suitability of sites for allocation for permanent residential sites for Gypsies and Travellers, and for the purposes of considering planning applications for sites for Gypsies and Travellers and for Travelling Showpeople, proposals will be supported where the following criteria are met:

- Well related to existing settlements with local services and facilities. Sites should either be within or close to such settlements or close to major roads and/or public transport thus affording good access to local services
- Have safe and convenient vehicular access, be suitable in terms of topography and be in a location where the necessary infrastructure already exists or can reasonably be provided
- Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and for those living nearby, and not lead to a reduction in the residential amenity of neighbouring dwellings
- Not compromise the essential features of designated areas of landscape, historical or nature conservation protection, including the South Downs National Park and High Weald Area of Outstanding Natural Beauty. Ashdown Forest Special Area of Conservation and Special Protection Area, and the Pevensey Levels Ramsar site should be avoided as potential locations
- Avoid locations where there is a risk of flooding, or which are adjacent to incompatible uses such as a refuse tip, sewage treatment works or significantly contaminated land

In the case of sites for Travelling Showpeople, proposals will be assessed upon the basis of established need. Site suitability assessment will also take account of the nature and scale of the Showpeople's business in terms of the land required for storage and/or the exercising of animals.

7.4 Sites should ideally be located either within or close to existing settlements with local services and facilities such as employment, education, health and shopping facilities. Accessibility to major roads and /or public transport is also important, and particularly in the case of sites which may be in more rural locations, thus enabling good access to local services. Easy access to local services, and to social contact with other residents in the community, should help to reduce community tension and instead encourage a greater sense of community with shared interests.

7.5 Site location should also have regard to the identified needs and demands of Gypsies and Travellers including working and travelling patterns and the existing pattern of pitch provision. The location of new pitches should therefore provide as close a match as possible to the pattern of identified need. In the case of Wealden District, a recent examination of evidence in relation to the need for sites for Gypsies and Travellers throughout Wealden has, however, failed to identify any clear and unambiguous pattern

of need across the District. In the absence of robust evidence on this matter it may be difficult to take account of this issue in relation to identifying appropriate locations for new pitches.

7.6 The criteria above relate to the site selection criteria contained within the adopted Methodology for Site Assessment. The only elements of the criteria which are not directly referred to are criterion 7 (previously developed land) and criterion 13 (size of site). It is considered that the priority given to brownfield land is already well covered in Government Planning Policy Guidance. The Methodology for Site Assessment also recognises that there is a lack of brownfield sites in the District and that any sites that are identified may not necessarily be suitable for Gypsy and Traveller sites. Criterion 13 (size of site) is the only criterion which is given moderate rather than significant weight in the Methodology and it is considered that there could be a range of sites of different sizes which may be suitable. For these reasons, this criterion is not therefore included within the policy itself.

7 Proposed Polices

8 Testing of Policy Direction

Sustainability Appraisal

8.1 A Sustainability Appraisal of the above proposed policies has been carried out. It concludes that the overall effects of the proposed policies for the consideration of proposals for permanent Gypsy and Travellers sites are largely positive in terms of sustainability, particularly for the social objectives of reducing social exclusion, providing quality homes and supporting health and well-being. It is noted that encouragement could be given to sustainable heating and energy sources. Possible mitigation measures would be to ensure that the sites were located in positions where they could maximise use of renewable decentralised energy systems such as wind or solar energy and consideration could be given to the Core Strategy containing guidance that such sites would be preferable. It is also noted that the increased movements of large vehicles could add to localised air pollution although this is mitigated to an extent by the requirement for sites to be accessible to services and facilities.

8 Testing of Policy Direction

Appendices

Appendix 1

Methodology for site assessment

PARKER DANN
Chartered Town Planning Consultants

Methodology for Site Assessment

Identification and Appraisal of Potential Sites for Gypsies and Travellers

for

Wealden District Council



September 2009

1. Background

1.1 The Government has published a Planning Circular (01/06) demonstrating its commitment to ensuring that the Gypsy and Traveller community is adequately provided with sites for permanent residential occupation and stopping throughout the country. Local Authorities are therefore charged with assessing the accommodation needs of the Gypsy and Traveller community and making provision for the necessary sites, in exactly the same way that the accommodation needs of the settled community is assessed and provided for.

1.2 In Wealden District a need for up to 20 permanent residential pitches is currently identified and will cater for Gypsies and Travellers for the period to 2016 A method for assessing suitable sites to meet that identified need for permanent accommodation has been devised. This document sets out the methodology and criteria, alongside a justification and suggested weighting.

1.3 This method has been the subject of consultation. The consultation process is set out in the Consultation Plan, which has been agreed with officers of the District Council and the Gypsy and Traveller Working Group.

2. The potential Long List of Sites

2.1 A Long List of sites will be drawn from vacant and underused sites in public ownership, either in the ownership of Wealden District Council or East Sussex County Council. Other public bodies may also have surplus land that may be included in this assessment.

3. Criteria

3.1 The suggested criteria are drawn from a wide selection of published guidance:

- Government guidance (Circular 01/06)
- County Council guidance/policy (East Sussex Traveller Strategy and work for SEERA on identifying need and capacity)
- Other published guidance (Designing Gypsy and Traveller Sites Good Practice Guide 2008 – DCLG, RTPI Good Practice Notes, The Road Ahead: Final Report of the Independent Task Group on Site Provision and Enforcement for Gypsies and Travellers 2007 - DCLG)
- What other Local Authorities have done.

3.2 The criteria are listed in the following sections, with an explanation and source. The criteria have been the subject of consultation. The consultation process has informed the criteria against which potential sites will be tested.

3.3 The weight to be applied to each criterion will differ according to local circumstances. The significance of each criterion was also the subject of consultation.

4. Form of the Site Assessment

5.1 Most other authorities that have attempted this exercise have presented the data in the form of a matrix. This enables each site to be tested against a common set of standards and an objective decision reached.

4.2 The project brief from Wealden District Council is to maintain this format. The format is not the subject of consultation.

5. Initial Exclusions

4.1 Some sites will not be suitable from the outset and although may appear on the potential long list, may be subject to practical constraints that render them unsuitable. Such sites will include sites liable to flood risk (zones 2, 3a and 3b) or land contamination. Government Guidance makes it clear that due to the particular vulnerability of caravan parks and mobile homes, land subject to some forms of land contamination and flood risk should not be considered for such uses. (Circular 01/06 and PPS25)

5.2 The work carried out by East Sussex County Council in responding to SEERA (South East England Regional Assembly) consultation for the assessment of need and capacity for gypsy and traveller sites, concluded that sites the subject of SSSI designation should not be included. Such sites have a national recognised nature conservation or scientific value, which could be harmed by use as a gypsy and traveller site.

5.3 Some sites in the long list may not have any achievable access. If this is the case, these sites will be excluded from consideration. Where an access can be achieved but some realignment or speed assessment is required, the site will form part of the assessment.

5.4 It is therefore suggested that this assessment should also discount sites that fall within these four categories.

6. Consultation

6.1 The results of the consultation exercise on the method for assessing sites have been collated and published.

7. Conclusion

7.1 The consultation on the list of criteria to be applied has been vital to support the eventual choice of site(s) for accommodating the needs of gypsies and travellers. The involvement of both the settled and the travelling communities will help engender a sense of ownership and participation that may help to foster tolerance and understanding on both sides.

Site Selection criteria

Criterion	Reason	Weight	Score
1. Landscape Designations	Nationally designated landscape include the High Weald Area of Outstanding Natural Beauty and the future South Downs National Park. Some areas of undesignated landscape are particularly remote or attractive, and this scores lower than general undesignated landscape. This will involve a value judgement.	Significant	If the site lies in undesignated landscape, score 3. If the site lies in an undesignated, but in particularly attractive or remote landscape area - score 1. If the site lies in nationally designated landscape - score 0.
2. Nature Conservation Designations	Ancient Woodlands are an important part of the Wealden countryside and are to be recognised as such. Locally designated areas include Sites of Nature Conservation Interest and Local Nature Reserves. Nationally recognised sites of nature conservation value (SSSI's) have already been excluded.	Significant	If the site lies in undesignated area, score 3. If the site lies in a locally designated area, score 1. If the site lies in Ancient Woodland - score 0.
3. Historical Designations	All designated areas include Conservation Areas, Historic Battlefield sites, Historic Parks, Archaeological sites etc.	Significant	If site lies on undesignated land - score 3. If site lies on designated land - score 0.
4. How visible and open in character is the site?	The local topography and form of the landscape will affect the visibility of a Gypsy and Traveller site and will affect its ability to integrate into its surroundings. Some sites will be highly visible, and others more visually contained. The zone of visual influence is being tested.	Significant	If the site is visually contained with a narrow zone of visual influence – score 3. If the site is moderately visible in the landscape – score 2 If the site is highly visible and open in character with a wide zone of visual influence – score 0.

5. Can the visual impact of the site be adequately and appropriately mitigated against?	The visual impact of a Gypsy and Traveller site could be mitigated by appropriate and native screening or landscaping. On sites open in character, this may not be possible or appropriate. This would include the impact of external lighting.	Significant	If appropriate and effective screening is achievable - score 3. If screening is neither appropriate nor possible – score 0.
6. Does the location of the site have an adverse impact on the amenity of nearby residential properties?	In order to promote understanding and tolerance between local residents/landowners and Gypsies and Travellers, it is important that any impact on the living conditions for local people are acceptable. In considering any planning application, a value judgement has to be made on the potential impact on existing residential properties, by virtue of character, scale, layout, levels, lighting, fencing, noise, traffic etc. this criterion is to make that same assessment.	Significant	If the site has no potential adverse impact on nearby residential properties by virtue of character, scale, layout, density, levels, lighting, fencing, noise, traffic generation etc - score 3. If the potential impact of the site on any nearby residential properties can be adequately and appropriately mitigated against - score 2. If the site has a potentially adverse impact on nearby residential properties - score 0.
7. Previously Developed Land (Brownfield sites)	The Government, in its advice in Circular 01/06, prefers the use of brownfield sites where available. There is also recognition that there is a lack of brownfield sites in the District and they will not necessarily be available for Gypsy and Traveller sites. Therefore although important, realistically there may be limited alternatives to Greenfield land.	Significant	If the site lies on previously developed land - score 3. If the site lies on a greenfield site - score 0.

8. Relationship to settlement (with good range of services)	The availability of shops and services to sites is high in the Governments priority, to allow for easy access to education/shops/GP's and work opportunities. In a rural district such as Wealden, the full range of services is unlikely to be met in each settlement. For this reason the proximity to public transport is taken into account alongside relationship to settlement. (800m is acceptable walking distance in 'Manual for Streets')	Significant	If the site lies within 2 km of a town or village, and is within 800m of a bus stop/train station, score 3 If the site lies more than 2 km from a town or village but is within 800m of a bus stop/train station, score 2. If the site is more than 2km from a town or village and not within 800m of a bus stop/train station, score 0.
9. Suitable access for level of use (with any necessary realignments)	A suitable access will be a primary consideration for highway safety and hence the grant of planning permission. The access may be realigned in some instances. Access must be suitable relative to the proposed number of pitches. It must also cater for large vehicles (although a potentially intermittent use) and suitable for emergency vehicles and waste management. Access roads also need to be suitable for the vehicles using the site. If a site has no prospect of gaining any access, it will be excluded from the long list.	Significant	If a site cannot achieve any access it will be excluded from consideration. If a site has an existing suitable access relative to the proposed number of pitches - score 3. If a site has an access requiring realignment, relative to the proposed number of pitches - score 1. If a site has an access that cannot be realigned within the same land ownership - score 0.
10. Level site	Sites must be level to accommodate hardstandings for mobile homes and caravans. In some instances sites may be made level, but the natural topography will be a factor.	Low	If site is mostly or totally level - score 1 If site is not level and level pitches cannot realistically be achieved - score 0.

11. Availability of services and deliverability of site	Water and electricity are vital elements for life and will need to be installed in any successfully managed site. Services such as water, electricity and suitable foul drainage may already be on site or can be readily installed. Such sites are most suitable. Sites where services cannot be installed, or only with difficulty, should be considered less suitable. In reality the limiting factor will be funding. On sites owned by Gypsies and Travellers, the site owner would bear this cost.	Significant	If site has all services deemed necessary and no constraints to delivery - score 3. If site has limited or no services but reasonable prospect of delivery – score 2. If site has no services and these could not realistically be provided for or there are other constraints to delivery - score 0.
12. Suitable for residential use by Gypsies and Travellers? (Amenity/Noise/ Pollution/potentially incompatible uses)	Sites should meet the normal requirements for housing, as they will be occupied by people and families. Mobile Homes and Caravans cannot meet standards for ventilation, noise insulation etc. that can be met by modern housing. Therefore sites that are incompatible with housing development due to noise/amenity /pollution or potentially incompatible land uses (such a sewerage or pylons for example) should score poorly. Such sites might provide sites for emergency stopping places.	Significant	If a site is suitable for residential use by Gypsies and Travellers - score 3. If site can be realistically modified to make it suitable for residential use - score 2. If site is not suitable for residential use by Gypsies and Travellers - score 0.
13. Size of Site	It is generally accepted that smaller sites are better, both for the relationship with the local environment, and for the future occupants. However sites should allow room for expansion and provide open space for children. Sites that accommodate up to 10 pitches are the maximum size for Gypsy and Traveller communities, so these will score the highest.	Moderate	If the site could accommodate up to 10 pitches, including open space and vehicular turning and maneuvering space - score 2. If the site could accommodate more than 10 pitches and is unsuitable for subdivision, score 0.

Appendix 2

Gypsies and travellers - Local Authority Initiatives

In addition to the GTAA and the work commissioned to produce a methodology and criteria for identifying and assessing sites a number of County-wide initiatives have been established in respect of Gypsies and Travellers. This includes the creation of a county Traveller Liaison Officer post whose role it is to operate on behalf of East Sussex local authorities. The post assists in meeting Gypsy and Traveller needs through creating a link with the local authorities and Sussex Police. Each local authority within the County (and the Police) assist in funding this post. There is also a county-wide Travellers Forum which helps to address Gypsy and Traveller needs and where Travellers and their representatives attend. The Forum is attended by local authority representatives and reports both to local authority senior officers and local authority Councillors.

The East Sussex local authorities and Sussex Police also help to fund a transit site at Bridie's Tan, Lewes, which helps to meet transit needs within the county.

An East Sussex Traveller Strategy 2010-13[(31)] has been published which has 3 key objectives as follows:

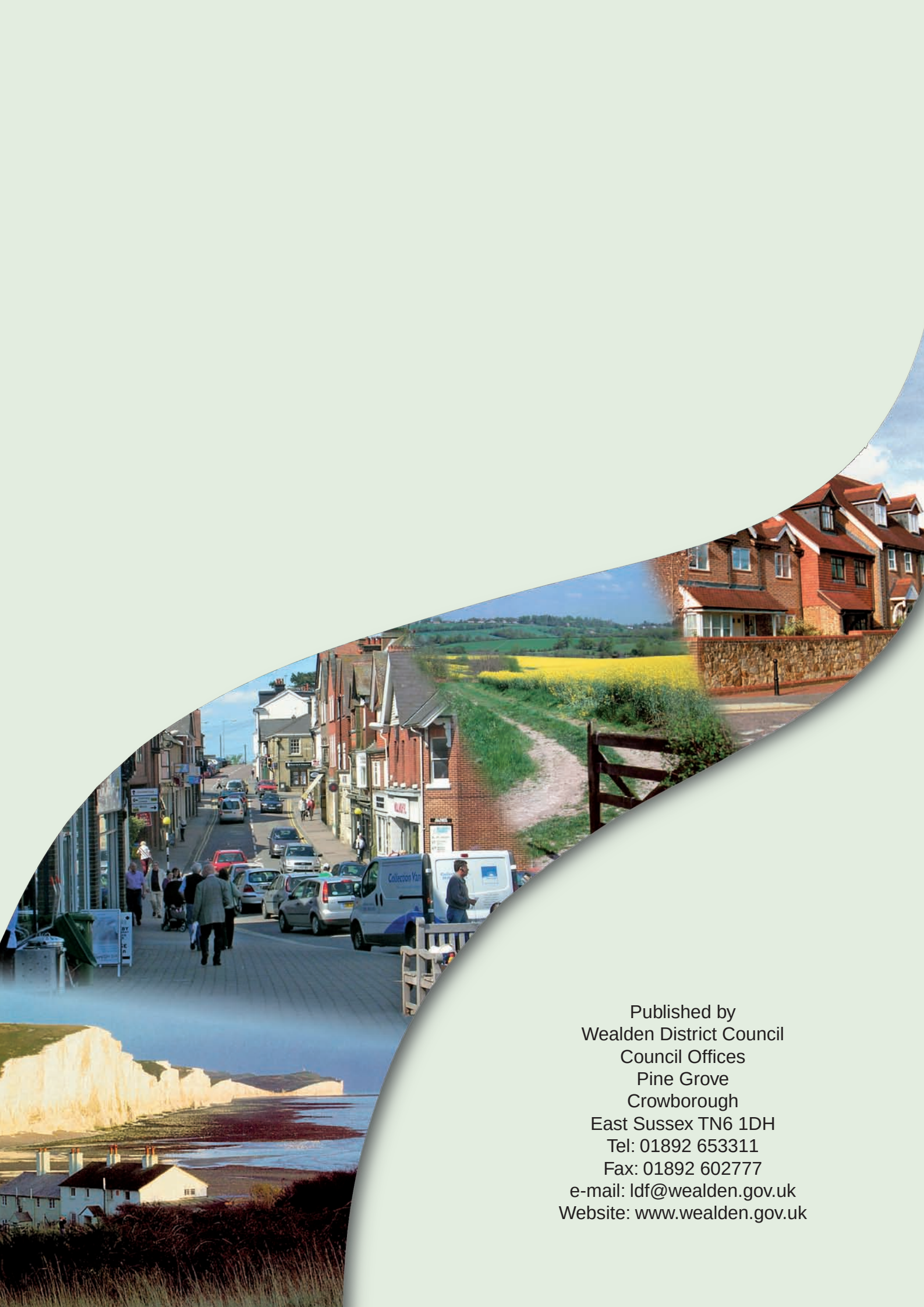
- To work in partnership to strike a balance between the needs of the settled and Gypsy and Traveller communities
- To address the accommodation needs of Gypsies and Travellers
- To provide support to Gypsies and Travellers.

The Strategy includes an Action Plan as the means by which the key objectives are delivered. In terms of the Action Plan, significant progress has been made in Wealden in respect of Target B1.1 of the Action Plan which relates to addressing the accommodation needs of Gypsies and Travellers. This progress includes undertaking consultation on a proposed set of criteria for the assessment of potential Gypsy and Traveller sites and the subsequent adoption of the Methodology for Site Assessment (see Section 6.1). This process was undertaken in accordance with government guidance. Significant progress has been made towards identifying and assessing sites which could potentially come forward (see paragraph 6.9).

In the period since April 2006, a number of both temporary and permanent planning permissions have been granted for Gypsy and Traveller pitches within Wealden and some of the sites on which permission has been granted have now been built or are due to come forward in the near future.

31 East Sussex Traveller Strategy 2010-13 www.eastsussex.gov.uk

Appendix 2



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