Matter 13 /WDC

Wealden District (Incorporating part of the South Downs National Park)

Core Strategy Hearing

Matter 13: Travelling Community - Statement by WDC/ SDNPA

December 2011

Wealden District Council and South Downs National Park Authority
Response to the Inspector's Matters, Issues and Questions
(Issued 3 November 2011)

Matter 13 : Travelling Community.(WCS10,WCS11)

A) Main issue -Whether the Core Strategy has adequately addressed the accommodation needs of the travelling community in accordance with national and regional policy.

1.1 The Council considers that it has adequately assessed these needs and done so in accordance with Circular advice, and national and regional policy.

1.2 Background paper BP4 on provision for Gypsies and Travellers sets out the approach taken by the Authorities in meeting this particular need and the relationship of this work with national and regional policy on the matter .To assist in the duty placed upon all Authorities in meeting their obligations under the Housing Act we carried out a joint Gypsy and Traveller Accommodation Needs Assessment (GTAA) in 2005. This involved a partnership approach involving East Sussex County and all Districts and Boroughs in East Sussex, along with Brighton and Hove. The study was completed in 2006 and a further but separate consultation carried out in 2007 of the needs of Travelling Showpeople.

1.3 Regulations setting out a need to include information on the numbers of and need for Gypsy and Traveller pitches in Regional Strategies were not published in time for them to be incorporated into the South East Plan before its submission in March 2006. The Government accordingly initiated a partial review of the RS to cover this specific issue and the GTAA which we had completed in 2005 was used to help inform this partial review.

1.4 In 2007 CLG produced guidance on carrying out GTAA and the partial review referred to above was carried out using this methodology .As part of the review process SEERA as then was requested advice from all Local Authorities in the South East in relation to the matter of gypsy and traveller provision. This request was considered and advice provided to SEERA from the local partnership involving ESCC, Brighton and Hove City Council and all Districts and Boroughs in the county in relation to provision of pitches from 2006-2016.

1.5 This advice was also informed by an independent assessment carried out in 2007 and which concluded that the GTAA "probably overstates requirements to a significant extent" and further detail on this is set out at Paragraph 5.5 of BP4.

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1.6 The partnership then calculated the requirements using the methodology put forward (2007) in the Government's new guidance to arrive at final figures and to distribute these based upon two Options -one in line with the GTAA (i.e. where need arises) and an Option B based upon environmental constraints and designations.

1.7 The information was subsequently forwarded to SEERA who published their own consultation in 2008 "somewhere to live: Planning for gypsies, travellers and travelling showpeople in the South East" Following this consultation SEERA then submitted its recommendations to the Secretary of State. Paragraph 5.7 - 5.9 outline the basis of this SEERA work and consultation. Paragraph 5.12 of BP 4 confirms that Wealden raised no objection to the proposed slightly higher figure of 20 pitches proposed for Wealden (to 2011). Paragraph 5.14 indicates that the Panel report considers the need based on the East Sussex revised calculations "to be reasonable given the evidence at the time of the GTAA".

1.8 Other recommendations arising from the panel's report are set out in BP4. Paragraph 5.21 together with Table 1 emphasises the need for assessments to be based upon a robust evidence and concludes, on what we consider the best evidence available - including that arising from the panel's report on the unfinished partial review - that the total requirement for Wealden for the period 2006-2016 is 32 additional pitches (table 2 of BP4).

1.9 Essentially based upon our own partnership GTAA work, subsequently recalculated to take account of the CLG methodology published in 2007 and further still, then informed by the submission of SEERA to the work of the partial review and also by the panels report in respect of that (unfinished) review, we conclude that we have adequately addressed the accommodation needs of the travelling community as required.

B) Does the Core Strategy accord with the requirements of Circulars 01/2006 and 04/2007 having regard to the Government's intention to revoke the Circulars?

2.1 Notwithstanding the announced intention to revoke the Circulars referred to they remain in effect until such time as they are revoked and the Authorities must have due regard to them. The same general principle applies in respect of the Government's recent (extended) consultation on Planning for Gypsies and Travellers which at this juncture is a draft PPS and may change significantly as a result of consultation.

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2.2 In seeking to meet identified needs and to develop appropriate policies for the identification, assessment and allocation for sites for gypsies and travellers the Authority specifically commissioned specialist consultants to develop a methodology and site assessment criteria. Paragraph 6.1 of BP4 confirms the need to ensure that sites are appropriate to the needs of the travelling community and meet the specifications as set out in Circular advice and also within the CLG's own good practice guide on Designing Gypsy and Traveller sites. A similar approach has been adopted for each county authority although some of the precise policy criteria are different due to the varying results of the local consultation exercises . In March 2010 Wealden approved the methodology and criteria which had been drawn up. This followed comprehensive consultation on the matter including with the Parish Councils and most importantly (and in accordance with Circular advice) with representatives of the Gypsy and Traveller Community.

2.3 Section 7 of BP4 sets out how both Circular 1/2006 "Planning for Gypsy and Traveller caravan sites" and CLG Circular 4/2007 "Planning for Travelling Showpeople" have been central to the development of the Authorities work - the assessment of needs, the approved methodology and criteria for site identification, and the wording of the proposed Policies within the submitted Core Strategy (WCS10 and WCS11).

2.4 Policy WCS10 specifies the number of pitches required based upon evidence of need . At page 19 of BP4 " provision for gypsies and travellers" paragraph 7.2 notes that following granting of a number of permissions since April 2006 that this leaves an unmet need to 2016 of 23 pitches. On the question of future needs the Core Strategy acknowledges at paragraph 7.19 that a further review of the needs will be required to assess needs beyond 2016.

2.5 Policy WCS11 is intended to reflect the approved methodology for site identification whilst also recognising the Circular Guidance and aims to provide a clear basis for site selection and assessment .It also sets out to be positive in nature and not to impose unnecessary restrictions that could act as barriers to site identification. Paragraphs 7.4-7.6 provide more detail on the reasoning and purpose behind Policy wording WCS11 and which also emerged from the widespread consultation that took place in agreeing the methodology and site selection criteria themselves.

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2.6 In response to the question posed by the Inspector regarding Government intentions we consider that the broad basis of the approved methodology and criteria for the identification and assessment of sites is well founded and would remain even in the event of revocation of the Circulars.

C) What weight should be attached to the draft PPS on Planning for Traveller Sites and are there any implications for the Core Strategy ?

3.1 The Authorities consider that any emerging Planning Policy Statements (PPS) can only carry very limited weight as they are likely to change, possibly quite considerably as a result of the consultation exercise itself. Indeed we are not aware that the results of this consultation, which itself had to be extended under threat of judicial review by the Traveller community, have yet been formally posted or reviewed on the CLG website.

3.2 The Council however refers you to it's response to the consultation exercise (Document Y10b. Appendix C to Wealden District Council and South Downs National Park Authority Response to the Inspector's Concerns on 2nd December 2011) to assist the Inspector at the Hearing. It does however seem somewhat inconsistent with the stated overall aim of the consultation, namely ensuring that all communities are treated the same in respect of planning, that whilst the NPPF appears to propose cancellation of all PPSs and PPGs that it is still proposed to have a specific one for Gypsy and Traveller provision.

3.3 The Authorities consider that the broad parameters for site identification would be likely to remain but will realistically have to await any final version of this PPS before considering whether additional partial review of the Core Strategy, or other work though additional DPDs is necessary to accommodate any final Government Policy on this matter.