

Subject:	Partial review of the South East Plan: Meeting the Accommodation needs of Gypsies and Travellers.		
Date of Meeting:	31 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Judith Macho	Tel: 29-2433
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Key Decision:	Yes	Forward Plan No. 2087	
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to inform Cabinet of work undertaken in accordance with the Partial Review of the South East Plan and the Regional Assembly's Brief to all local authorities in the region regarding the accommodation needs of Gypsies and Travellers.
- 1.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how the identified needs will be met. This report outlines proposals to meet these requirements and seeks endorsement in order to fulfil that responsibility.
- 1.3 The main proposal is to provide a small permanent Traveller Site of up to 14 pitches. The site to be managed by an on site permanent manager and to be maintained through income from rents paid by the occupants

2. RECOMMENDATIONS:

- (1) That the Cabinet approve the proposals to meet the current identified accommodation needs of Gypsies and Travellers within Brighton & Hove.
- (2) That the Cabinet approve the preferred site for the provision of a permanent Gypsy and Travellers site with up to 14 pitches to be within the former BMX site off Wilson Avenue, East Brighton.
- (3) That the Cabinet approve the granting of Landlord's consent for the use of the land for a permanent Travellers Site with up to 14 pitches.
- (4) That the Cabinet approve the making of an application for 100% grant to the Department of Communities and Local Government.
- (5) That the Cabinet approve the making of all appropriate planning applications.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Current provision

In Brighton & Hove there is one authorised Travellers Transit site, located at Horsdean, Braypool Lane, Patcham, which is managed by the local authority and has 23 pitches. As an authorised transit site this provides temporary accommodation only for up to 12 weeks.

3.2 Gypsies and Travellers who are granted a licence on the site pay rent and a utilities charge for water and electricity, which off-sets the costs of running the site. The site is used as a facility for Travellers who are in transit and need/want to stop in the city for a short period, it is not authorised for permanent accommodation. The site falls within the Sussex Downs Area of Outstanding Natural Beauty (AONB) and also within the proposed South Downs National Park boundaries.

3.3 Future Provision

3.4 An audit of the accommodation needs of Gypsies and Travellers, which is supported by local knowledge, has identified an unmet need for permanent accommodation for Gypsies and Travellers who travel in and around Brighton & Hove for all or the majority of the year. As they have no authorised permanent place to live they often establish unauthorised encampments when in the city. Some of the Travellers occasionally licensed to stay on Horsdean Transit site also need permanent accommodation as they have no authorised place to live once their temporary licence comes to an end. Providing a permanent site would therefore meet the pressing accommodation needs of some locally based Gypsies and Travellers, reduce the number of unauthorised encampments and free up spaces on Horsdean Transit site.

3.5 It is proposed therefore that the council bring forward proposals for a permanent site in advance of the formal regional planning process.

3.6 As well as ensuring the council fulfils its responsibilities to the travelling community by meeting the assessed need for permanent accommodation within the city, it will also help reduce the number of unauthorised encampments which can impact on the recreational use of parks and open spaces. It also enables the council to take full advantage of the opportunity currently available to bid for 100% of the funding required to develop a new site.

3.7 Should the report recommendations be agreed an application for funding will be made to the Department of Communities and Local Government. This will involve the submission of proposals for the site and an indication that planning permission is either obtained or being sought.

3.8 The Government has produced guidance for the design and the management of Gypsy and Traveller sites. The council will ensure that any new site developed in the city will conform to government guidance, being of an appropriate standard with good facilities and services.

3.9 **Site search for preferred site**

- 3.10 Planning Officers have carried out a detailed site search across the city and a “preferred site“ has now been identified. Details of the site search exercise are appended to this report. In brief the search exercise adopted a “sequential approach” considering initially sites falling within the city’s defined “built up area” boundary (urban sites) where generally the “principle” of development is accepted; then to the urban fringe where local environment / landscape designations act as constraints to many forms of development and only then to sites falling within nationally protected areas such as AONB or proposed National Park. The search was guided by the following factors:
- To ensure project delivery the search only considered sites in council ownership.
 - Any potential sites must be “available” for development (free from leasehold/tenancy/legal constraints etc).
 - Potential sites must meet the planning criteria for the location of new Gypsy/traveller sites as set out in adopted local plan policy HO17 and emerging Core Strategy policy CP14.
- 3.11 No suitable sites were identified within the urban area and the fringe search indicated the “preferred site“ to be land forming part of the former BMX track off Wilson Avenue. Part of the site has been successfully used for some time now as a “tolerated/emergency” stopping place for Gypsies and Travellers. The site benefits from good road links and good accessibility to local services.
- 3.12 The assessment of the site has included an independent contaminated land survey. This has confirmed that although part of the land was previously used for land fill any impact of this use can be made good to a level which would enable it to be suitable for accommodation use. The cost of this work would be included in the bid for funding.
- 3.13 Because the site is located within designated urban fringe/countryside any development proposal for a permanent Gypsy / Traveller site will need to be of a high quality and be sensitive to the downland character of the surrounding landscape. In procedural terms any application for development will need to be advertised as a “departure” application (because development would be contrary to the adopted local plan policies for the urban fringe / countryside). A robust case to support any such application will be required. See Appendix 1.

4. **CONSULTATION**

- 4.1 Consultation was undertaken as part of the SEERA exercise to establish Gypsy and Traveller accommodation needs both locally and across the region. The results of this were reported to Policy & Resources Committee in Sept 2007.
- 4.2 In general terms there has been positive feedback. However some Gypsy and Traveller representative groups believe that the overall assessed

requirement for 47 permanent pitches in East Sussex and Brighton & Hove is too low and have queried the methodology used.

- 4.3 A number of respondents stated that what was important was the need to make site provision as soon as possible.
- 4.4 Consultation on the Council's new Travellers Strategy has also been undertaken. This Strategy includes the proposal that the Council will look into the possibility of bringing forward proposals for a permanent site. There were no comments on this in any replies to the consultation.
- 4.5 Specific consultation on the preferred site, if agreed, will commence ahead of the planning application process. This will be in addition to the formal consultation required by the planning application process.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Capital – the future provision of a permanent site would be subject to funding by a grant covering 100% of the cost. A further report would be necessary if the bid was unsuccessful.
- 5.2 Revenue – a fair rent and council tax would be levied for the use of the site. The costs of enforcement and waste clearance on the site would be offset against the rental income received from the site.

Finance Officer Consulted: Karen Brookshaw Date: 18 July 2008

Legal Implications:

- 5.3 Pursuant to the Local Authorities (Functions & responsibilities) (England) Regulations 2000, the proposals set out in the report recommendations are executive functions and are thus proper to be considered and undertaken by Cabinet. This report demonstrates compliance with section 225 of the Housing Act 2004, whose obligations are set out in paragraph 2 of the " Summary " and repeated in paragraph 2 of the " Reasons for Report Recommendations " .

Lawyer Consulted: Oliver Dixon

Date: 17 July 2008

Equalities Implications:

- 5.4 Gypsies and Travellers are ethnic groups who are recognised by the Race Relations Act. They have a right to a nomadic lifestyle, to equal access to services (such as education, health, and accommodation) and to protection from discrimination and harassment. The proposals set out in the report are in keeping with the city council's Travellers Strategy.

Sustainability Implications:

- 5.5 SEERA's proposals will be subject to a formal sustainability appraisal process as are the City Council's Local Development Framework documents which will take forward the targets set in the South East Plan.

Crime & Disorder Implications:

- 5.6 The provision of a permanent Traveller site is likely to lead to a reduction in the number of unauthorised encampments in the City.

Risk & Opportunity Management Implications:

- 5.7 The provision of a Traveller site in the City will need to be dealt with in a sensitive way to ensure community cohesion is not adversely affected.

Corporate / Citywide Implications:

- 5.8 The preferred site is within council ownership and has significantly lower land value than the other sites considered. The proposed use would not adversely impact on the value of the preferred site nor the council's adjoining land.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A comprehensive and robust site search exercise has been carried out across the City. The search adopts a "sequential approach" and initially considers sites within the city's defined "built-up area" boundary then sites on the urban fringe and only then sites falling within nationally designated areas of landscape importance such as AONB/Proposed National Park. The search has been guided by 3 main factors; site size, site availability and planning considerations. 42 sites were tested against planning criteria in the adopted local plan policy HO17 and the emerging Core strategy (Revised Preferred Option) policy CP14 "Provision for Gypsies and Travellers". Please see Appendix 1 for details.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Government recognises that there are not enough suitable sites to meet the accommodation needs of Gypsies and Travellers. The lack of authorised sites has led to an increase in unauthorised encampments. Therefore more sites are required in order to meet the need for accommodation for Gypsies and Travellers and to reduce the level of unauthorised encampments.
- 7.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how any identified needs are to be met. Brighton & Hove City Council took part in a sub-regional Gypsy and Traveller Accommodation Assessment (GTAA) in 2005 as part of the Housing Needs survey. The GTAA study looked at the accommodation needs and aspirations of Gypsies and Travellers in East Sussex and Brighton & Hove.
- 7.3 *Circular 01/06: Planning for Gypsy and Traveller Caravan Sites* establishes a new planning framework to help increase site provision to meet the accommodation needs of Gypsies and Travellers, reduce the number of unauthorised sites and promote good relations with the settled community. Regional Spatial strategies, including the South East Plan, will identify the number of pitches required in each local authority area in light of local assessments of Gypsy and Traveller accommodation need.
- 7.4 The South East England Regional Assembly (SEERA) is undertaking a partial review of the South East Plan specifically to consider Gypsy and Traveller pitch requirements for the South East Region. Brighton & Hove City Council has worked closely with its GTAA partners; district and borough councils in East Sussex and East Sussex County Council, and has submitted advice to SEERA regarding additional provision of permanent pitches for Gypsies and Travellers in the GTAA area.
- 7.5 Advice submitted in October 2007 states that there is a need for up to 14 permanent pitches in Brighton & Hove. The final pitch requirements to be included in the South East Plan may be slightly different to this figure. However the recommendation in this report is for a site with up to 14 pitches.
- 7.6 SEERA will develop their Preferred Option(s) for pitch numbers and distribution once negotiations are complete and a formal consultation period is planned for Sept – Nov 2008. Currently options to be consulted on give figures of between 11 to 15 pitches for Brighton & Hove.
- 7.7 Circular 1/2006 requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their Development Plan Documents to meet the pitch requirements for their area as set out in Regional Spatial Strategies. As with all forms of housing / accommodation requirements set out in the Regional Spatial Strategy and Local development Framework, the

Council must ensure this is “ deliverable “ (as stated in Planning Policy Document 3).

- 7.8 Circular 1/2006 also states that local authorities should bring forward site provision ahead of the strategic planning process where there is unmet need. The Department for Communities and Local Government has a Gypsy and Traveller Sites Grant which local authorities can bid for to refurbish or build new sites although the continuation of this funding has not been confirmed.

SUPPORTING DOCUMENTATION

Appendices:

1. Site Search Exercise – Planning Availability Assessment

Documents In Members’ Rooms

None

Background Documents

None

