

AH006



Mechanism for the consideration of Unmet Gypsy and Traveller Need

This Guidance Note was approved by the Essex Planning Officers' Association at its meeting on 13 December 2018.



1 Introduction

- 1.1 This guidance note was adopted by the Essex Planning Officers Association in December 2018. It was recognised there was a need to establish an agreed mechanism which all of the Local Planning Authorities in Essex could endorse and apply in the consideration and application of any unmet gypsy and traveller needs.
- 1.2 This guidance note explains the agreed process to be followed and the flow chart provided within this guide as shown on page 6, provides a helpful visual guide to the necessary steps in the process.

2 Background

- 2.1 At a Duty to Co-operate meeting for North Essex Local Plan (Braintree, Colchester and Tendring) on 20 September 2017, it was identified by participants that there was a need for a high-level process or mechanism to be agreed to guide how potential unmet Gypsy, Traveller and Travelling Showpeople accommodation needs are considered by all Essex authorities.
- 2.2 It was agreed that the EPOA's Mechanism for the Consideration of Unmet Housing Needs, approved in September 2017 was not appropriate for also considering unmet Gypsy, Traveller and Travelling Showpeople accommodation needs given the need is not forecast at a housing market area level, but as a component of housing needs it needed to be managed across Essex.
- 2.3 The EPOA Chief Officers Group discussed the matter at its meeting on 7 December 2017 and a Task Finish Group with membership from Basildon, Harlow, Chelmsford, Colchester and Thurrock was established.

3 Policy Context

- 3.1 **Housing Need** - Paragraphs 47 and 159 of the NPPF (2012) stated the full, objectively assessed needs for market and affordable housing are assessed for the housing market area (FOAHN).
- 3.2 Paragraph 60 of the NPPF (2018) states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. This quantum represents the unconstrained, 'policy off' position, similar to those previously generated from Strategic Housing Market Assessments (SHMAs).
- 3.3 Paragraph 61 (NPPF2018) advises further that within this context, the size, type and tenure of housing needed for different groups of the community should be assessed and represented in planning policies (including, but not limited to Travellers, in line with the Planning Policy for Traveller Sites 2015).
- 3.4 **Housing Supply** – Paragraph 159 of the NPPF identified the need to prepare a Strategic Housing Land Availability Assessment which identifies the potential supply of housing sites.
- 3.5 Paragraph 67 (NPPF2018) identifies the need for strategic policy making authorities to have a clear understanding of land available in their area through the preparation of a Strategic Housing Land Availability Assessment;

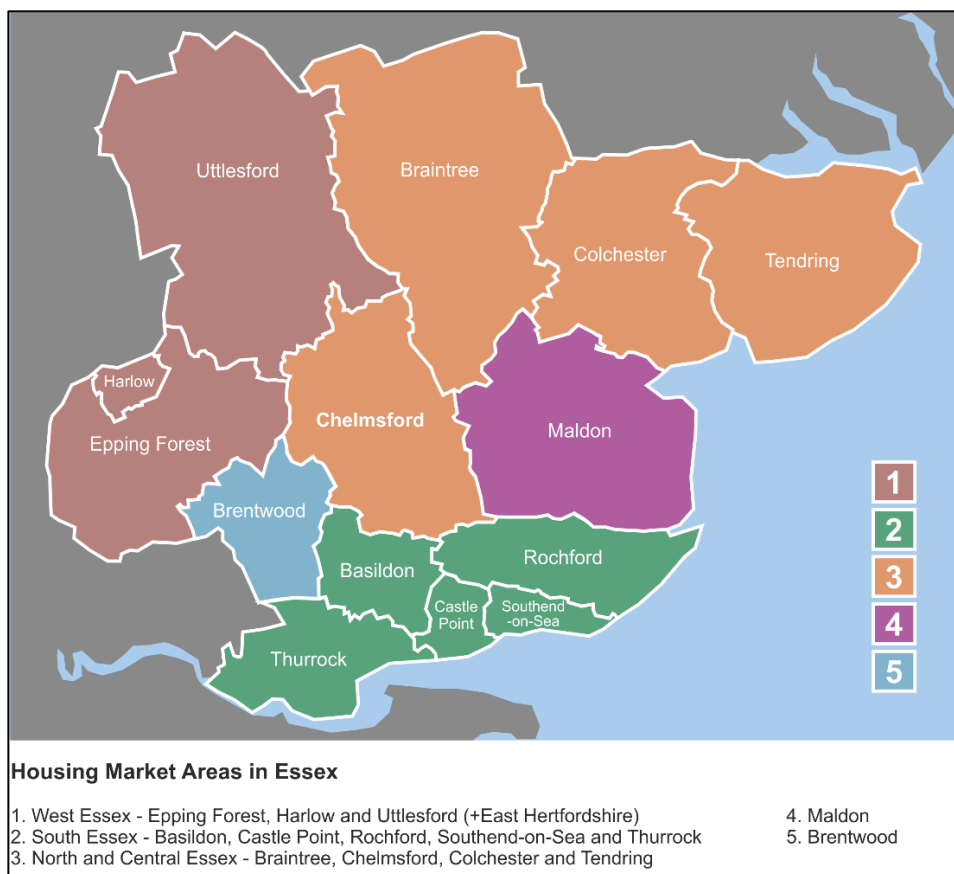
from which planning policies should identify a sufficient supply and mix of sites taking account of their availability, suitability and likely economic viability.

- 3.6 **Gypsy, Travellers and Travelling Showpeople Sustainability** - Paragraph 2 of the Planning Policy for Traveller Sites (PPTS) advises when preparing plans and making decisions on traveller sites that regard should also be had to the NPPF as far as relevant.
- 3.7 **Gypsy, Travellers and Travelling Showpeople Evidence** – Paragraphs 7a and 7b of the PPTS seek early and effective engagement with settled and traveller communities and cooperation with travellers, other local authorities and others to prepare and maintain an up to date understanding of the likely permanent and transit needs of their areas, working collaboratively with neighbouring authorities.
- 3.8 **Gypsy, Travellers and Travelling Showpeople Pitch and Plot Needs** – Paragraph 7c of PPTS seeks that local authorities use a robust evidence base to establish accommodation needs to inform local plans and make planning decisions.
- 3.9 **Gypsy, Travellers and Travelling Showpeople Pitch and Plot Supply** – Paragraph 9 of PPTS identifies the need for local planning authorities to set pitch and plot targets to address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring authorities

4 Specific Considerations

Relevance of the Housing Market Area (HMA) geographies

- 4.1 The HMA geographies of Essex which have previously been a relevant to the appraisal and consideration of the housing market and unmet needs, do not easily relate to any relevant geographies of Gypsies, Travellers and Travelling Showpeople communities.



- 4.2 However, no equivalent geographies exist for the study of Gypsies, Travellers and Travelling Showpeople, which tend by default, rather than design, to following county geographies.
- 4.3 With this context and when considering how to meet any unmet needs of Gypsies, Travellers and Travelling Showpeople from one authority area, a review of other factors should be undertaken to determine whether there is any local correlation which can inform how the specific housing needs could be catered for.

Relevance of Travel to Work Areas and Travelling Patterns

- 4.4 There is as yet, no known, nor reliable local data on the community specific Travel to Work Areas or travelling patterns of Gypsies, Travellers and Travelling Showpeople within Essex and further afield. Travel to Work Areas generated by the Office for National Statistics are Census based and are designed to illustrate the variability of labour market outcomes across the country. They do not include a breakdown by ethnicity and therefore it is not possible to corroborate any commercial travelling patterns of Travellers.
- 4.5 In the absence of such national data, the travelling needs of Gypsies, Travellers and Travelling Showpeople could consider how local households move around for accommodation and commercial purposes should either need arise and what factors may influence that. There are many combinations of personal and cultural factors that could influence this such as:
 - land ownership;
 - access to health care;
 - education;
 - social support facilities;
 - the location of a potential customer base for farming/commercial work; and
 - the location of fairs or travelling shows.
- 4.6 It is considered that both the access to and suitability of the local and strategic highway network to support the movement of static and touring vehicles, machinery and commercial plant remain relevant to determining whether an area would be considered as a reasonable area to base new Gypsy, Traveller and Travelling Showpeople pitches/ plots.
- 4.7 Reliable and robust evidence of such travelling patterns however, tends to be anecdotal and is not necessarily consistent or commonly available across the whole Greater Essex area; which presents reliability challenges should it be used to inform specific policies within Local Plans.

5 Gypsy, Traveller and Travelling Showpeople Unmet Need Protocol Process

- 5.1 To have a clear understanding of the accommodation needs for Gypsies, Travellers and Travelling Showpeople¹ that meet the planning definition as set out in the Planning Policy for Traveller Sites local planning authorities, in partnership with their neighbouring authorities should:

¹ Excluding Transit Sites, which are to be subject to a separate Essex Study in 2019/2020

- Collectively agree their full objectively assessed Gypsy and Traveller pitch and Travelling Showpeople plot numbers through the periodic Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment.
- 5.2 To have a clear appreciation as to whether that need can be met, local planning authorities should:
- Complete a bespoke Gypsy, Traveller and Travelling Showpeople Site Potential Study², or equivalent, which evaluates the capacity of existing provision, in addition to new site sources to accommodate pitch/plot needs over the plan-period and assessing whether there are sufficient, specific deliverable sites to deliver the identified accommodation needs for 5 years and developable sites for years 6-10 and beyond, in accordance with the PPTS and NPPF.
- 5.3 In the event an authority can demonstrate that it *cannot* meet its Gypsy, Traveller and Travelling Showpeople pitch or plot needs, the local authority must be able to demonstrate to neighbouring authorities that it has:
- Undertaken further sensitivity testing of other land supply sources in their authority area including, but not limited to, authorised sites, unauthorised sites, sites promoted for Gypsy, Traveller and Travelling Showpeople uses/mixed use in the SHLAA/HELAA, local authority owned land and surplus public sector land.
 - Consider whether needs could be met from other land supply sources in its area including urban regeneration schemes, brownfield site redevelopment and/ or as part of strategic housing or employment allocations.
- 5.4 If such sources also *cannot* be demonstrated, the local authority can enter into discussions to request re-distribution within the relevant HMA through the Duty to Cooperate, as is the case for unmet housing needs
- 5.5 Where unmet needs can be demonstrated as not being able to be accommodated in the HMA, the local authority should then consider making a request to neighbouring HMAs that lie beyond. This is not limited to HMA's within the County of Essex, or its two Unitary Authorities.
- 5.6 Where there is a challenge as to whether unmet needs can be reasonably met in the relevant HMA or a neighbouring HMA, consideration will be given to the use of third parties such as the Essex Planning Officers Association, sub-regional Joint Planning Bodies, Planning Advisory Service (PAS) or Planning Officers Society (POS) to help resolve the dispute, prior to Examination in Public.
- 5.7 A flow chart illustrating the process described can be found in the appendix below.

² Basildon Borough Council Example: <http://www.basildon.gov.uk/CHttpHandler.ashx?id=8111&p=0>

Appendix 1 Process Flow Chart

