

# CHESHIRE EAST COUNCIL

## REPORT TO: CABINET

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**Date of Meeting:** 23<sup>rd</sup> July 2012  
**Report of:** John Nicholson – Strategic Director of Places and Organisational Capacity  
**Subject/Title:** Addressing the Accommodation Needs of Gypsies and Travellers  
**Portfolio Holder:** Councillors J. Macrae, R Bailey and D Brown

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### 1.0 Report Summary

1.1 Cheshire East Council has an established population of Gypsies and Travellers and there is an identified need for further sites. This report looks at the Council's approach to the delivery of provision across the borough and the different opportunities available. This report seeks agreement from Cabinet to the new approach in light of the new planning policy for Gypsies and Travellers.

### 2.0 Decision Requested

- To acknowledge the current position
- To endorse 'Addressing the Accommodation Needs of Gypsies and Travellers Policy' and the interim actions
- To approve a site search and suitable appraisal process for both permanent residential and transit sites
- To approve a site search for a temporary stopping place based on the evidence from encampment locations

### 3.0 Reasons for Recommendations

3.1 To ensure the Council has a coordinated approach to the accommodation needs of Gypsies and Travellers and a methodology to facilitate new site provision.

### 4.0 Wards Affected

4.1 All Wards

### 5.0 Local Ward Members

5.1 All Ward Members

### 6.0 Policy Implications including - Carbon reduction - Health

6.1 **Health:** Better site provision will improve access to education and health care facilities for the Gypsy and Traveller community

6.2 **Housing:** The provision of Gypsy and Traveller sites within the Borough is included within the Council's draft Housing Strategy to reduce unauthorised sites, reduce overcrowding on existing sites and meet the current and anticipated need arising from future household formation.

6.3 **Carbon reduction.** No direct implications

## 7.0 **Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 A capital allocation of £540,000 has been approved for 2012/13 which has been secured in order to facilitate the development of suitable sites. The capital allocation will cover the following costs:

- .Costs associated with the setting up of a temporary stopping place – Approximately £65,000
- The commissioning of studies to identify suitable sites – Approximately £70,000.
- Site surveys and other assessments necessary to support the development of future sites including planning applications – Approximately £60,000.
- Development costs to cover any shortfall in Homes and Community Agency funding - To be determined once a site has been identified
- Staff costs associated with the delivery of the project £15,000

7.2 In addition an update of the sub regional Gypsy Traveller Accommodation Assessment (GTAA) will be required – at a cost of approximately £10,000 per sub regional partner. The Council will need to contribute £5,000 this year and the same amount in 2013/14. This can be met from spatial planning revenue budget. Otherwise there are no other anticipated revenue implications. Any running costs associated with the site would be covered by the managing companies' rental income.

## 8.0 **Legal Implications (Authorised by the Borough Solicitor)**

8.1 The Housing Act 2004 states that every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district.

Local Housing Authorities are required under section 87 of the Local Government Act 2003 (c. 26) to prepare a strategy in respect of the meeting of such accommodation needs.

8.2 Whilst a review was undertaken in 2007 to assess the accommodation needs of the Gypsy and Traveller community (GTAA) a strategy has not yet been developed to demonstrate how these needs are to be met. The attached paper 'Addressing the Accommodation Needs of Gypsies and Travellers Policy' tackles this.

8.3 In the context of Equalities Legislation, Gypsies and Irish Travellers are recognised ethnic minority groups under the Equality Act 2010 (previously known as the Race Relations Act). The Act gives public authorities a general duty to eliminate unlawful discrimination, and to promote equality of opportunity and

good race relations in carrying out their functions. The Act covers housing services and management of housing, including Gypsy and Traveller sites.

- 8.4 Under the Housing Act 1996, a Gypsy or Traveller is homeless if s/he does not have a lawful place to put his or her caravan or living vehicle. If a homeless person is in priority need and not intentionally homeless then a local authority will have a duty to ensure that the individual is provided with accommodation.
- 8.5 The Good Practice Guidance on Gypsy and Travellers Site Management, published by the Department of Communities and Local Government in July 2009, provides detailed guidance on the management of these sites, and suggests that where the management of Gypsy and Traveller sites is contracted out, local authorities should build relevant race equality considerations into contracts to ensure that the site management function meets the requirements of the Act.
- 8.6 The Human Rights Act 1998 requires all public authorities to refrain from unjustified interference with rights to private & family life and to the peaceful enjoyment of property, and to secure the exercise of those rights without discrimination on race or other grounds.

## **9.0 Risk Management**

- 9.1 **Unauthorised developments.** A shortfall of residential pitches leaves the Council vulnerable when planning applications are refused and then appealed, as two cases have demonstrated (Stapeley and Poole), with the Appeal Inspector subsequently granting planning permission for the sites finding that there was an urgent unmet need across the Authority.
- 9.2 **Unauthorised encampments.** A shortfall of suitable transit pitches will increase the level of unauthorised encampments which will have a financial impact on the Authority in relation to officer resources and leaves the Authority open to challenge via planning appeals or other mechanisms. This in turn can lead to protracted, complex, and costly legal proceedings. There are also associated costs to private businesses when their land is encamped upon.
- 9.3 If there is insufficient strategic planning for sites, the Gypsy and Traveller community will determine where sites are located via the Planning Inspectorate, not the Local Authority. This can lead to community tensions and inappropriate development.
- 9.4 The lack of suitable facilities creates problems for the Gypsy and Traveller communities in terms of access to health, education and employment opportunities and basic facilities such as clean water and good sanitation.
- 9.5 An issue raised at the Wybunbury Lane appeal relates to the Council's obligations under the Equality Act 2010 (Race Relations Act 1998). It was argued by the appellants that in providing a five year supply of accommodation for the settled community but not for the Gypsy and Traveller community that the Council have failed to meet its obligations under the above act. Under recent changes to planning policy, local councils are required to plan for a five year supply of Traveller pitches.

## 10.0 **Background and Options**

- 10.1 The Council is required by the Housing Act 2004 to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or travelling through, their area. It also requires the Council to include the needs of Gypsies and Travellers in any housing strategy that it produces and to take any such strategy into account in exercising their functions. The objective behind all this is to ensure that councils consider the need for additional transit and permanent residential accommodation in their area.
- 10.2 The level of need for Gypsy and Traveller and Travelling Showperson accommodation within Cheshire East has been identified through the Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA), published in January 2007. The study examined the current position on unauthorised sites together with evidence of unauthorised developments and encampments, and carried out consultation with key stakeholders in order to estimate concealed households, household formation and potential movements from bricks and mortar housing. The number of permanent pitches required for Cheshire East is a minimum of 37 to a maximum of 54 and 10 transit pitches by 2016. (GTAA July 2007) (A pitch is generally defined as space for two trailers and a vehicle – a family unit). There is also a need for 10 plots for Travelling Showpeople by 2016.
- 10.3 Since May 2007, eight pitches have been supplied on privately owned sites and a further two on the local authority owned site. In Cheshire East there are a total of 13 private sites, with 112 permanent pitches and 2 transit pitches. One council run site with 18 pitches (2 recently developed) and 1 site (8 pitches) with temporary permission. There are also two Travelling Showpersons sites in the borough with 4 pitches. Also at present in the borough there are 3 sites with current planning applications or appeals, Thimswarra Farm, Dragons Lane (4 pitch), Street Record, Moor Lane, Wilmslow (1 pitch) and a site at Pickmere (3 pitches) which is subject to a valid enforcement notice and located within the Greenbelt. Consequently there is a clear gap between assessed need and current provision.
- 10.2 The attached report 'Addressing the Accommodation Needs of Gypsies and Travellers Policy' provides a robust policy and procedural framework for addressing the future needs of the Gypsies and Travellers. It also deals with the issues of unauthorised developments and encampments by Travellers and the procedures to deal with them. The approach the policy takes is divided into both long term and interim/medium term measures that will run in parallel.

## 10.3 **Long term approach**

The Local Plan is required to identify a target for the provision of Gypsy and Travellers Pitches and Travelling Showpeoples plots for the Plan period based on identified need. In producing its Local Plan the Council is also required to:

- Identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against the target figure

- Identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 2011-15
- Consider setting targets on a cross-authority basis i.e. the existing approach of sub-regional working in Cheshire should continue
- Provide criteria to guide land supply allocations, which ensure that Traveller sites are sustainable economically, socially and environmentally.

#### 10.4 Interim approach

- Set up a temporary stopping place to alleviate the issue of unauthorised encampments on both public and private land.
- Update the sub regional Gypsy Traveller Accommodation Assessment (GTAA) with our partners
- Commission a study to identify both transit & permanent residential sites; this would involve the agreement of site criteria for the provision & a call for sites.
- Council to explore the extension of affordable housing policy to include the use of s106/commuted funds to deliver permanent residential sites.
- Investigate the possibility of establishing a joint venture company/strategic partnership between the council and its Registered Provider partners to identify develop and manage future provision.

#### 11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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#### Appendices:

- Appendix 1            Addressing the Accommodation Needs of Gypsies & Travellers**
- Appendix 2            Key Tasks & Timescales**