

REPORT TO: Executive Board

DATE: 19th March 2009

REPORTING OFFICER: Executive Director - Environment
SUBJECT: Regional Consultation on Pitch Provision for Gypsies and Travellers

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 This report outlines the proposed formal response to the consultation being run by 4NW on the topic of Gypsy and Traveller accommodation needs as part of the Partial Review of Regional Spatial Strategy. This consultation closes on 27th March 2009.

2.0 RECOMMENDATION: That

- (1) The content of this report be formalised as the response from this Council to the consultation being run by 4NW on Gypsy and Traveller accommodation needs.**
- (2) Halton's evidence is enhanced via research into the waiting list held for Riverview Caravan Site to see how many people are still actively seeking accommodation in Halton.**
- (3) The Council strongly objects to the proposals in RSS Interim Draft Policy L6 for Halton to provide 60 additional permanent pitches.**

3.0 SUPPORTING INFORMATION

3.1 4NW, formerly the North West Regional Assembly (NWRA), is the designated regional planning body for North West of England. They have been asked by the government to prepare, monitor and review the Regional Spatial Strategy (RSS) in partnership with others. The RSS is a regional plan that has to be taken into account when decisions are being made about planning applications. It provides a spatial framework for development in the region and for other regional strategies, and it promotes the sustainable development of the North West.

3.2 Currently a Partial Review of the RSS is underway due to the need to complete unfinished policy work within the RSS. This Partial Review covers three key subject areas of Gypsies and Travellers, Travelling Show People and Car Parking Standards. Previously in July 2008 the partial review was going to cover three additional subjects: addressing housing demand, supply and affordability; identifying the broad locations for regionally significant waste management facilities; and identifying the broad location of renewable energy generation facilities. However the

Government Office advised that these additional subjects were strategic in nature and should be dealt with in the emerging Single Regional Strategy rather than by Partial Review.

- 3.3 This consultation is open until 27th March 2009.
- 3.4 This report should be read in conjunction with the RSS Interim Draft Policy L6 and the consultation response form, provided to allow stakeholders to respond in a consistent format.

4.0 POLICY IMPLICATIONS

- 4.1 The Council currently provides 23 pitches at Riverview Residential Caravan Site in Widnes. A new local authority run site was opened in January 2009 in Warrington Road, Runcorn, next to the existing private site. This new site provides 4 permanent pitches and 10 transit pitches. There are two private sites in Runcorn at Windmill Street and Warrington Road; these two sites provide 13 pitches. In total there are 40 permanent pitches and 10 transit pitches currently provided in Halton.
- 4.2 The accommodation for Gypsies and Travellers is dealt with by Interim Draft Policy L6 – Scale and Distribution of Gypsy and Traveller Pitch Provision. It is this policy that is the subject of the consultation. This policy has a policy start date of 2007; therefore all accommodation provision since made from 2007 will be counted towards policy targets for pitch numbers.
- 4.3 Within Policy L6 is a table (table 7.2) of pitch provision to be achieved by each individual North West authority by 2016. Policy L6 indicates that Halton should provide by 2016 an additional minimum of 60 permanent pitches. The policy also indicates that a further 3% compound increase on an annual basis should be achieved to 2021 and for Halton this would be a further 15 permanent pitches. The policy therefore suggests that by 2021 Halton should provide a total of 111 permanent pitches. The policy makes a distinction between permanent and transit pitches and the policy indicates that 5 additional transit pitches should be provided by Halton by 2016. However, as Halton's new site at Warrington Road provided 10 transit pitches, Halton will already have met its allocated apportionment under the draft policy.
- 4.4 The Council must respond to the consultation using a structured and formatted response form. This consultation response form asks a series of questions with regard to Interim Draft Policy L6. The first question to deal with the issues of concern (Question 3) asks for a yes or no response to whether the Council supports policy L6. Question 4 asks for the reasoning behind the response to Question 3.
- 4.5 It is recommended that the response to Question 3 ("Do you / your organisation support the Interim Draft Policy L6 – Scale and Distribution of Gypsy and Travellers Pitch Provision?") is given as "No". This

response is justified on the basis that the policy does not adequately address the issue of distribution in the policy wording. Currently there is no acknowledgement of the fact that the last round of consultation in July 2008 concluded that provision for Gypsies and Travellers should be undertaken by way of a more balanced share of provision across districts. This approach sought to see pitch provision distributed to meet the requirements of Gypsies and Travellers. During the July 2008 consultation this approach was known as “Option 3”. For the purposes of clarity and avoidance of doubt, the policy text should acknowledge that this is the basis upon which pitch provision will be made and monitored.

- 4.6 Question 5 on the consultation response form deals with the main issue of contention, notably the provisional figure for Halton to provide an additional 60 permanent pitches in the Borough. It is recommended that the response to Question 5 (“Do you/ your organisation support the pitch distribution figures in table 7.2?”) be given as “No”. In Question 6 we are asked to justify this response. The response to question 6 is detailed in the next paragraphs.
- 4.7 In order to understand the origins of the provision figures it is necessary to review the evidence compiled for the North West Region. All sub-regions in the North West were surveyed by the Salford Housing and Urban Studies Unit (SHUSU) of the University of Salford who prepared Gypsy and Traveller Accommodation Assessments (GTAAAs). The study for the Cheshire Partnership Area was undertaken in May 2007 and covers the Cheshire Authorities that will form the two new unitary authorities of West Cheshire and East Cheshire plus Halton, Warrington and St Helens. A GTAA study for the whole North West was also published in May 2007 by SHUSU. In comparing the two studies, there is a difference in total identified need for the Cheshire Partnership area. In the Cheshire Study (table 37 page 125) total need is identified as 113 – 155. However, in the Regional Study the figure for the Cheshire Partnership area is shown as 140 – 177 (table ii, page 8 of the Executive Summary). It is not clear why the figures between the studies differ as the Regional Study indicates that figures are drawn from the Cheshire Study. For Policy L6, the figures resulting from the Cheshire Study should be used as the starting point for the RSS pitch apportionments made under Policy L6.
- 4.8 The Cheshire Partnership study concludes that the need for Halton will be 28 to 32 pitches from 2006 to 2016 (table 37 page 125). These pitch figures arise from the following sources: 3 from concealed households (adults / families living with extended family / other families), 3-6 from unauthorised encampment, 1-2 from household formation (young person approaching family age), 1 from bricks and mortar (householder wanting to move back into a caravan) and 20 from the Riverview waiting list (an issue considered in more detail in paragraph 4.9). In terms of the families in bricks and mortar in Halton, and the implied need arising from the fact that a proportion “may” want to live on a site, there are serious economic consequences to building controversial developments on the off chance

that there might be a demand. Most (although not all) Travellers go in to bricks and mortar when they are too old or ill to continue travelling. The evidence also suggests that 10 pitches will become free and can be re-let and therefore this figure of 10 has been deducted from overall needs. The figures quoted for each authority in table 7.2 of Policy L6 do not take account of estimated vacancy rates and re-lets (contributing to supply) on existing sites during the period. The Cheshire GTAA assessed this as 10 for Halton, which should be netted off any target.

4.9 Analysis of figures from the other authorities in the Cheshire Partnership area indicates that, with the exception of Congleton (with 4 on its list), only Halton put forward its waiting list for pitches. It is important to note that only local authority sites tend to have waiting lists and the only local authority sites in the Cheshire Partnership area are Halton, St Helens and Congleton. This lack of consistency with the evidence skews need artificially towards Halton. To recap, the need for Halton was 28 – 32 pitches; however 20 of these pitches arose from the use of an unmanaged waiting list. This latter point is important as more than half of the assessed need (20) for Halton arises from the waiting list for the Council's residential Traveller Site, by far the highest in the Region. This is not a waiting list in the traditional sense, but simply an un-vetted list of expressions of interest. The Riverview Site list has 40 names on it however the Cheshire Study assumes only 50% of the list is unfulfilled need so a figure of 20 is used to predict need. This is because some of these families will have permanent pitches elsewhere but want to relocate; others will feature in demand figures for other areas as well (double counting). It is important that the assessment of need is based on a realistic understanding of the demand for pitches, assuming 50% of an unmanaged list is not sound evidence of need. With regard to waiting lists in general, it is hard to believe other Councils with sites do not have similar levels of interest, and it seems perverse that the few Councils that hold a list are penalised in the assessment. It is recommended to the Executive that this waiting list be reviewed and the results of the review be submitted as evidence of need in Halton.

4.10 To understand how Halton is allocated an additional pitch provision of 60 pitches under Draft RSS Policy L6 is necessary to consult "A Technical Note on Interim Draft Policy Figures", published February 2009. Here it is explained that the RSS apportionment in Policy L6 has been derived from the GTAA evidence bases, consultation feedback and 4NW professional judgement. The starting point is to examine the evidence. The North West Regional Accommodation Assessment Executive Summary showed that the provision needed in the Cheshire Partnership area was 140-177 (a different figure to the Cheshire Study) additional permanent pitches by 2016 (table ii, page 8). However, RSS Policy L5 indicates that minimum additional provision in the Cheshire Partnership area will be 300 from 2007 – 2016. Therefore, evolution from evidence to policy has increased the Cheshire Partnership figure by between 70 - 114%. These increases are not supported by hard evidence. In a note of a meeting held with Gypsies and Travellers on 19th December 2008 it

was reported that the figures for Macclesfield, Ellesmere Port and Neston, Vale Royal, and Chester were very under-estimated. There was no mention of the current provision in Halton being a cause for concern. The meeting record adds that 4NW felt that as a result of these discussions the figures should be subject to an additional 70% uplift to take account of the hidden need identified by the meeting. This is how the figure of 300 pitches has been derived for the Cheshire Partnership area within the RSS Policy (177 plus 70%).

4.11 It is important to remember that the Cheshire Study did take account of 'hidden need' through its methodology that actively sought to identify hidden need. This RSS 70% uplift approach is not acceptable as the Cheshire Study did take account of concealed and latent demand, and should not be amended without clear evidence. Policy L6 should revert back to the Cheshire Partnership study figures and proportion these on a basis in line with the wishes of the Gypsy and Traveller community. The Cheshire Study identified that the Gypsy and Traveller community had suggested locations in Middlewich, Ellesmere Port, Winsford, Nantwich, Sandbach and the outskirts of Chester as locations of choice. Liverpool also appears to be a location of choice. At the 19th December 2008 meeting it was recorded that "many people still want to be in Liverpool but are being pushed out into Runcorn". This statement would indicate that a greater proportion of pitch provision should be in the Merseyside Partnership area (Knowsley, Liverpool, Sefton and Wirral). A key question for 4NW is why has Cheshire's assessed need been doubled? There seems to be an approach whereby Councils with little or no existing provision have been given token targets, and those with existing provision have been given substantially larger targets. Policy should follow the evidence.

4.12 The draft RSS policy figure of 300 across the Cheshire Sub-regional Partnership has then been apportioned, by no scientific method, to all those authorities in the Cheshire Partnership. This results in the following apportionments:

Table 1: Comparison of Sub-Regional Proposals with Cheshire Evidence

| LA | Cheshire GTAA | | RSS Proposals | |
|---------------|----------------|---------|---------------|------------|
| | Permanent | Transit | Permanent | Transit |
| Cheshire East | 37-54 | | 80 | 10 |
| Cheshire West | 31-45 | | 80 | 10 |
| Halton | 28-32 | | 60 | 5 |
| Warrington | 6-9 | | 35 | 5 |
| St Helens | 11-15 | | 45 | 5 |
| Total | 113-155 | | 25-37 | 300 |

4.13 In Interim Policy L6 the Halton apportionment figure has been given as 60 pitches. This represents 20% of the sub-regional apportionment. This represents one fifth of the requirement, yet there are nine authorities in the Cheshire Partnership. Halton is the smallest of these nine partners in terms of geographical area and has little land available to accommodate

further provision. Some account should also therefore be taken of provision in the context of the geographical size of Councils, which would result in neighbouring authorities' targets being increased relative to Halton. There is little land available in Halton upon which to accommodate such large numbers of pitches. In terms of current pitch provision, only Congleton and St Helens provide more pitches than Halton. In terms of equity and choice greater provision should be made in other districts where the Gypsy and Traveller community wish to settle to ensure sustainability, but not to the extent that some Council's have to do nothing.

Table 2: Geographical Size of Cheshire Partnership Authorities

| Name | Hectares |
|------------------------------------|----------|
| Halton | 9033 |
| Macclesfield District | 52498 |
| Chester District | 44833 |
| Crewe and Nantwich District | 43041 |
| Vale Royal District | 38330 |
| Congleton District | 21099 |
| Warrington | 18237 |
| St Helens | 13638 |
| Ellesmere Port and Neston District | 10952 |

- 4.14 Some attempt should be made to redistribute the assessed need for pitches to ensure a more even provision between Councils, particularly to those who have little or no existing provision (Ellesmere Port and Neston, Knowsley and Wirral), and should also focus on those Councils with no Council owned sites. The "need where it is seen to arise" problem is greatest for those LAs that have sites. DCLG (Department for Communities and Local Government) advice to regional planning bodies, contained in "Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies" page 51, advises that equity considerations suggest that pitch requirements might be dispersed from Authorities with existing provision to those with little or no provision.
- 4.15 Any provision for Halton should be reduced by the numbers of pitches included in the new development in Runcorn that comprises 4 permanent pitches and 10 transit pitches (opened since the GTAA was completed). Consequently the assessed need should reduce accordingly. It is accept that this development occurred after the needs assessment that informed RSS figures. It is understood that as the Interim Draft RSS Policy L6 has a starting date of 2007 this provision will be taken into account is considering Halton's apportionment.
- 4.16 For the above reasons, Halton do not feel that the evidence produced to support Interim Draft Policy L6 substantiates the pitch provision figures for Halton. Greatest provision should be made in the areas highlighted by the Gypsy and Traveller communities and those authorities currently offering no local authority run sites.

5.0 OTHER IMPLICATIONS

- 5.1 The main consideration here is what would happen if the figure of 60 additional permanent pitches became a Regional Spatial Strategy policy. If this happens, Halton will be expected to make provision to deliver this figure through the Halton Core Strategy and Land Allocation LDF (Local Development Framework) documents. 4NW have indicated that they will challenge any authority that fails to deliver the figures contained in the final policy at the public examination of their development plan documents (DPDs). This could lead to the Inspector decided that the plans were unsound, leaving that authority without a statutory planning framework.
- 5.2 There would be financial implications if the increased figure became policy as sites would have to be found to provide the pitches. There are practical considerations in terms of trying to find appropriate sites upon which to location such high numbers of pitches. The Council has just completed a site search exercise in relation to the new Runcorn site in Warrington Road. There were no alternative sites identified that would provide acceptable locations.
- 5.3 An increased pitch requirement is likely to lead to significant community unrest due to the multi-million pound investments the Council has already made in its existing network of sites for Gypsy and Traveller communities. The Halton public will perceive that very few other authorities are taking their duties to provide accommodation seriously and that Halton is being pushed into accepting a greater level of provision than is equitable or required.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

The overarching aim of the consultation is to ensure that the Gypsy and Traveller communities in each area have access to decent accommodation and the families can reach school and health care services.

6.2 Employment, Learning and Skills in Halton

There are no direct implications for this priority.

6.3 A Healthy Halton

Ensuring that the Gypsy and Traveller community have access to decent accommodation will contribute to the good health and welfare of this ethnic group.

6.4 A Safer Halton

Addressing accommodation issues for the Gypsy and Traveller community and making proper provision will reduce the nuisance that arises from unauthorised encampments and development.

6.5 Halton's Urban Renewal

There are no direct implications for this priority.

7.0 RISK ANALYSIS

The key risk may be that 4NW do not accept our representation and interpretation of the evidence. This may lead to the 60 additional pitches figure becoming a Regional Spatial Strategy policy. If this happens, Halton will be expected to make provision to deliver this figure through the Halton Core Strategy and Land Allocation LDF (Local Development Framework) documents. 4NW have indicated that they will challenge any authority that fails to deliver the figures contained in the final policy at the public examination of their development plan documents (DPDs). This could lead to the Inspector decided that the plans were unsound, leaving that authority without a statutory planning framework.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 Since 1999 Gypsies and Irish Travellers have been recognised in English Law as ethnic groups and protected under the Race Relations Act. Recent legislation and guidance from the government has indicated a commitment to taking steps to resolve some of the long standing accommodation issues for members of the Gypsy and Traveller communities. This legislation has an overarching aim of ensuring that members of Gypsy and Traveller communities have equal access to decent and appropriate accommodation options akin to each and every other member of society. Following the Housing Act 2004, local authorities have been preparing to develop and implement strategies to respond to the accommodation needs of the Gypsy and Traveller communities.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

| Document | Place of Inspection | Contact Officer |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------|
| Interim Draft Policy L6 | Rutland House | Tim Gibbs |
| Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment | Rutland House | Tim Gibbs |
| North West Regional Gypsy and Traveller Accommodation and Related Services Assessment Executive Summary | Rutland House | Tim Gibbs |
| 4NW Consultation Forum on draft Gypsy and Travellers and Travelling Showpeople policies. A consultation report by CAG Consultants January 2009 incorporating the Notes of meeting held on Friday 19th December 2008 | Rutland House | Tim Gibbs |
| 4NW Technical Note on how the Interim Draft Policy Figures for Gypsy and Travellers, and Travelling Showpeople (North West Regional Spatial Strategy Partial Review) were derived (February 2009) | Rutland House | Tim Gibbs |