

Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update

Executive summary

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Executive summary

Background

In 2009 the Equality and Human Rights Commission (the Commission) published the briefing paper *Gypsies and Travellers: Simple solutions for living together* (referred to as *Simple Solutions*). This was based on evidence from two separate pieces of research: a review of the inequalities faced by Gypsies and Travellers (Cemlyn, Greenfields, Burnett, Matthews and Whitwell, 2009) and a review of the progress local authorities were making in providing pitches for Gypsies and Travellers in England (Brown and Niner, 2009). *Simple Solutions* highlighted the relatively slow and inadequate progress local authorities were making in taking steps to resolve the recognised shortfall of appropriate accommodation. A subsequent report examined the progress made by local authorities in Scotland (Brown, Niner and Lomax, 2010).

The aim of this study is to provide an update to the 2009 progress review and to provide information relating to the progress made by local authorities in Wales over the 2006-2009 period.

This report is based on data collected between January and March 2010. The details of current site provision, and plans to develop further sites, may have changed slightly since then. Nevertheless, it does provide a recent update on site provision for Gypsies and Travellers and the challenges that need to be addressed.

Approach to the research

The research used the following approaches to gather relevant information to indicate progress towards pitch provision:

- Analysis of relevant existing sources including Gypsy and Traveller Accommodation Assessments (GTAAs), the Caravan Count (England and Wales) information from the Department for Communities and Local Government (CLG), and the Welsh Assembly Government on Site Grant (England and Wales) and planning applications and permissions for Gypsy and Traveller sites (England only).
- A detailed questionnaire was sent to all local authorities in England and Wales. By the specified deadline for data analysis, responses had been received from 261 of the 326 local authorities in England and 16 of the 22 authorities in Wales.

Legal and policy framework

The main document detailing planning policy in England is Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites*, originally issued by CLG's predecessor, the Office of the Deputy Prime Minister (ODPM).

This set out the aims of legislation and government policy at that time, which were to:

- ensure that Gypsies and Travellers have fair access to suitable accommodation, education, health and welfare provision
- reduce the number of unauthorised encampments and developments
- address under-provision and increase the number of authorised sites by 2011
- protect the traditional travelling way of life of Gypsies and Travellers
- underline the importance of assessing accommodation need
- promote private site provision, and
- avoid Gypsies and Travellers becoming homeless, where eviction from unauthorised sites occurs and where there is no alternative accommodation.

Developments have taken place in the regional planning process in England since the first Commission progress review. ODPM Circular 01/2006 made clear that local planning authorities were required to identify sites in their Local Development Documents to meet the pitch requirements for Gypsies and Travellers identified in the Regional Spatial Strategy (RSS) covering their area. Nevertheless, every region is at a slightly different stage and/or has adopted a different approach. Generally, the variable and evolving regional process has introduced uncertainties for local authorities seeking to plan for and implement site provision. It has also provided a cover for those who wish to disguise their opposition and lack of commitment to resolving site shortage for Gypsies and Travellers. The government policy on Gypsies and Travellers is still emerging (at the time of publication) but there is likely to be greater autonomy and responsibility on local authorities to provide sites. Further details are likely to be contained in the government's Decentralism and Localism Bill. This is due for publication at the end of November 2010 and may clarify what will replace the RSS, targets and guidance outlined in Circular 01/2006, subject to parliamentary approval.

Policies and legislation relating to Gypsy and Traveller accommodation and planning issues in Wales are largely shared with, and mirror, those in England. In particular sections 225 and 226 of the Housing Act 2004 were brought into force in Wales in December 2007. As in England, this places a duty on local authorities to carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to their district and to develop plans to meet these identified needs.

In terms of planning policy, in December 2007 the Welsh Assembly Government published WAG Circular 30/2007 – *Planning for Gypsy and Traveller Caravan Sites*. The circular encourages the use of brownfield sites when sites/pitches for Gypsies and Travellers are planned, in order to make the best economic use of under-utilised land. The key policies addressed in the planning circular are:

- a change to the definition of Gypsies and Travellers for land use planning purposes
- involving Gypsies and Travellers proactively in the planning process
- guidance for Gypsies and Travellers making planning applications
- a requirement that local planning authorities identify suitable locations in their Local Development Plan for residential and transit sites, and also for mixed uses, that meet the current working patterns of Gypsies and Travellers
- improved guidance on drafting the policy criteria in development plans against which applications for sites not allocated in the plan will be judged
- guidance on new Gypsy and Traveller Rural Exception Sites, and
- a section on local authorities' responsibilities under the Race Relations Act (now replaced by the Equality Act 2010).

The guidance encourages local authorities to identify locations for authorised sites in their Local Development Plans as informed by the relevant Accommodation Needs Assessment. These plans are then to be submitted to the Welsh Assembly Government's Planning Department with each plan required to demonstrate that the needs of Gypsies and Travellers have been assessed and sites have been identified to meet any need arising.

Findings

Pitch provision in England

We estimate that 5,821 additional residential pitches for Gypsies and Travellers will be required in the first five-year period after the local needs assessment. It is not known how many additional transit pitches are required to facilitate a nomadic lifestyle, but these would be in addition to the 5,821 residential pitches.

An analysis of net change in pitch numbers for the local authorities which replied to the survey and provided all relevant information on pitch completions and pitch losses between 2006 and 2011 shows that:

- Across England as a whole, taking into account all pitch changes – social and private, temporary and permanent permissions – it will take about 16 years to

meet five-year requirements at the rate of progress achieved in 2006-09. If pitches provided with temporary or personal planning consent are excluded this could be extended to about 27 years.

- Thirty-five local authorities (15 per cent of those providing all relevant information) are on track to meet their requirements within five years at the rate of progress achieved between 2006 and 2009, taking into account all net change; and a further 25 (11 per cent) within 10 years. Excluding pitches provided with temporary or personal planning permissions, only 15 authorities (six per cent) are on track to meet requirements within five years and a further 24 (10 per cent) within 10 years.
- Fifty-seven per cent, or 135 authorities providing full information, showed either a zero or a negative change in pitch numbers in 2006-09. Excluding pitches provided through temporary or personal planning permissions, 68 per cent of authorities made no net gain in pitch numbers.
- Progress was rather better than the average in both high-priority areas (requirements of 40 pitches or more - likely to meet five-year targets in 11 years, based on total pitch changes) and low-priority areas (requirements up to five pitches - likely to take nine years). It was least in the medium-priority areas (22 years). Excluding temporary or personal permissions, estimated numbers of years are 18 for high-priority areas, 19 for low-priority areas and 38 for medium-priority areas.

The above findings suggest that progress in meeting targets appears slower than that found in the first Commission progress review. This is attributable partly to the different samples in the two studies and partly to the focus in the later review on net change in pitch numbers rather than simply on pitch completions. However, there are indications that the annual rate of progress in 2009 was below that achieved between 2006 and 2008.

At the same time there have been several positive aspects of progress on Gypsy and Traveller site provision in England since 2006:

- The majority of new sites are being provided privately by Gypsies and Travellers themselves. These tend to be small sites and accord well with community aspirations on tenure, and can aid integration with the settled community.
- The number of planning permissions granted in 2009 was higher than previous years. The proportion of permanent (rather than temporary) permissions had also increased.
- The proportion of awards of Gypsy and Traveller Site Grant involving new site or pitch provision or the re-use of existing pitches (rather than simply site

refurbishment) increased in the 2008/09 and 2009/10 bidding rounds. Awards in 2006 to 2009 have the potential to lead to the creation of some 500 additional pitches on social sites, although there are indications that not all will be developed as planned.

However, the main conclusion is that the overall rate of progress on site provision needs to increase more than fivefold to meet the five-year pitch shortfall, where pitches are provided with permanent planning permissions.

Pitch provision in Wales

As Gypsy and Traveller Accommodation Needs Assessments are not yet complete across Wales, the scale of future pitch requirements is not clear. Although the supply and need situation is very different according to area, an earlier national study (Niner, 2006) suggests that there is a national pitch shortfall.

Caravan Count data and information from local authorities indicate that the number of authorised pitches across Wales has at best been static since 2006 and has probably decreased. Based on the 16 authorities responding to the survey:

- There has been a 16-pitch increase since 2006, taking into account total net change in pitch numbers on social and private sites.
- If pitches provided with only temporary or personal planning permissions are excluded, there has been a four-pitch decrease between 2006 and 2009.

There has been a net loss of pitches on social sites associated with site improvements. Pitches appear to have been lost as an unintended consequence of the need to tackle overcrowding on local authority sites while undertaking site improvement works. Two temporary social sites, effectively tolerated encampments, have been established since 2006. There has been a small increase in completions on private sites, almost all with temporary or personal planning permissions.

There are some encouraging signs for future pitch provision:

- The Welsh Assembly Government, in its draft Gypsy Traveller Strategy, has set a target to deliver two new social Gypsy Traveller sites by 2013.
- Of the 16 authorities responding to the survey, three plan a new social site together providing 24 pitches. Realising these plans is probably entirely dependent on continuing Grant funding.

Unlike ODPM Circular 01/2006 in England, WAG Circular 30/2007 does not set objectives for site provision. However, there is still a presumption that, where there is need, additional Gypsy Traveller sites should be provided. Significant change is needed if this is to be achieved.

Barriers to Gypsy and Traveller site provision

A number of issues appear to be acting as barriers to progress in meeting the need for site provision. This review suggests three main sets of issues:

- Finding sites and delivering these through the planning framework.
- Funding and finance.
- Leadership and commitment to overcoming opposition.

Finding sites and the planning framework

The infrastructure for the land-use planning system (Development Plan Documents and Local Development Plans) is not yet in place in many local authorities across England and Wales. A significant number of authorities in both England and Wales will not have achieved this until 2011 and beyond. Until this infrastructure is in place the plan-led system cannot operate effectively.

The lack of a finalised planning framework means that significant proportions of Gypsy and Traveller site planning applications will either be refused (refusal may or may not be reversed by an appeal) or only granted temporary permissions because they are in the 'wrong' place - where Gypsies and Travellers have found affordable and available land often in locations with a presumption against development.

In England, the regional planning framework of Circular 01/2006 has determined the number of pitches to be provided in each local planning authority, and monitored progress towards meeting these targets. An oversight body provides a means of ensuring that the responsibility for site provision is shared among local authorities.

In Wales, the simpler Local Development Plan system should expedite progress on site provision.

Funding and finance

Funding and finance are perceived as significant barriers, especially in Wales where the majority of current site provision and anticipated new provision is in the social sector (local authority provision). Gypsy and Traveller Site Grants, while available at the time the research was carried out, are no longer available in England and Wales for the provision of new sites. In both countries, local authority respondents reported

plans for new social Gypsy and Traveller sites. Implementation of these plans probably depends on the continuation of Grant support or other financial incentives to provide sites.

Social site quality is still a concern for just under half of English and over half of Welsh local authorities. Plans are in place in many authorities for remedying physical problems which again are dependent on the availability of Grant money for refurbishment. Not all concerns relate to physical conditions which can be remedied by refurbishment; some are environmental or related to the location of the site and some are social, especially related to family conflicts between site residents or between existing residents and would-be residents.

Commitment and overcoming opposition

Opposition to Gypsy and Traveller site provision, which can be exacerbated by negative media coverage, leads to problems in finding suitable sites and constitutes a powerful barrier to site provision. Opposition can come from the public and elected members. If site provision is not a local priority and leadership is lacking, this barrier is very hard to overcome.

Responses from local authorities suggest that there are no quick fixes to this issue but patient and persistent working through different forms of engagement with settled and Gypsy and Traveller communities, other agencies and elected members. The survey suggests that there is good practice in a minority of authorities, but that others are doing very little.

Many of the recommendations in the Commission's briefing paper *Gypsies and Travellers: Simple solutions for living together* are aimed at overcoming barriers of this sort by increasing understanding and awareness, creating better channels of communication, and ensuring that Gypsy and Traveller accommodation issues are mainstreamed and embedded in local strategies. Our analysis has shown that overall progress in this area is encouraging but patchy. There is some excellent proactive good practice but, at the same time, some authorities are doing very little. Encouragingly, high-priority authorities in England (those with the highest pitch requirements) are most active across the board.

In this context, the aim should be to share and spread good practice.

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The aim of this research report is to provide an update to the 2009 progress review and to provide information relating to the progress made by local authorities in Wales over the 2006-2009 period.