

Cabinet – 17 September 2008

Regional Spatial Strategy Phase Three Revision – Section 4(4) Response on Gypsy's and Travellers.

Portfolio: Councillor Andrew, Deputy Leader and Regeneration portfolio

Service: Strategic Development

Wards: Not identified at this stage

Key decision: No

Forward plan: No

1. Summary of report

The West Midlands Regional Assembly requested advice from local planning authorities on the proposed coverage of the Regional Spatial Strategy (RSS) Phase Three Revision. This is known as "Section 4(4) Advice". It had been intended that Walsall Council would support an agreed response on all relevant issues through the West Midlands Planning and Transportation Sub-Committee on 25 July 2008. However, with respect to gypsies and travellers, agreement could not be reached to include authority specific figures for gypsy, traveller and showpeople allocations within the report from Planning and Transportation Sub-Committee. Therefore, in addition to supporting the response from Planning and Transportation Sub, it is necessary for each authority within the Metropolitan Area to submit their own response that includes their proposed gypsy, travellers and showpeople allocation figures. This report is now seeking endorsement for the appended Section 4(4) response.

2. Recommendations

The Council's response to consultation on the Regional Spatial Strategy Phase Three Revision, Walsall Section 4(4) response appended to this report is endorsed.

3. Background information

- 3.1 The Housing Act 2004 requires all Councils to carry out a Gypsy and Traveller Accommodation Assessment (GTAA) to evaluate the needs of Travelling Showpeople, Gypsies and Travellers. This is to inform, among other things, the Regional Spatial Strategy (RSS), which will set out requirements for all Councils to provide facilities, though it will not identify specific sites. Policies for gypsies and travellers are being considered in the RSS Phase Three Revision, together with rural services, culture, environmental issues and minerals.

- 3.2 The deadline for responses to the Phase 3 revision to the RSS was 25 July 2008, when the Metropolitan response from Planning and Transportation Sub-Committee was submitted. Having identified that the response from Planning and Transportation Sub-Committee would not be incorporating proposed gypsy, travellers and showpeople allocation figures for individual authorities, it was agreed with the Portfolio Holder for Regeneration and Performance that a Walsall specific response from officers would be made by the 25 July 2008 deadline imposed by the Regional Assembly. That response is now appended to this report.
- 3.3 The reasons why the RSS should consider authority specific figures instead of Black Country-wide numbers are:
- It would provide greater certainty as to the accommodation needs to be met in the borough.
 - It would assist in preparation of the Walsall Gypsy and Traveller Community Strategy, which in turn will support bids for funds and partnership working with, for example, local agencies and social landlords.
 - It could assist the Council's case in any public inquiry into unauthorised development by giving the Inspector a clear and robust assessment of need in Walsall.
 - It would assist the Council in complying with the Housing Act and Race Relations Act.

4. Resource considerations

- 4.1 **Financial:** None. In the future there will be a need to provide a site or sites for gypsies and travellers, but the preferred approach is to secure Government funding in partnership with a registered social landlord. Travelling Showpeople usually purchase and develop their own yards or depots in accordance with Showmen's Guild standards.
- 4.2 **Legal:** The RSS is part of the statutory development plan for the borough. It will therefore be an important consideration in determining planning applications. The RSS will also provide a strategic planning framework for the Black Country Joint Core Strategy and future development plans for Walsall.
- 4.3 **Staffing:** None.

5. Citizen impact

As well as meeting obligations under the Housing Act and Race Relations Act to provide for gypsies and travellers, the provision of authorised sites will reduce the impact of unauthorised sites on both gypsies and travellers and the wider settled community.

6. Community safety

None at this stage.

7. Environmental impact

None at this stage.

8. Performance and risk management issues

8.1 **Risk:** None at this stage. However, not providing for sufficient accommodation for gypsies and travellers could lead to unauthorised sites and/or planning permission being granted by Inspectors against the Council's wishes.

8.2 **Performance management:** None at this stage. However, when the RSS is approved performance against the requirements for sites will be monitored through the Annual Monitoring Report.

9. Equality implications

The purpose of the GTAA and RSS process is to make sure gypsies and travellers have access to appropriate accommodation.

10. Consultation

Gypsies and travellers were interviewed as part of the GTAA process and their views will also be taken into account in preparing the RSS Phase Three Revision and Black Country Core Strategy.

Background papers

Letter to WMRA 25 July 2008 with questionnaire extract.

Black Country Gypsy and Traveller Accommodation Assessment 2008 (see Internet address tba).

Author

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Tim Johnson
Executive Director

28 August 2008



Councillor Adrian Andrew
Portfolio holder

3 September 2008



Regeneration Directorate

Your Ref:
Our Ref:
Date: 25 July 2008
Ask for: Mike Tichford
Direct Line: (01922) 652066
Email: tichfordm@walsall.gov.uk

West Midlands Regional Assembly
Albert House, Quay Place
92-93 Edward Street
BIRMINGHAM
B1 2RA

Attention: John Pattinson

Dear John

Section 4(4) Advice from Walsall Council with respect to Regional Spatial Strategy Phase Three Revision: gypsies and travellers.

Thank you for seeking advice under Section 4(4) on the above. I reply under delegated authority, but will recommend the Cabinet to ratify this advice at its next meeting on 17 September.

Walsall Council has contributed to the metropolitan advice agreed by CEPOG and supports that advice with respect to all matters other than gypsies and travellers. Therefore, I submit this separate advice on the Council's behalf.

I consider that district level figures should be included in the Section 4(4) Advice. In particular, there should be district level figures for the Black Country authorities, not just Black Country totals. This is consistent with the approach in Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites* (Item 2 in Overview on page 7) and Circular 04/2007 *Planning for Travelling Showpeople* (paragraph 21, page 7). My approach also addresses the Regional Assembly's questionnaire, which asks for advice on district level figures.

On this basis I attach an extract from the questionnaire setting out Walsall's figures, based on the Black Country GTAA, and urge the Assembly to adopt Walsall's approach with respect to gypsies and travellers.

I trust this is useful, but if you require further help or advice please contact me again.

Yours sincerely,

p.p. Mike Tichford

Assistant Director Regeneration

West Midlands Regional Spatial Strategy Phase Three Revision

Brief to Section 4(4) Authorities

April 2008

Appendix 2 – Pro-forma for Advice from Section 4 (4) Authorities

GYPSIES AND TRAVELLERS ONLY

Advice submitted by: (Please list authority/ies)	Walsall MBC
Name of Lead Officer(s):	Andy Dennis
Contact telephone number:	01922 652450
Contact email address:	dennisa@walsall.gov.co.uk

Please note:

- In the remainder of this Appendix, the questions to the Section 4(4) Authorities from Sections 11-15 of the Brief are reproduced. These should be read in conjunction with the related text within the Brief.
- Please use as much space for responding to the questions as required and expand spaces/boxes/etc. as required.

Housing – Gypsies, Travellers and Travelling Showpeople

Advice submitted by: (list authority/ies)	Walsall MBC
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Please detail the names of any other local authorities who you have consulted with, in the drafting of your Advice:	
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Do all of those local authorities you consulted with agree with your Advice?	
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Please detail how you have involved any other partners and groups in the drafting of your Advice:	
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GUIDANCE NOTES:

The West Midlands Regional Assembly as the Regional Planning Body (RPB) is seeking advice from each of the Section 4(4) Authorities (S4(4) Authorities), in regards to the revision of existing RSS Gypsy and Traveller Planning Policy. The Government has set out its position that Gypsy & Traveller and Travelling Showpeople accommodation needs must be met and this Brief has been developed to explore how this will be achieved within the West Midlands Region.

In formulating advice, the RPB would ask that:

- Each County Council provides figures for each of their individual District and Borough Councils

In formulating advice, the RPB would strongly recommend that:

- Each S4(4) Authority consults with those Authorities which were part of its respective sub-regional GTAA Group - as the Gypsy and Traveller Accommodation Assessments (GTAAs) were undertaken on a sub-regional basis (please see table 1 below)
- Each S4(4) Authority consults with any Stakeholders that it considers to be relevant

Table 1:	
Sub-Regional GTAA	Authorities Involved
North GTAA	East Staffordshire BC Newcastle-under-Lyme BC Stafford BC Staffordshire Moorlands BC Stoke-on-Trent CC
West GTAA	Bridgnorth DC Herefordshire Council North Shropshire DC Oswestry BC Shrewsbury & Atcham BC South Shropshire DC

	Telford & Wrekin Council
South GTAA	Bromsgrove BC Malvern Hills DC Redditch BC Stratford-on-Avon DC Warwick DC Worcester Council Wychavon DC Wyre Forest DC
Black Country GTAA	Dudley MBC Sandwell MBC Walsall MBC Wolverhampton CC
Birmingham, Coventry & Solihull GTAA	Birmingham CC Coventry CC Solihull MBC
South Staffordshire & North Warwickshire GTAA	Cannock Chase DC Lichfield DC North Warwickshire BC Nuneaton & Bedworth BC Rugby BC South Staffordshire Council Tamworth BC

Section A: Sub-Regional Requirements¹

Question GT1: What should be the total requirement for Gypsy and Traveller and Travelling Showpeople accommodation in your GTAA sub-region (i.e. as used in the GTAA), over the periods 2006-2011 and 2011-2016?

If your figures are different from those within your sub-regional GTAA, please provide a detailed explanation for your response and reference the alternative evidence.

As set out in Black Country GTAA (Table S1):

Gypsies and Travellers - 99 residential pitches and 10-12 transit pitches

Travelling Showpeople – 56 plots.

¹ Throughout this Section, 'requirement' refers to "The number of additional pitches / plots to be provided in order to meet assessed 'need' for pitches / plots, NET of any estimated 'supply' during the relevant planning period" (see also Appendix 1).

Section B: Number of Additional Pitches Required²

Question GT2: What should be the total requirement for Permanent pitches within your authority over the 2006 – 2011 period?

(County Councils should give figures for each District authority).

If this is not the total in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA covers 5-year periods 2008-13 and 2013-18. The requirement for permanent pitches in Walsall up to 2011 would be 18.

Question GT3: What should be the total requirement for Permanent pitches within your local authority over the 2011-2016 period?

(County Councils should give figures for each District authority).

If this is not the total in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA covers 5-year periods 2008-13 and 2013-18. The requirement for permanent pitches in Walsall in 2011-2016 would be 18.

Question GT4: What should be the total requirement for Transit pitches within your authority over the 2006 – 2011 period?

(County Councils should give figures for each District authority).

If this is not the total estimated in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA does not break down the requirement for transit pitches to district level. The location(s) of sites will be identified in lower level plans.

Question GT5: What should be the total requirement for Transit pitches within your local authority over the 2011-2016 period?

(County Councils should give figures for each District authority).

² Throughout this Section, 'requirement' refers to "The number of additional pitches / plots to be provided in order to meet assessed 'need' for pitches / plots, NET of any estimated 'supply' during the relevant planning period" (see also Appendix 1).

If this is not the total in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA does not break down the requirement for transit pitches to district level. The location(s) of sites will be identified in lower level plans.

Question GT6: What should be the total requirement for Travelling Showpeople Plots in your local authority over the 2006-2011 period?

(County Councils should give figures for each District authority).

If this is not the total in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA covers 5-year periods 2008-13 and 2013-18. The requirement for plots for Travelling Showpeople in Walsall up to 2011 would be 12.

Question GT7: What should be the total requirement for Travelling Showpeople Plots within your local authority over the 2011-2016 period?

(County Councils should give figures for each District authority).

If this is not the total in your sub-regional GTAA, please detail the data source and method of calculation used.

The Black Country GTAA covers 5-year periods 2008-13 and 2013-18. The requirement for plots for Travelling Showpeople in Walsall in 2011-16 would be 17.

Question GT8: Are you aware of any additional data, which has the potential to revise your estimated figures in the future?

Please include details of any additional research you plan to commission to supplement / in addition to the findings from your sub-regional GTAA.

None

Section C: Distribution of Additional Pitch Numbers³

In regards to the development of Options for the distribution of additional pitches, the RPB seeks your advice on 3 tentative approaches outlined below – please utilise the findings from your GTAA and provide evidence to support your comment. Please provide advice on **all** of the Options identified (i.e. Questions GT9-11).

Please note:

- County Councils should give figures for each District authority
- For draft Options 2 and 3, any response must look to reconcile figures against their respective sub-regional GTAA.
- In developing Options for consultation, the RPB will consider the GTAA Regional Overview (which is currently being drafted), to ensure all identified needs are met.

Option 1:

Question GT9: What should be the accommodation requirements on the basis of ‘need where it arises’ (GTAA results)?

Please ensure that the figures given reconcile with the sub-regional GTAA requirements. In some parts of the Region, Section 4 (4) authorities will need to discuss how to achieve this with other authorities.

Name of Authority	Figures per Type of Provision					
	Permanent pitches	Permanent pitches	Transit pitches	Transit pitches	Travelling Showpeople Plots	Travelling Showpeople Plots
	2006-2011	2011-2016	2006-2011	2011-2016	2006-2011	2011-2016
Walsall	18	18	See GT4 above	See GT5 above	12	17

Please provide explanatory details below about:

- the data sources used to reach the above requirements;
- any assumptions made;
- which criteria were taken into account in reaching the above requirements.

As a matter of principle, it is considered that identified needs should be met where they arise unless GTAAs reveal a functional relationship with another area.

³ Throughout this Section, ‘requirement’ refers to “The number of additional pitches / plots to be provided in order to meet assessed ‘need’ for pitches / plots, NET of any estimated ‘supply’ during the relevant planning period” (see also Appendix 1).

Option 2:

Question GT10: What should be the accommodation requirements on the basis of defined Planning Criteria, for example

- environmental constraints – Green Belt, Areas of Outstanding Beauty, conservation areas, historic environment, flood risk areas
- access to services
- transport links – existing and planned Infrastructure provision
- availability of land for development – site allocations, register of public sector land, council land for disposal
- areas of regeneration and growth – areas of housing market renewal, Growth-Points, proposed locations for Eco-Towns?

Please note that your response must look to reconcile figures against their respective sub-regional GTAA.

Name of Authority	Figures per Type of Provision					
	Permanent pitches	Permanent pitches	Transit pitches	Transit pitches	Travelling Showpeople Plots	Travelling Showpeople Plots
	2006-2011	2011-2016	2006-2011	2011-2016	2006-2011	2011-2016

Please provide explanatory details below about:

- the data sources used to reach the above requirements;
- any assumptions made;
- which criteria were taken into account in reaching the above requirements.

As a matter of principle, it is considered that identified needs should be met where they arise unless GTAAs reveal a functional relationship with another area.

Option 3:

Question GT11: What should be the accommodation requirements on the basis of a more equitable distribution of provision across the Region in which all authorities make some contribution to meeting Regional needs?

Please note that your response must look to reconcile figures against their respective sub-regional GTAA.

Name of Authority	Figures per Type of Provision					
	Permanent pitches	Permanent pitches	Transit pitches	Transit pitches	Travelling Showpeople Plots	Travelling Showpeople Plots
	2006-2011	2011-2016	2006-2011	2011-2016	2006-2011	2011-2016

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Please provide explanatory details below about:

- the data sources used to reach the above requirements;
- any assumptions made;
- which criteria were taken into account in reaching the above requirements.

As a matter of principle, it is considered that identified needs should be met where they arise unless GTAA's reveal a functional relationship with another area.

Question GT12: Please outline any other distribution of the number of pitches required for each local planning authority in your area.

Please note that any proposed Option should comply with the GTAA findings and the Sustainability Appraisal (once available). Please provide detailed evidence for your proposal.

As a matter of principle, it is considered that identified needs should be met where they arise.

Question GT13a: Does your Authority intend to develop Joint Development Plan Documents with other Authorities to share the accommodation of additional pitch numbers?

Question GT13b: In County Council areas, are you aware whether any of the District and/or Borough Councils intend to develop Joint Development Plan Documents to share the accommodation of additional pitch numbers?

Please give a detailed explanation and provide evidence for your answer.

The Black Country is preparing a Joint Core Strategy.