

**To: City Executive Board**

**Date: 22<sup>nd</sup> October 2008**

**Item No:**

**Report of: Head of City Development**

**Title of Report: South East Plan partial review on gypsy and traveller accommodation – consultation response**

### **Summary and Recommendations**

**Purpose of report:** To agree a response to a regional consultation, to feed into a partial review of the draft South East Plan, on the number of Gypsy and Traveller pitches to be provided at the local authority level.

**Key decision** No

**Executive lead member:** Councillors Ed Turner / Colin Cook

**Report approved by:** Executive Director for City Regeneration, Mel Barrett

**Finance:** Chris Kaye

**Legal:** Jeremy Thomas

**Policy Framework:** Corporate Plan 2008-11 (Stronger and more inclusive communities; More housing, better housing for all); Core Strategy 2026 Proposed Submission (Policy CS28 – Accommodation for Travelling Communities)

**Recommendation(s):** For the Board to endorse the draft response to the consultation (**Annex 1**), and authorise the Head of City Development to forward the response to SEERA as the formal view of the City Council.

### **Introduction**

1. The South East Plan Regional Assembly (SEERA) is currently seeking views on providing new places to live for Gypsies, Travellers and Travelling Showpeople. As the Regional Planning Body, SEERA have been required by Government Circular 1/2006 (Planning for Gypsies and Travellers) to broadly assess the requirement for new sites to accommodate these

communities across the region. In particular, they must identify in their Regional Spatial Strategy (the South East Plan) the number of new caravan pitches to be provided in each local planning authority area across the region, based on the outcome of a number of Gypsy and Traveller Accommodation Assessments (GTAA) carried out at the sub-regional level.

2. The new requirements to assess gypsy and traveller accommodation in this way have led to the need to update the draft South East Plan, by means of a partial review. This will eventually replace the existing transitional arrangements currently contained within the SEP.
3. A partnership of the five District Councils and the County Council in Oxfordshire has worked together, via officer and member steering groups, to interpret the results of the GTAA for the Thames Valley region (ACTVaR) as relate to Oxfordshire and advise SEERA on the need for traveller pitches in Oxfordshire, and how these should be distributed amongst the five districts. Their work concluded that 11 new gypsy and traveller pitches are likely to be required by 2011 to meet the backlog of need and future household growth in Oxfordshire to 2016. A further 31 pitches would be needed by 2016.
4. In October 2007, the City Council's Executive Board agreed to forward the advice recommended by the Steering Group to SEERA that 11 pitches were needed by 2011, 2 of which could potentially be accommodated in Oxford (see copy of minutes attached as **Annex 2**). However, the City Council has not agreed the option advised by other districts and the County to distribute all 42 pitches (provision to 2016) equally between the five district areas.

### **Options being consulted on**

5. The current public consultation by SEERA sets out four options for distributing gypsy and traveller pitches across the region (three options for travelling showpeople). These assume a regional need for 1,064 new pitches for gypsies and travellers, and up to 274 plots for accommodating travelling showpeople families. The overall number and distribution for Oxfordshire districts under each option is shown in **Annex 3**. You will note that Option A suggests nil (0) pitches be provided in Oxford, whereas Options B, C and D suggest provision of 8 or 9 pitches in the City (plus 1 travelling showpeople plot). The basis for the figures in each option can be summarised as follows:

Option A: Meet the need where it arises in each district;

Option B\*: Meet the need arising across Oxfordshire (42 pitches), but equally distribute this number between the five districts;

Option C: Equally distribute 50% of the need in Oxfordshire between the five districts; 50% of the need arising across the whole region to be apportioned regionally to districts, to take account of environmental constraints and population (as a proxy for where infrastructure and services are concentrated);

Option D: Equally distribute 75% of the need in Oxfordshire between the five districts; 25% of the need arising across the whole region to be apportioned regionally to districts, to take account of environmental constraints and population (as a proxy for where infrastructure and services are concentrated).

(\*Note that due to time constraints and smaller numbers overall, an 'Option B' for travelling showpeople accommodation is not included in the consultation.)

6. Under Options C and D, the overall provision expected from Oxfordshire is increased by around 50% and 100% respectively, compared with the level of need assessed locally. Under Options B, C and D, Oxford would be expected to accommodate a proportionally greater level of provision than has been identified as actually arising from the City itself. However, under Options C and D, the City's contribution would still be less than other Oxfordshire districts in absolute terms. In all cases, the number to be provided in Oxford would be below the average for district areas across the region (as might be expected for a small urban city council).

### **Suggested response**

7. The response drafted (**Annex 1**) clearly sets out that the City Council will continue to work with partners to find ways of providing and improving accommodation for local gypsy, traveller and showpeople communities. However, it also sets out some significant concerns regarding how some of the options and figures in the consultation paper were devised. Key points are:
  - i) Failure for the options to recognise the particular challenges facing highly constrained urban authorities, where suitable land is scarce and demand high for other uses;
  - ii) In particular, the lack of opportunities to develop edge-of-urban sites within tightly-drawn administrative boundaries;
  - iii) The possible implications of locating traveller sites in areas (such as in Oxford) that already face significant issues of socially excluded communities (which appears not to have been addressed);
  - iv) To question whether it is fair or appropriate to base three of the four options for Oxfordshire on simply splitting the County's provision between five districts, or redirecting provision from parts of the region that have a greater local need to provide – both of which skew provision away from where it is most needed.
8. As such, the response indicates **support for Option A**, and **does not support Options B, C or D**.
9. With regard to travelling showpeople, the same general principles have been applied in generating the options as for gypsies and travellers, albeit involving a less robust baseline assessment and far lower numbers. Evidence so far suggests a modest need to provide additional sites in

Oxfordshire, although a more robust travelling showpeople accommodation assessment, which will feed into the SEP process, is currently underway. The response sets out that the same general points made in relation to gypsies and travellers would apply to options generated for travelling showpeople.

### **Level of risk**

10. There is no identified financial or other risk associated with the recommendations in this report.

### **Climate change / environmental impact**

11. The only identifiable implication for climate change or the local environment is through supporting the general aim of providing additional accommodation for travelling communities. If additional development were to occur on greenfield land (whether in Oxford or elsewhere in the County), there may be some local environmental impacts, which would need to be assessed and, if necessary, mitigated.

### **Equalities impact**

12. There are clear implications for addressing equality issues. By supporting the overall aim of improving living standards for the travelling communities, the Council would be having a positive impact on equalising the rights and responsibilities of this part of the community. However, the rights and responsibilities of settled yet socially excluded residents in Oxford have also been considered, in pointing out the possible inappropriateness of co-locating new traveller communities with neighbourhoods in need of regeneration due to high levels of deprivation. It is considered that the contents of this report, and the draft response attached, strike an appropriate balance between these two considerations.

### **Recommendation**

13. Board to endorse the draft response to the consultation (**Annex 1**), and authorise the Head of City Development to forward the response to SEERA as the formal view of the City Council.

**Name and contact details of author:** Matthew Bates

**List of background papers:** Report to Executive Board, 8<sup>th</sup> October 2007 (Agenda Item 6: Consultation on the Advice to SEERA on Gypsy and Traveller Need)

**Version number:** 3

## **Partial Review of the Draft South East Plan**

### **Public Consultation 1<sup>st</sup> September – 21<sup>st</sup> November 2008: Response of Oxford City Council**

It should firstly be noted that Oxford City Council, as an administrative area, is rather different from the majority of district areas in the South East region outside London, and is very different compared with the four other districts in Oxfordshire. Unlike the other County districts (which are predominantly rural with market towns, whilst well-connected to transport networks), Oxford is characterised as predominantly urban, with a densely built form interspersed with fluvial floodplains, the Oxford Green Belt, and a patchwork of smaller, often historic parks, gardens and open space. The City's geographical extent is small due to its tightly drawn urban boundaries: the total area is about 46 square kilometres (with an estimated population of some 150,100<sup>1</sup>), of which some 50% is built-up; 27% Green Belt, and over 20% within Flood Zones 2, 3a or 3b (generally within the higher risk zones). Approximately 17% of the City falls within one of its 16 Conservation Areas. There is also a less well-known Oxford, characterised by pockets of high unemployment amongst its resident workforce, some areas of relatively high crime, health deprivation, and low educational achievement. For example, ten Super Output Areas in Oxford are amongst the 20% most deprived areas in England.<sup>2</sup>

#### **Options for Gypsies and Travellers**

The City Council worked closely with the other Oxfordshire authorities in preparing the original advice to SEERA, and supports the overall level of need shown for Oxfordshire under Option A. The Council is also mindful of its duties under the Housing Act 2004 to assess and address gypsy and traveller accommodation need alongside the housing needs of the settled communities, and will continue to work with its partners at the local and regional level to find the best way of meeting the accommodation needs and improving the living standards of the local travelling communities.

However, and in light of the introductory paragraph above, the City Council has significant concerns regarding the approach taken by the Regional Assembly to Options B, C and D (Section 6 of the consultation paper). Option B (for Oxfordshire) assumes equal distribution amongst districts, which is fundamentally flawed given Oxford's dense urban character and tightly-drawn administrative boundary relative to the other Oxfordshire districts. The basis for calculating pitch numbers in Options C and D also fail to recognise the inherent problems of identifying suitable sites in medium to high density urban areas, compared with edge-of-settlement locations which can lie beyond an urban district area administrative boundary. Options B, C and D therefore fail to acknowledge the particular difficulties of delivering even small sites in Oxford, where a very limited land supply coupled with huge competing demands for development present very real difficulties in securing the required site or sites. Hence it may prove especially challenging to find a suitable and deliverable site within the current City boundaries for a medium-sized development of 8 or 9 pitches, as suggested for Oxford in Options B, C and D.

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<sup>1</sup> ONS: 2004 based sub-national population projections

<sup>2</sup> Sourced from Oxford Core Strategy 2026: Proposed Submission (Oxford City Council, Sep 2008)

Having to potentially find a site or sites within a densely populated urban area (which in Oxford generally extends all the way out to the City boundary or green belt) also seems at odds with Gypsies and Travellers preferring edge-of-settlement and rural locations, both in Oxfordshire<sup>3</sup> and nationally, as stated in the Draft Guidance on the Design of Sites for Gypsies and Travellers (CLG, May 2007)<sup>4</sup>, which states in paragraph 3.2.3:

*“Many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment... Sites adjacent to light industrial areas... tend not to be popular because of their isolation, distance from local facilities and because of safety fears (when walking home at night for instance).”*

Hence, it is clear that there are very few potentially suitable locations within the administrative boundary of Oxford that would meet the preferences expressed by the majority of the community.

Also, the attached SA report concludes that *“baseline crime statistics at the local authority scale should be a consideration when promoting changes to the strategic allocation of pitches that depart from the level required to meet identified needs.”* Some parts of Oxford have a very much higher rate of crime (as reflected in local area deprivation indices) than other areas of Oxfordshire and the South East, and given also that these areas tend to be within outer suburban wards closest to where traveller sites are most likely to come forward<sup>5</sup>, this is a highly relevant consideration for Oxford. It is also questionable whether it would be wise to locate traveller sites close to those peripheral estates that fall within the 20% most deprived areas in the country (see Annex 1 attached), yet this may turn out to be the only option for finding a site in Oxford. Such considerations have not been incorporated in the distributions shown in Options B, C and D.

Commenting in detail on each option:

**Option A:** The City Council generally supports this option, which by definition reflects most accurately the preferences of the Gypsy and Traveller communities, and is therefore most closely aligned with *Circular 1/06 – Planning for Gypsy and Caravan Sites*. In the local context, there has been little immediate need for provision within Oxford City demonstrated by recent caravan counts (which have consistently shown no caravans within Oxford for the last two years). This option is also more likely to allow new pitches to be located closer or adjacent to existing sites, facilitating the continuation of community and family ties.

**Option B:** For the Oxfordshire area, this option reflects the advice agreed by the four rural districts and the County Council, **but has not been agreed by the City Council**, which feels the approach is inappropriate. The equal distribution of pitches put forward by our colleagues is based on the principle of shared responsibility, yet complies neither with Circular 1/06 (which is concerned with need where it arises), nor with the brief set for this option by SEERA which sought

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<sup>3</sup> A survey conducted by the Oxfordshire Partnership showed only 11% of Gypsies and Travellers would prefer a location within a town or city, compared with 44% preferring an edge-of-town. (Source: Oxfordshire advice submitted to SEERA in October 2007, Annex 2)

<sup>4</sup> <http://www.communities.gov.uk/documents/housing/pdf/322684.pdf>

<sup>5</sup> Indices of Deprivation 2007 – LSOA Analysis. Oxfordshire Data Observatory - [http://portal.oxfordshire.gov.uk/content/public/OCP/UO/themes/poverty/IMD\\_07/ID07\\_by\\_SOA.pdf](http://portal.oxfordshire.gov.uk/content/public/OCP/UO/themes/poverty/IMD_07/ID07_by_SOA.pdf)

*“a distribution which seeks to protect and enhance the natural environment, including its biodiversity and landscape character whilst making best use of previously developed land and existing or planned infrastructure provision; and facilitates access to employment opportunities and local services to support social inclusion.”* (Paragraph 6.1)

Furthermore, this distribution fails to recognise the unique position of Oxford within Oxfordshire as a highly constrained urban area: the City makes up just 1.7% of the total land area in Oxfordshire (29% of this 1.7% is also constrained by green belt designation, and beyond this significant areas of Flood Zone 2 and 3 extend into the built-up area). Yet Oxford is expected to accommodate approximately 20% of new provision if this principle is followed, despite being relatively poorly placed to successfully deliver one or more sites in location(s) suited to the intended occupiers.

**Options C and D:** The City Council does not support the principle of a region-wide redistribution of pitch provision. This seems diametrically opposed to the principle of identifying and meeting need at a local level set out in *Circular 01/2006*, and raises the issue of whether it is fair to expect the growing gypsy and traveller communities to be effectively forced to relocate to other parts of the region, possibly away from family and friends. (It is, after all, unlikely that this principle would ever be seen as acceptable with respect to conventional housing need, which is addressed as far as possible at the local level.)

The City Council also has very significant misgivings on the method for calculating this redistribution (the details of which have yet to be released to the local authorities affected). As set out above, the methodology used seems to assume that the most suitable locations, namely edge-of-urban locations, will always be within that district’s administrative boundary, which is simply not the case. Furthermore, the district figures calculated for Oxfordshire both use Option B as a starting point, which itself is flawed (for Oxfordshire) for the reasons stated above. This has resulted in the reapportionment under Options C and D being added onto a high base figure for Oxford (4 and 6 respectively) relative to the genuine need (assessed at nil for the period to 2016). If this approach were to ultimately be used, it would be more sensible to **use Option A as the starting point**, as it is this option which reflects spatially genuine need (and would assumedly have resulted in Options C and D for Oxford being a more realistic 3 - 5 pitches rather than the 8 or 9 suggested).

Overall in relation to Options B, C and D, the City Council would urge SEERA to consider devising an alternative to these options, if an element of spatial redistribution that departs from need is ultimately preferred. This should be based on the **proportion of unconstrained settlement boundary** (i.e. edge of built-up area *which sits within each district boundary*, and is not constrained by AONB, Green Belt, SSSI, SAC or Flood Zone 2/3), for each district. This would more accurately reflect the original SEERA brief for developing options<sup>6</sup>, in terms of balancing existing infrastructure with natural environment constraints, and would also minimise the risk of allocating sites which ultimately prove difficult to deliver.

### **Options for Travelling Showpeople**

The City Council has agreed with its partners within the Oxfordshire Partnership interim advice on the need for new plots to accommodate showpeople communities, based on a 1.5% per

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<sup>6</sup> Brief for Submission of Advice by Local Authorities (SEERA, December 2006)

annum population growth rate applied to all known households (2006 base year). This advice is reflected in the Option A figure for Oxfordshire of 7 new plots, which the City Council supports as an interim figure. The Oxfordshire Partnership are due to conclude work being undertaken by an external consultant to provide a hopefully more robust assessment.

As the basis for Options A, C and D are the same as for Gypsy and Traveller apportionments, the same general points made above would also apply to the calculations for travelling showpeople. However as an observation, it is perhaps questionable whether very small sites of one or two plots would be either cost-effective, or even workable, given the tendency of showpeople communities to live in larger groupings.

We would also urge further refinement of the means of distributing the 42 'spatially unattributable' families, as it is unrealistic to assume that the needs of these families can be met in this arbitrary manner. Without further information on the general locations of these families, it would be better to use the more robust local assessments of need as a basis for spatial distribution of all plots.

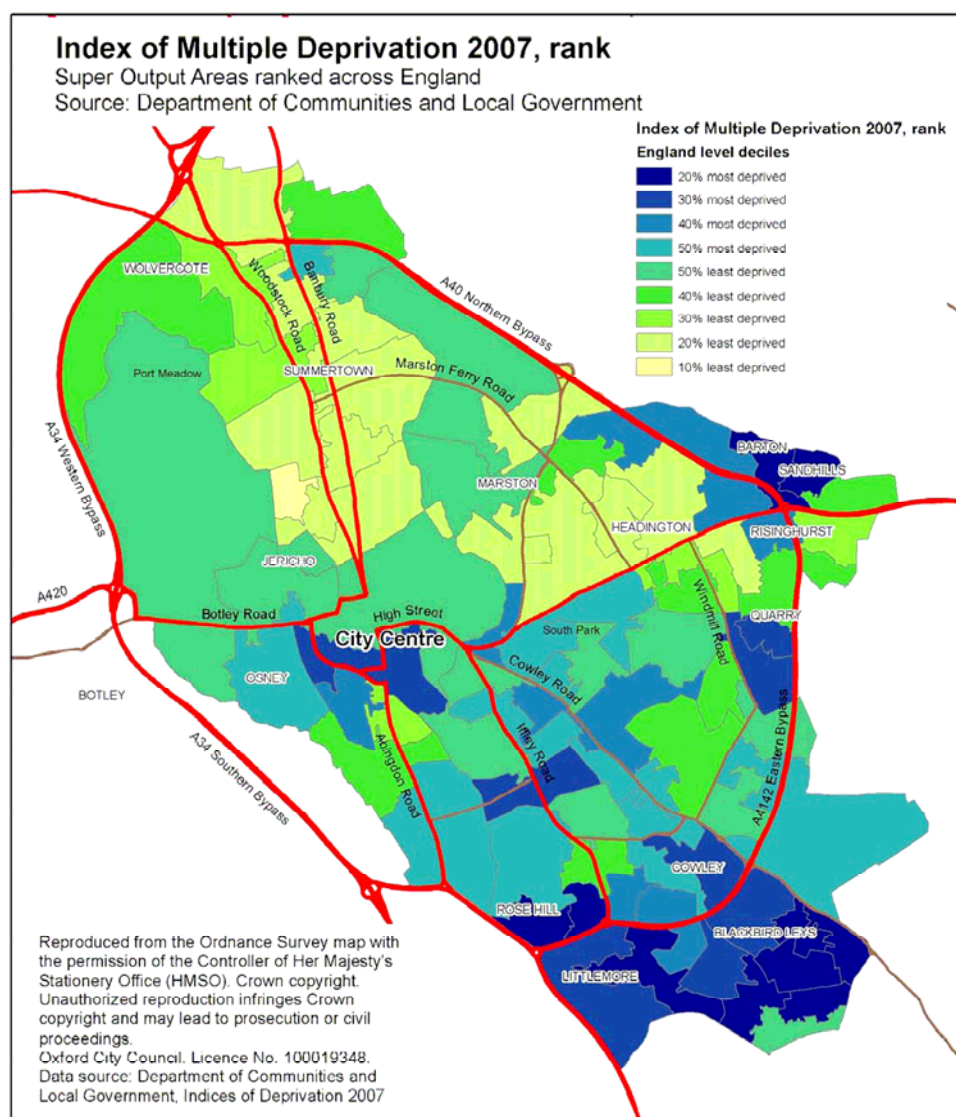


Figure 1: Index of Multiple Deprivation, Oxford by ward



**EXECUTIVE BOARD MINUTES MONDAY 8<sup>TH</sup> OCTOBER 2007**

**146. CONSULTATION ON THE ADVICE TO SEERA ON GYPSY AND TRAVELLER NEED**

The Planning Services Business Manager submitted a report (previously circulated and now appended).

Resolved that: -

- (1) it be confirmed that Oxford would be willing to accept development of two gypsy or traveller pitches to meet need during 2006-11 but was not willing at present to agree the allocation of a further 6 pitches for the period 2011-16;
- (2) the Planning Policy Business Manager be authorised to finalise completion of the SEERA advice pro-forma on the basis of this advice and submit the completed pro-forma to SEERA.

(No member voted against.)

## Annex 3

### EXTRACT FROM ANNEX B OF SEERA CONSULTATION PAPER: GYPSY AND TRAVELLER RESIDENTIAL PITCH OPTIONS 2006-2016

County grouping and Authority	Option A Need as arises	Option B Local sustainability	Option C 50% pooled	Option D 25% pooled
Cherwell	11	8	25	16
Oxford City	0	8	9	8
South Oxfordshire	17	9	14	12
Vale of White Horse	1	8	19	14
West Oxfordshire	13	9	21	15
<b>Oxfordshire</b>	<b>42</b>	<b>42</b>	<b>88</b>	<b>65</b>

Note that numbers in table refer to Gypsy of Traveller plots  
(a plot typically accommodates one household with 1.7 caravans)

### EXTRACT FROM ANNEX C OF SEERA CONSULTATION PAPER: TRAVELLING SHOWPEOPLE RESIDENTIAL PLOT OPTIONS 2006-2016

County grouping and Authority	Option A Need as arises	42 families Allocation by C/D approach	Option C 50% pooled	Option D 25% pooled
Cherwell	2	2	8	5
Oxford City	0	0	1	1
South Oxfordshire	3	2	4	4
Vale of White Horse	0	1	5	3
West Oxfordshire	2	1	6	5
<b>Oxfordshire</b>	<b>7</b>	<b>6</b>	<b>24</b>	<b>18</b>

Note that numbers in table refer to Travelling Showpeople plots  
(a plot typically accommodates one household plus equipment)