

Basildon Borough Gypsy, Traveller and Travelling Showpeople Accommodation Options Report

August 2018

Draft 4.0

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1 Introduction

1.1 Purpose

The purpose of this Options Report is to provide a review of the primary options available to the Council when considering the provision of new Gypsy, Traveller and Travelling Showpeople pitches and plots in the Borough to meet needs in accordance with national policy.

1.2 Evidence

This report has drawn from the following legislation, policy, evidence and supporting material, which is referenced where necessary:

- *Housing and Planning Act 2016 & Housing Act 1985*
- *Equality Act 2010*
- *Human Rights Act 1998*
- *Town and Country Planning Act 1990 (as amended)*
- *National Planning Policy Framework 2018*
- *Planning Policy for Travellers 2015*
- *Basildon Borough Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment 2018*
- *Basildon Borough Gypsy, Traveller and Travelling Showpeople Site Provision Study 2018*
- *Basildon Borough Stock Condition Modelling & Health Impact Assessment 2017*
- *Basildon Borough Publication Local Plan Service Impact Assessment 2018*
- *Basildon Borough Publication Local Plan Sustainability Appraisal 2018*
- *Basildon Borough Publication Local Plan (PLP) – March 2018*
- *Basildon Borough Draft Local Plan Statement of Consultation 2016*
- *Basildon Borough Draft Local Plan Service Impact Assessment 2015*
- *Basildon Borough Draft Local Plan Sustainability Appraisal 2015*
- *Basildon Borough Draft Local Plan 2016*

Other relevant pieces of legislation and Guidance informing this report are;

- *Town and Country Planning Act 1990*

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- *Planning & Compulsory Purchase Act 2004*
 - *Criminal Justice & Public Order Act 1994*
 - *Anti-Social Behaviour Act 2003*
 - *Human Rights Act 1998 (when making decisions and welfare assessments)*
 - *Housing Act 1996 (in respect of homelessness)*

1.3 Definition Context

Gypsies and Travellers have lived in Britain for at least 500 years. For the purposes of the English planning system, Gypsies and Travellers are defined as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.” (Planning Policy for Traveller Sites, 2015).

Many Gypsies and Travellers continue to pursue an active itinerant lifestyle and are generally self-employed. However, increasingly communities are becoming more settled, for reasons such as providing children with an education; accessing healthcare; and/or by virtue of some of the Gypsy and Travelling community being older or frailer.

The Government have recognised however that Gypsies and Travellers are not a uniform homogeneous community, but rather a group of communities, which share some features, but have their own histories and traditions. Even within each main group there is often fragmentation between different families, which emphasises the lack of a cohesive community and the need to avoid over generalisations. However, the main cultural groups are:

- Romany Gypsies;
- Irish Travellers; and
- New (Age) Travellers.

Romany Gypsies and Irish Travellers are recognised in law as distinct ethnic groups and are legally protected from discrimination under the Equality Act 2010.

Similarly, Travelling Showpeople have traditionally been involved in holding fairs and circuses in England for hundreds of years. For the purposes of the planning system, Travelling Showpeople are defined as:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their family’s or dependent’s more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers...” (Planning Policy for Traveller Sites, 2015).

1.4 Purpose

This report explores the main options for how the needs for Gypsies, Travellers and Travelling Showpeople who **meet the planning definition** could be accommodated in the Borough.

2 Legislation & National Policy

Local authorities are required to ensure that they comply with national requirements with regard to provision to meet the needs of Gypsy and Travellers and Travelling Showpeople. Requirements are set out within the Housing Act 1985 (as amended), Town and Country Planning Act 1990 (as amended) National Planning Policy Framework (NPPF), Planning Practice Guidance, Planning Policy for Traveller Sites (PPTS), Housing and Planning Act 2016, Equality Act 2010 and Human Rights Act 1998.

2.1 Legislation

In support of the Council's legal duties in respects of the Housing Act 1985 (as amended), it has assessed the needs of Gypsies and Travellers and Travelling Showpeople in the Borough. Such an assessment also meets the requirements of Policy A of the PPTS which seeks early and effective engagement with the settled and Traveller communities, to understand the current issues and understand their likely permanent and transit accommodation requirements over the lifespan of the Local Plan, working collaboratively with neighbouring local planning authorities.

With the introduction of the Housing and Planning Act 2016, an amendment was made to the Housing Act 1985 whereby local housing authorities have a duty to consider the needs of people residing in caravans and/or houseboats. Section 124 of the Housing and Planning Act 2016 also removed the duty on local authorities under the Housing Act 2004 to assess the accommodation needs of Gypsies and Travellers in their area as a distinct category. Instead, it specifies that local housing authorities should consider the needs of people "residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored". The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new 'planning' definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the Strategic Housing Market Assessment (SHMA)¹ process, and will form a subset of the wider need arising from households residing in caravans.

In addition, all public bodies have a Public Sector Equality Duty (PSED) in line with the Equality Act 2010. Whilst the Act does not define race, as mentioned in Section 1, case law has established that Roma Gypsies and Irish Travellers are covered by the Protected Characteristic of race under the Equality Act 2010.

¹ The SHMA is a technical study intended to help local planning authorities understand how many homes will be needed within a specific plan period. It also considers the housing needs of specific groups such as older people, minority groups and people with disabilities.

Local authorities therefore have a duty under to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations with Gypsies and Travellers.

2.2 Planning Policy for Traveller Sites

The Planning Policy for Traveller Sites sets out the Government's planning policy for Traveller sites, and should be read in conjunction with the NPPF. The document was last updated in 2015, which changed the definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system in England.

It states that the "overarching aim of Government is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community." It should be noted that given the definition expressed in (1), the 'settled community' including Gypsies, Travellers and Travelling Showpeople who have ceased to travel permanently, including those for cultural reasons and with legal ethnicity protections can continue to live in a caravan as of right.

Local planning authorities are required to:

- *Use a robust evidence base to establish accommodation needs;*
- *Set pitch and plot targets to address the likely permanent and transit site accommodation needs of Travellers in the area;*
- *Identify and update annually a supply of specific deliverable sites to provide five years' worth of sites against their locally set targets;*
- *Identify a supply of specific developable sites or broad locations for years six to ten and where possible for years 11-15; and*
- *Set criteria based policies to meet identified need and/or provide a basis for decisions in case applications nevertheless come forward.*

National policy identifies three key criteria for identifying appropriate sites for delivery through the planning system. To be deliverable within five years, or developable within years 6-15, sites should:

- *Be suitable – the site should be in a suitable location for development;*
- *Be available – the site should be available now, or there should be a reasonable prospect that the site is available at the point envisaged; and*
- *Be achievable – there is a realistic or reasonable prospect that it could be viably developed at the point envisaged. Local Planning authorities should identify sufficient deliverable sites to provide five years' worth of sites against locally set targets. For years 6 to 10 and where possible years 11*

to 15, they should identify a supply of specific developable sites or broad locations for growth.

Local planning authorities must therefore identify a supply of specific sites to meet the needs of these groups within their Local Plans in order to meet these distinctive national policy requirements.

2.3 National Planning Policy Framework 2018

The Government launched a consultation on the draft revised NPPF in March 2018, to seek views on additional policy proposals for revising national planning policy. The Government used this consultation as an opportunity to establish if there were any specific barriers to the provision of more authorised permanent and transit sites and if so, what action the Government could take to help overcome those barriers. On 24 July 2018, the revised National Planning Policy Framework was published and paragraph 61 establishes that in trying to deliver a sufficient supply of homes, policies should identify the size, type and tenure of homes required for different groups in the community (including Travellers). In respects of the Housing Delivery Test², the housing requirement for Gypsies & Travellers will be added to the NPPF requirement, meaning the Council will be monitored by the Government for how well sites are being delivered.

2.4 Planning Practice Guidance

The national Planning Practice Guidance (PPG) is a web-based resource that provides up-to-date guidance and further context to the NPPF, and is intended to be read together with the NPPF. Plan makers are expected to have regard to national policies and advice contained in the guidance when developing their plans, and it is a ‘material consideration’ when taking decisions on planning applications.

The guidance does not however include a specific section on Gypsies, Travellers and Travelling Showpeople in respects of plan-making. The only reference within the PPG is in Paragraph 034 (ID: 3-034-20141006) which states that:

‘Unmet housing need (including for Traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt’.

² The Housing Delivery Test (HDT) is the annual measurement of housing delivery performance in a plan-making authority area. It is the percentage measurement of the number of **net homes delivered** against the **number of homes required** in a plan-making authority area. Failing the test has implications for plan reviews and determination of planning applications.

This advice can however only be taken into account during decision-taking on planning applications within the Green Belt, and is not material in the plan-making process.

3 What is the Borough's Scale of Need?

3.1 Basildon Borough Gypsy and Traveller Accommodation Assessment 2018

The *Basildon Borough Gypsy and Traveller Accommodation Assessment 2018* (GTAA) has established the up to date forecast of need for new pitches and plots³ across the Borough up to 2034. It should be read in conjunction with the *Essex Gypsy and Traveller Accommodation Assessment 2018*, which established the scale of need for all other authorities in Greater Essex over the same time horizon.

The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in the Basildon Borough through a combination of desk-based research and engagement with members of the travelling community living on all known pitches/sites and plots/yards.

Households that were considered in the GTAA fall under one of three classifications, which determined whether their housing needs were assessed in the GTAA. Only those households that meet, or may meet, the planning definition referred to in Section 1 formed the components of need included in the GTAA. These categories include:

- Households that travel under the planning definition;
- Households that have ceased to travel temporarily under the planning definition; and
- Households where an interview was not possible who may fall under the planning definition.

Whilst the needs of households that do not meet the planning definition do not need to be included in the GTAA, they were assessed to provide the Council with components of need to be considered as part of its work on the wider SHMA and in turn, the broader Objectively Assessed Needs (OAN) . A summary of this need for households that do not meet the planning definition can be found in Appendix C of the GTAA.

A total of 81 interviews were completed with Gypsies and Travellers and 2 interviews were completed with Travelling Showpeople during 2017. In addition,

³ For the purposes of this planning policy, "pitch" means a pitch on a "Gypsy and Traveller" site and "plot" means a pitch on a "Travelling Showpeople" site (often called a "yard").

7 interviews were completed with Travellers living in bricks and mortar housing however, none of these met the planning definition.

For the Basildon Borough, it identified that for Gypsy & Travellers and Travelling Showpeople, which met the planning definition, the scale of need, broken down into 5 year epochs until 2034 as sought by the PPTS is as follows:

Table 1 Basildon Borough Gypsy, Traveller and Travelling Showpeople Needs 2016 2034 – Split into 5 year Epochs

Epoch	1-5	6-10	11-15	15-18	
Years	2016 – 2021	2021 – 2026	2026 – 2031	2031 – 2034	TOTAL
Gypsy & Traveller Pitch Needs	32	5	6	4	47
Travelling Showpeople	1	1	0	1	3
	COMBINED TOTAL 2016-2034				50

As well as calculating need for households that can be confirmed as meeting the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) also had to be assessed as part of the GTAA, where they were believed to be ethnic Gypsies and Travellers who may meet the planning definition. Notwithstanding these households were not interviewed as part of the GTAA process, they are still likely to have current and future accommodation needs and will place a growth demand on either the Gypsy, Traveller and Travelling Showpeople target or OAN. Whilst there is no specific law or guidance that sets out how the needs of these unknown households should be addressed, the GTAA notes that as approximately 10% of the population of Gypsies, Travellers and Travelling Showpeople in England meet the definition, it assumes 10% of the Borough unknown households could also meet the planning definition⁴. The needs of the remaining unknown households will therefore be considered as part of the wider SHMA, assuming those households do not meet the planning definition.

⁴ The full basis is set out in Appendix B of the GTAA

Table 2 Basildon Borough Gypsy, Traveller and Travelling Showpeople Needs 2016-2034 (Including Unknowns) – Split into 5 year epochs

Epoch	0-5	6-10	11-15	16-18	
Years	2016-2021	2021-2026	2026-2031	2031-2034	Total
Gypsy & Traveller Pitch Needs Known	32	5	6	4	47
Gypsy & Traveller Pitch Needs Unknown	Unknown 10% Allowance				6
Gypsy & Traveller Pitch Needs Know & Unknown	TOTAL 2016-2034				53
Travelling Showpeople Plot Needs Known ⁵	1	1	0	1	3
	COMBINED TOTAL 2016-2034				56

To conclude, as shown in Table 2, when accounting for all known and a reasonable proportion of unknown households the need for Gypsies and Traveller pitches and Travelling Showpeople plots that meet the definition as set out in the PPTS is 53 and 3 respectively.

⁵ There were no unknown Travelling Showpeople as all existing households met the planning definition.

4 What is the Borough's Site Potential?

4.1 Basildon Borough Site Potential Study 2018

All sources of potentially new sites were investigated in the *Site Potential Study 2015* which was updated to account for the new planning definition as the *Site Potential Study 2018 (SPS2018)*. The objective of this study was to assess potential sites to determine if they are suitable, available and achievable in line with the PPTS as set out in Section 2 and thereby updating the *Site Potential Study 2015*. The results of this study must inform the development of relevant policies and allocations in the emerging Local Plan and guide the consideration of future planning applications for Gypsy, Traveller and Travelling Showpeople sites. The base date for the Site Potential Study is September 2016, ensuring it correlates with the latest GTAA.

4.2 Approach

The methodology used in the Site Potential Study 2018 was developed in line with the Government's Planning Policy for Traveller Sites and the NPPF. This followed the following steps:

Task 1: Policy Review

- *A review of national and local policy relevant to planning for Gypsy and Traveller and Travelling Showpeople sites was undertaken to inform the identification of site assessment criteria and conclusions.*

Task 2: Review Site Assessments Undertaken in 2015

- ***Task 2a – Update Site Assessments and verify Source of Sites***

The sources were:

- *All authorised sites – All existing Gypsy, Traveller and Travelling Showpeople sites with full, temporary or personal planning consents or certificates of lawful use, were assessed for further full planning permissions and for intensification and/ or expansion of the existing sites*
- *Unauthorised sites – All existing unauthorised and tolerated sites and unauthorised encampments were assessed*
- *Call for Sites – All sites promoted for Gypsy and Traveller and/or Travelling Showpeople uses by their landowners during specific Gypsy, Traveller and Travelling Showpeople Call for Sites in 2014*

-
- *Council-owned land – Land in the ownership of Basildon Borough or Essex County Council promoted for development purposes*
 - *Surplus Public Sector Land – Land owned by other public sector bodies*
 - *Housing and Economic Land Availability Assessment – land promoted for Gypsy and Traveller and/or Travelling Showpeople uses*
 - *Gardiners Lane South – Land owned by Homes England, located in Gardiner’s Lane South Comprehensive Development Area, not subject to restrictive covenant preventing the stationing of caravans*
- **Task 2b – Stage 1 Initial Site Assessment** – desk based study to apply broad suitability criteria including absolute constraints (such as flood risk, ecological designations, land contamination, heritage assets, etc.), together with an initial investigation of likely availability for Travellers who meet the definition. All sites were categorised against a Red Amber Green (RAG) matrix. All sites not listed as a ‘Red’ could continue to more detailed Stage 2. This resulted in five sites not being able to be appraised in Stage 2 due to being at risk of flooding or unavailable.
 - **Task 2d⁶ – Stage 2 Detailed Site Assessment** – all sites visited by consultants and suitability, availability and achievability assessed in more detail. Rejected sites identified and justified within study.

All Stage 2 sites were provided to Basildon Council and Essex County Council for comment by technical officers, including highways, historic environment and environmental health.

All Stage 2 sites were subject to an independent landscape appraisal, undertaken by Enderby Associates, which examined the sites in relation to potential impacts on landscape character & visual amenity and on Green Belt purposes, if relevant.

The potential to provide suitable mitigation to reduce any landscape or visual impacts was also considered including the opportunity for compensatory measures.

With regards to Green Belt, the sites were considered within the context of the ‘parcels’ within which they lie as defined in the Basildon Borough Green Belt Review 2017. The degree to which development within potential sites would conflict with Green Belt purposes was considered in the context of the overall purpose of the Green Belt and the first three

⁶ There was no Stage 2C, which was caused by a typographical error in the SPS2018.

Green Belt purposes (checking unrestricted sprawl preventing neighbouring towns from merging and safeguarding the countryside from encroachment.

Para 3.8.11 of the Site Potential Study 2018 concluded that there are a number of sites which are located close to each other and have the potential to amount to a cumulative impact (in both landscape and Green Belt terms) depending on how or if they are developed. No individual sites were rejected on cumulative impact and each site has been assessed on its own merits. The Council have been specifically advised however that when considering the Study, it will need to “consider cumulative impacts, which includes whether a planning judgement needs to be made that taken together with neighbouring uses, is further development acceptable in planning terms”.

In addition, Stage 2 considered the residential amenity of existing properties, as well as initial assessments on the noise and pollution impacts of neighbouring uses on potential Gypsy, Traveller and Travelling Showpeople sites, such as the presence of existing employment uses, railways, roads and electricity pylons. An accessibility assessment was also undertaken looking at the proximity of each site to key services and facilities such as bus stops, train stations, primary and secondary schools, shops and a GP facility.

- **Task 2e – Capacity & Delivery** – all sites considered potentially suitable, available and achievable were then subject to an initial broad assessment of the capacity of the site in terms of the number of pitches or plots that could be provided on site. This took account of:
 - Size and shape of site and character of adjoining area;
 - Former national guidance: *Designing Gypsy & Traveller Sites*, (CLG, 2008);
 - *Travelling Showpeople’s Sites – A Planning Focus*, (Showman’s Guild, 2007);
 - Any relevant planning history; and
 - Templates of good site layouts.

4.3 Conclusion

Stage 1 – resulted in 5 sites **being rejected** as set out in Appendix E of the Site Potential Study for reasons of flood risk and availability. All sites which did not receive a “red” at Stage 1 were considered further for a more detailed assessment at Stage 2.

Stage 2 – resulted in 104 sites **being rejected**, where it was considered that there was no potential for further provision on the site, where various site constraints precluded further development, given legal/ownership issues, poor access, unacceptable impact on the Green Belt, landscape, ecology, heritage asset and/or impacts on residential amenity, as set out in Appendix F of the SPS2018.

Stage 2 – resulted in the identification of 27 existing Gypsy and Traveller sites which whilst considered potentially suitable for further Gypsy and Traveller pitches or Travelling Showpeople Plots, the GTAA 2018 had already identified the status of their households as non-travelling or unknown. Therefore, the sites are **not currently available** for Travellers who meet the planning definition, and cannot be counted towards meeting the needs of the 53 pitches identified, as set out in Appendix G of the SPS2018.

Taking the above into account, a shortlist has therefore been prepared of the most suitable, available and achievable sites to meeting identified Travelling needs, using the following sequential spatial locations:

1. *Sites with potential for Gypsy, Traveller or Travelling Showpeople development beyond the Green Belt (Appendix H of the SPS2018); and*
2. *Sites with potential for Gypsy, Traveller or Travelling Showpeople development inside the Green Belt (Appendix I of the SPS2018).*

4.4 Additional Site Search 2018

Members requested officers to revisit the sites promoted by the Council, to determine if any vacant or under-utilised land remained untested in the SPS2018. In discussions with the Council's Corporate Property team, this search revealed the following:

- I. Wat Tyler Country Park, Former Pitsea Landfill Site and Untidy Industry Site, Pitsea;
- II. Break Egg Hill, Billericay; and
- III. Harrow Road, North Benfleet.

Wat Tyler Country Park

This site is located within the Green Belt, and is in a low lying part of the Borough which has historically been used for landfill, and also supports nature conservation designations. An assessment similar to that undertaken in the SPS2018 for Stage 1 was carried out on this site.

Residential development, including the siting of caravans for residential use, is not normally permitted in areas within Flood Risk Zone 3, due to the risk it poses to human life and property. Development generally is not normally permitted in Sites of Special Scientific Interest (SSSI), unless it exceptionally benefits the SSSI, for example maintenance compounds and some recreational facilities. There are also risks to human health associated with landfill including exposure to contaminants and risks associated with below ground fires. When these main constraints are overlaid with the Council's landownership at Wat Tyler there are only 2 small parcels unaffected.

The first of these is the western portion of the car park at the main visitors centre. This could potentially accommodate 2 pitches. The provision of pitches on this site would still attract an objection for residential development from the Environment Agency, as the access to and egress from the site is affected by flood risk, and any caravans would therefore be cut off in the event of a flood posing a risk to human life of the occupants.

The second portion is the boat storage area to the south of the Country Park at Vange Wharf. This could potentially accommodate 4 pitches. Again, however, this site would still attract an objection for residential development from the Environment Agency, as the access to and egress from the site is affected by flood risk, and any caravans would therefore be cut off in the event of a flood posing a risk to human life of the occupants.

Consequently, the land in Council ownership at Wat Tyler Country Park would be rejected at Stage 1 of the assessment set out in the SPS2018 due to environmental, heritage and flood risk constraints present across the site's land area.

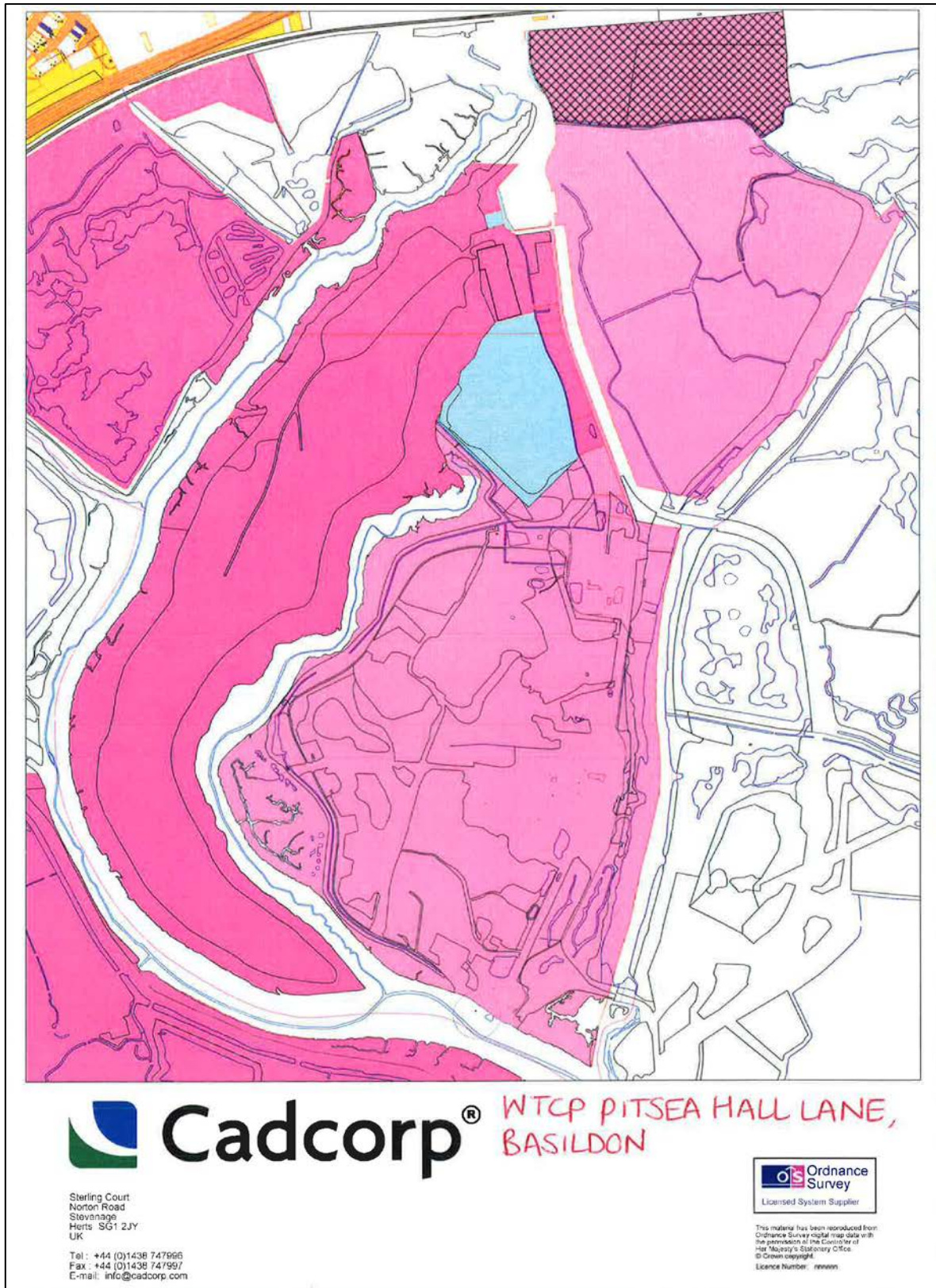


Figure 1: Land in Basildon Council's ownership at Wat Tyler Country Park

Break Egg Hill, Billericay

This is a Green Belt site located within the Break Egg Hill Plotland. This plotland area sits just outside the urban area of Billericay located to the south and west.

The land in Council ownership was appraised against the Stage 1 assessment criteria in the Site Potential Study, in order to determine whether there is any potential for the site to accommodate pitches/plots. Upon assessment, the site was deemed to satisfy the broad suitability criteria at Stage 1, including absolute constraints, environmental designations and land availability.

The site was considered further at Stage 2 to provide a more detailed assessment of suitability, potential capacity and an examination of developability. Break Egg Hill Plotland was assessed as part of the *Basildon Borough Plotland Study 2017* and the *Green Belt Infill Policy Topic Paper 2017*, which considered how sustainable development, consistent with the NPPF, can be delivered in Plotland areas.

The Plotland Study concluded that Break Egg Hill Plotland should remain undeveloped due to the presence of dense vegetation. The development of these vegetated areas would affect the rural character of the area, and its sense of enclosure from the wider landscape. Nonetheless, it was considered that a number of plots fronting Break Egg Hill to the north, have the potential to deliver up to three new homes. However, these may be geographically challenging due to sloping in the area.

The Green Belt Infill Policy Topic Paper specifically considered where infilling could occur, to ensure that any infill development would only be exceptionally permitted so as not to impact on the openness of the Green Belt and be suitably in character with the area. Having regard to the local policy criteria for Green Belt Infill, Break Egg Hill Plotland is considered to have no potential for infill development.

In addition to the site constraints already identified and detailed within the above studies, highway access would make the site unsuitable for further consideration at Stage 2. Access to this plotland area is via Break Egg Hill which although made up to a passable standard, does not benefit from footpaths or street lighting. While site access can be improved, this is unlikely to be capable of resolution without considerable expense. The site's relationship and close proximity to existing adjacent residential uses would also make it unsuitable, due to its potential impact on residential amenity (light, visual, and other disturbance).

Consequently, the land in Council ownership at Break Egg Hill would be rejected at Stage 2 of the assessment set out in the SPS2018 due to issues

relating to topography, site access and safety, Green Belt, landscape, and residential amenity.

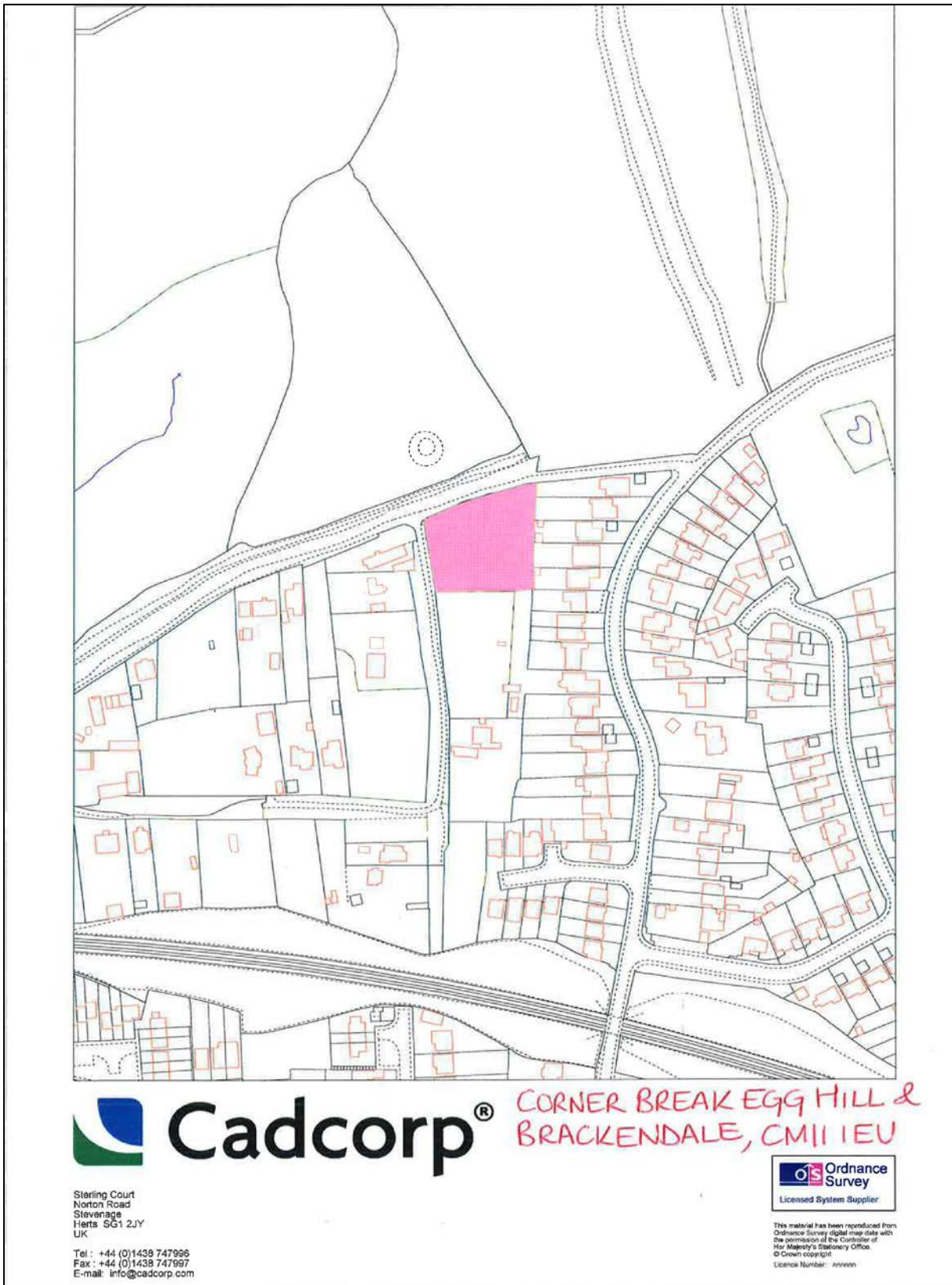


Figure 2: Land in Basildon Council's ownership at Break Egg Hill, Billericay

Harrow Road, North Benfleet

This site is in a designated Neighbourhood Area. It is located within the Green Belt, and was assessed as part of the SPS2018. The site passed the SPS2018 assessment at Stage 1. However, the SPS2018 concluded that site *BAS131 - Harrow Road, NE of North Benfleet Plotland*, had no potential for further Gypsy and Traveller provision due to unacceptable impact on landscape character and purposes of the Green Belt. The site was therefore rejected at Stage 2.

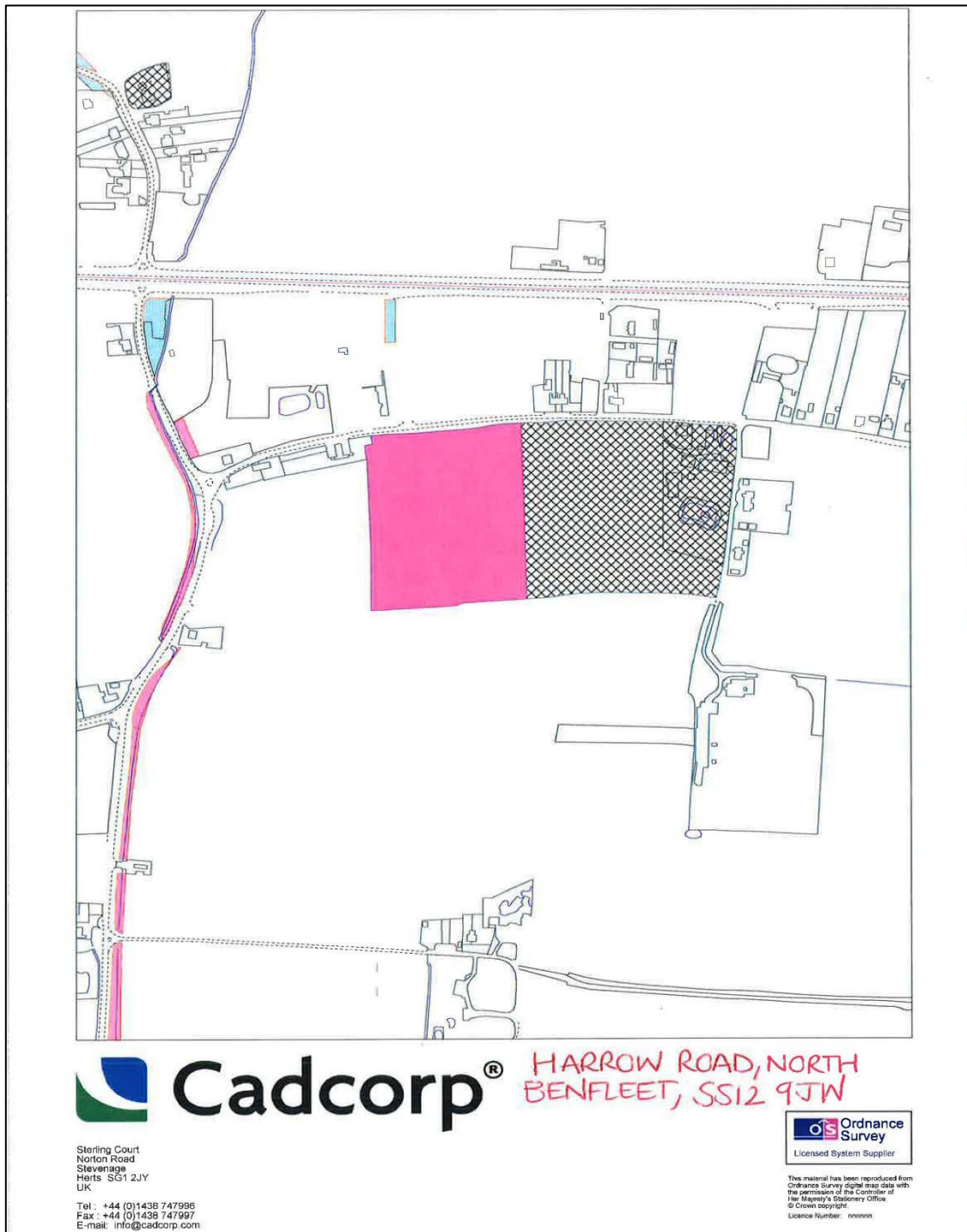


Figure 3: Land in Basildon Council's ownership at Harrow Road, North Benfleet

Summary

- Land in Council ownership at Site (i) Wat Tyler Country Park, would be rejected at Stage 1 of the assessment set out in the SPS2018 due to environmental, heritage and flood risk constraints present across the site's land area.
- Land in Council ownership at Site (ii) Break Egg Hill, would pass Stage 1, but would be rejected at Stage 2 of the assessment set out in the SPS2018 due to issues relating to topography, site access and safety, Green Belt, landscape, and residential amenity.
- Land in Council ownership at Site (iii) Harrow Road, passed Stage 1, but was rejected at Stage 2 of the SPS2018 assessment due to unacceptable impact on landscape character and purposes of the Green Belt.

Additional Site Search Conclusion

Taking the above into account, none of the additional sites identified as vacant or under-utilised, and promoted by the Council, are suitable, available or achievable sites to meeting the identified Travelling needs within Basildon Borough.

5 What are the Spatial Options?

Drawing from the findings of the SPS2018 and additional searches as set out in Section 4, it is considered the following key Spatial Options are available within the Borough:

- a) *Non-Green Belt locations*
- b) *Existing Green Belt Gypsies, Travellers and Travelling Showpeople locations (Hub Model)*
- c) *Local Plan Strategic Sites being removed from the Green Belt*
- d) *Hybrid of a) to c)*

These are appraised below in order to consider to what extent they could contribute to meeting identified needs.

5.1 Spatial Option A) Non-Green Belt Locations

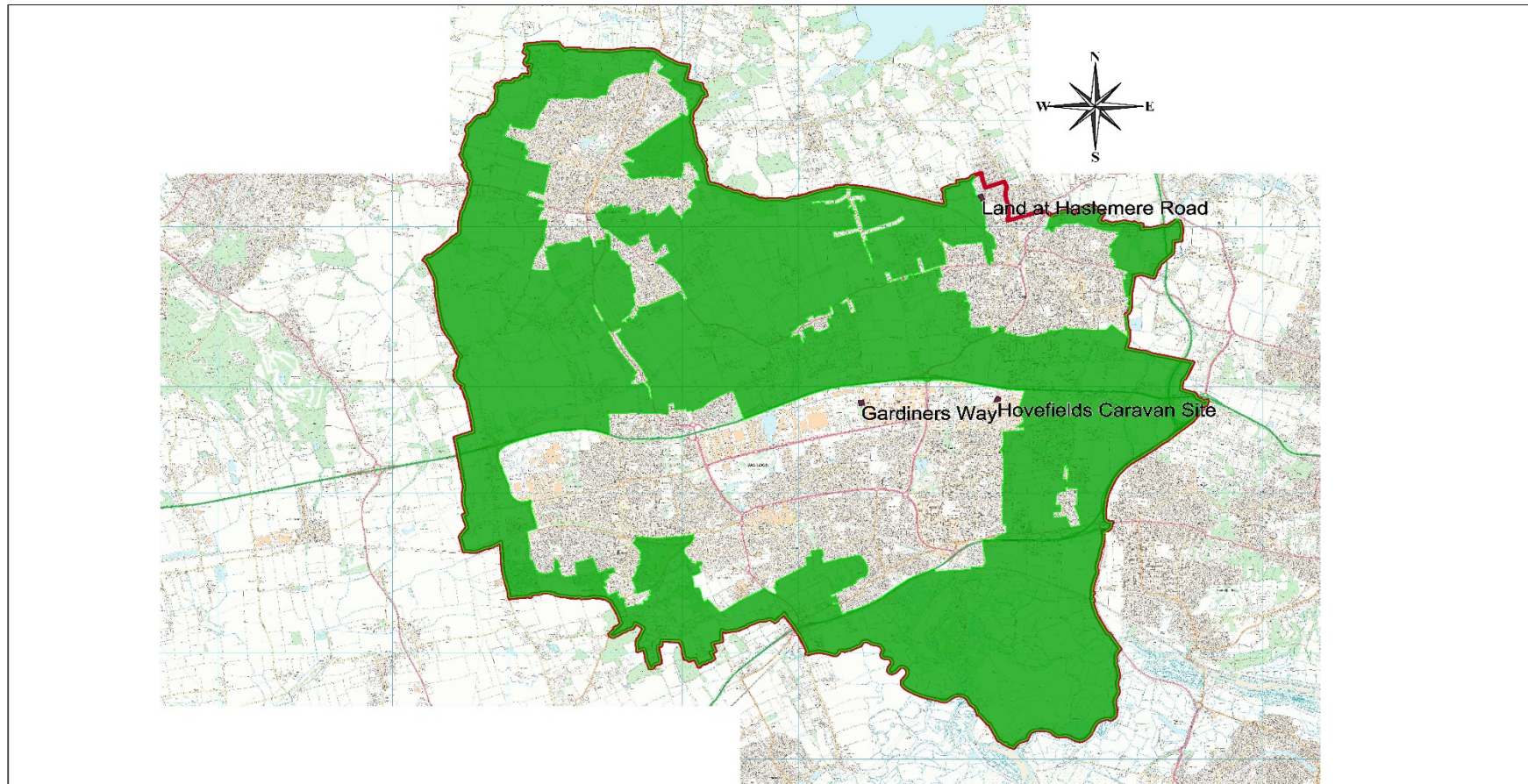
Summary of Option

As with other development, urban locations are generally more sustainable due to a better proximity to wider range of supporting infrastructure and services, including healthcare and education. It is consistent with paragraphs 117 and 137 of the NPPF to maximise the use of previously-developed or brownfield land for the purposes of residential development and other uses, in order to reduce the pressure to build in greenfield and Green Belt locations. Sequentially therefore, the NPPF directs the Local Plan to have first considered urban locations for meeting its identified need for development, before it considers land outside urban boundaries. There are also three Serviced Villages⁷ which contain land not within the Green Belt, where there is access to some services, but not of the same order as in urban areas.

New Gypsies, Travellers and Travelling Showpeople within the Borough, who meet the planning definition could therefore be accommodated in non-Green Belt locations. This can include urban areas in Basildon (including Noak Bridge and Steeple View), Billericay (including Great Burstead & South Green), Laindon, Pitsea, Wickford (including Shotgate), and villages of Bowers Gifford, Crays Hill, and Ramsden Bellhouse. Little Burstead, North Benfleet and Dunton are excluded under this Option as they are in the Green Belt.

⁷ This includes the 'serviced villages' of Bowers Gifford, Crays Hill and Ramsden Bellhouse as identified in the Basildon Borough Settlement Hierarchy Review 2015, but excludes the un-serviced settlements/Plotlands.

Non Green Belt Gypsy & Traveller Sites



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Figure 4: Map showing Green Belt and Non Green Belt locations, and Existing and Promoted Non Green Belt Gypsy & Traveller Sites

What has the evidence said?

Using the methodology set out in Section 2, the Site Potential Study 2018 and other evidence for the Publication Local Plan concluded the following three non-Green Belt sites exist in the Borough:

- *Hovefields Public Site – 0 pitches – currently has 25 pitches but has no room to expand;*
- *Gardiners Lane South – 10 pitches as per Publication Local Plan March 2018 on uncovenanted part of site⁸ - also suitable for ‘Traveller’ Travelling Showpeople plots; and*
- *H15: Barn Hall, Wickford - Former Haslemere Road Allotments, Wickford – allocated in the Development Plan 1998 for residential and capable of accommodating 10 pitches*

Appraisal

Beyond these locations, it is not considered that non-Green Belt locations offer much by way of pitch/plot capacity. Whilst it is reasonable to assume that some locations in urban areas could be suitable for Gypsy & Traveller & Traveller Showpeople pitch provision in future, none have been promoted for such purposes and such locations in town centres, employment areas and within existing neighbourhoods will have other competing land use demands which may mean that unless they are in public ownership, they could not be relied upon to come forward. The SPS2018 Appendix H sets out those sites in urban areas reviewed, but discounted due to open space, biodiversity and highway designations. Whilst some windfall potential could exist from these sources, it cannot be relied upon in the short to medium term to help provide towards meeting needs and would instead need to be monitored alongside the reviews of the Local Plan. In order not to lose any potential supply from these non-Green Belt sources, the Publication Local Plan policy should capture positively this potential windfall supply through flexible policy wording permitting Gypsy and Traveller and Travelling Showpeople development in suitable locations should they become available in the plan period to comply with NPPF, PPTS and PSED.

Looking at the Borough’s non-Green Belt potential, the sites which are considered to be suitable and available, and have the potential to contribute towards future supply, are not however considered deliverable until after 2021 (year 6 onwards), meaning that they cannot contribute towards the 5 year land supply required by the PPTS.

⁸ The SPS2018 also considered the site of the current Basildon Rifle & Bore Club at Gardiners Lane South. This area has also however been subject to a High Level Development Framework and it is considered that a combination of achieving the site’s wider redevelopment and sport club relocation, together with likely decontamination would not result in this site coming forward for specialist housing given viability is more challenging.

Source	2016 – 2021 (5yr)	2021 - 2034
Gardiners Lane South, Basildon	-	10
Haslemere Road Allotments, Wickford⁹	-	10
TOTAL	Nil	20

There is therefore a maximum urban potential of 20 pitches split between Basildon and Wickford. However, these would not be available until after 2021, due to the need to undertake further masterplanning and planning processes to bring forward these sites alongside linked residential development proposals.

The Gardiners Lane South site is predominantly publically owned land (Homes England), located within the urban area of Basildon, and is currently allocated as Comprehensive Development Area in the Basildon District Local Plan 1998. The site is suitable for 10 Gypsy and Traveller pitches.

The Haslemere Road site is also publically owned (Basildon Council), but given its former allotment use, is still subject to Secretary of State approval for disposal or appropriation in accordance with Section 8 of the Allotments Act 1925, thus enabling the residential land allocation to be delivered. At the meeting of the Infrastructure, Growth and Development Committee in February 2018, the 10 pitches at Haslemere Road in Wickford, previously present in the Draft Local Plan 2016 were removed from the potential supply following its judgement that as the site could deliver around 30 bricks and mortar homes, it could better contribute towards meeting unmet housing needs. This reduced the potential supply from non-Green Belt sites to 10 pitches, at Gardiners Lane South Basildon only.

There are therefore two options arising from the urban potential:

A1) Maximum Non-Green Belt Potential – deliver 20 pitches in Basildon & Wickford for Gypsies & Travellers that meet the planning definition, but which cannot reliably contribute towards need until after 2021.

A2) Minimum Non-Green Belt Potential – deliver 10 pitches in Basildon for Gypsies & Travellers that meet the planning definition, but which cannot reliably contribute towards need until after 2021, assuming Haslemere Road is ruled out on the same terms as previously.

⁹ Determined by the Infrastructure, Growth and Development Committee in Feb 2018 as being unsuitable, despite SPS conclusions in view of judgements about unmet housing needs.

Summary

- Spatial Option A) can provide a minimum of 10 pitches, and a maximum of 20 pitches towards need; between **18.9% and 37.7% of need post 2021**.
- Spatial Option A) alone cannot meet 53 pitches of Gypsy & Traveller need and 3 plots of Travelling Showpeople need by 2034.
- Spatial Option A) cannot meet 5 year land supply required by PPTS2015 and more readily available sites will be required to meet needs which if relied upon would mean a soundness risk against compliance with national planning policy and could mean temporary planning consents/ appeals continue in the Borough.

5.2 Spatial Option B) Existing Gypsy, Traveller and Travelling Showpeople Non-Urban locations (Hub Model)

Summary of Option

The *SPS2018* and Spatial Option A demonstrates that the Council has firstly considered the site options available outside the Green Belt against its Gypsy and Traveller and Travelling Showpeople needs, but is able to conclude that the level of supply identified in non-urban locations is insufficient to meet the current needs of the borough. This is the same conclusion as that previously reached when preparing the Publication Local Plan that exceptional circumstances may therefore exist to consider the review of Green Belt boundaries and the identification and allocation of sites within what is the current extent of the Green Belt; both those near the edges of towns and villages and those which are within more rural locations.

An option for meeting the Gypsy and Traveller and Travelling Showpeople needs, for those which meet the definition is to determine whether there are rural areas which have the capacity to help meet future need.

What has the evidence said?

The current existing Gypsy & Traveller sites/pitches are spread across Basildon Borough, with the highest concentration of pitches already located to along the A127 corridor to the east of Basildon, south of Wickford and south of Crays Hill. All of the existing Travelling Showpeople plots are in south Wickford. Most of this provision is located within the Borough's Plotland areas within the Green Belt.

Although the majority of existing 'Travelling' Gypsy and Traveller sites are located in the Green Belt, some of these have been identified by the *SPS2018* as not being suitable for further expansion due to adverse impacts on Green Belt purposes.

A total of 7 Green Belt sites were identified within the *SPS2018*, as potentially available and suitable for future contribution locations for meeting Gypsy and Traveller needs. The sites with potential within the Green Belt are within locations of existing pitch clusters and could potentially provide a further 16 additional pitches. Of the 7 sites identified, only 5 are existing Gypsy and Traveller sites being considered for intensification, while the remaining two are new sites, not previously developed.

There are no sites within the Green Belt identified as potentially available and suitable for meeting future Travelling Showpeople needs meaning this *must* be met from other Spatial Options.

Appraisal

The majority of sites promoted by private individuals for Gypsy Traveller and Travelling Showpeople provision through the Call for Sites and Housing and Economic Land Availability Study (HELAA) that was used to form the basis of the *SPS2018* were mainly located in or around existing areas where Gypsies and Travellers live. This option is therefore likely to provide more private, rather than public sites. It could however contribute better to the 5 year land supply as required by the PPTS and identified in Table 2, as many of these sites are more readily available, as it focuses on providing new pitches on existing Gypsy and Traveller and Travelling Showpeople sites, and on land that is already owned by Gypsies and Travellers and Travelling Showpeople.

The Council is already actively seeking to permit through the Publication Local Plan, limited residential infill in these Green Belt locations for bricks and mortar housing, subject to restrictive policies to manage the scale and massing of development, alongside mitigating adverse impacts. It is therefore considered that it has already made a judgement that these areas have some potential to contribute to unmet housing needs and therefore are already departing from the NPPF policy which seeks to steer such development into non-Green Belt areas. In order to comply with the PSED and Equality Act 2010, an assessment as to whether these areas could also help meet the needs of those Gypsy and Traveller and Travelling Showpeople households that do meet the definition needs to be explored.

Much of the Borough's existing pitch provision for Gypsies and Travellers and all plot provision for Travelling Showpeople is already in rural Green Belt locations, much of which is within Plotlands, which are already home to around 5,000 people who live in bricks and mortar housing. Some Plotlands are also already the locations of temporary, tolerated and unauthorised private Gypsy, Traveller and Travelling Showpeople sites.

Spatial Option B could therefore encourage 'hubs' to develop around the Borough in these locations; flexing their potential to contribute towards development needs, whilst maintaining their rural setting through appropriate landscaping, massing and boundary

treatments. Such a move to create ‘hubs’ could present an opportunity to see existing sites becoming more regularised and intensified through the Local Plan policies. This could, in turn, have the effect of changing this land’s planning potential and how development is managed into the future.

Spatial Option B has been tested previously to some extent and was a substantial part of the proposed accommodation strategy in the Draft Local Plan 2016 – which at the time sought to provide 62 pitches in this way. In considering the comments made in the public consultation, some communities however felt that continuing to promote such an approach, risked conflicting with the PPTS test that the provision of new nomadic Gypsy, Traveller and Travelling Showpeople pitches/plots should not be in Green Belt, nor dominate the nearest settled community; which could be an issue particularly in the Plotlands to the south of Wickford and Crays Hill, given the existing pitch provision and where community cohesion has historically been more of an issue.

The Council tested this through the Draft Local Plan Sustainability Appraisal 2016, and scored worse than its reasonable alternatives, given the preferred option was providing fewer pitches for the Borough’s Gypsy and Traveller communities than alternative available options. Similarly, should this option be pursued more favourably now, it has to be noted that it would not be capable of delivering all of the needs and other Spatial Options would need to be considered, to offset sustainability impacts¹⁰.

In addition the Service Impact Assessment for the Draft Local Plan 2016, identified negative impact and inequality to the Gypsy, Traveller and Travelling Showpeople population, had the Draft Local Plan proposals been pursued, given the relatively low scale of provision from Green Belt locations against the then identified need¹¹.

Whilst there is no longer a nationally recommended maximum scale of pitches to locate on a site, it is considered that it remains best practice to try and ensure that any new sites (including those that could be created by expanding pitch provision on site or nearby) are around 15 pitches in size. Applying such a pitch limit would help ensure compliance with the PPTS, and seek to help create more manageable and safely designed sites into the future. It should also help foster better community cohesion by avoiding dominating the nearest settled community; but that PPTS test itself is complex in Basildon Borough given the settled community includes the majority of Gypsies and Travellers which live in the Borough (but whose travelling status does not meet the planning definition). Consequently, in September 2016, the former Cabinet responded to consultation concerns and agreed to explore other ways of delivery, including whether there were any site potential options in Billericay and West Basildon.

¹⁰ It is important to note however that the GTAA that informed the Draft Local Plan 2016 identified a need of 255 pitches in 20 years as it pre-dated the PPTS definition change.

¹¹ It is important to note however that the GTAA that informed the Draft Local Plan 2016 identified a need of 255 pitches in 20 years as it pre-dated the PPTS definition change.

If the 'hub model' was to be pursued, it is important to note that the PPTS does not permit the Council to provide Gypsy and Traveller pitches for households which meet the definition within the Green Belt. In order to overcome this, it is possible for Local Planning Authorities to 'inset' sites from the Green Belt (meaning they would 'cookie-cut' from the Green Belt and allocated specifically for Gypsies and Traveller needs, whilst all other land around them would remain in the Green Belt). This would ensure compliance with the NPPF and Policy E of the PPTS. The Council would have to concede however that in some locations it would result in a departure of maximum pitch numbers due to the cumulative impact of locating existing and new sites in close proximity to one another as raised in para 3.8.11 of the SPS2018; or alternatively refrain from expanding some hubs if it considered the cumulative impact should be avoided.

The majority of sites promoted by private individuals for Gypsy, Traveller and Travelling Showpeople provision through the Call for Sites and Housing and Economic Land Availability Study (HELAA) that was used to form the basis of the SPS2018 were mainly located in or around existing areas where Gypsies and Travellers live. This option is therefore likely to provide more private, rather than public sites. It could however contribute better to the 5 year land supply as required by the PPTS and identified in Table 2, as many of these sites are more readily available, as it focuses on providing new pitches on existing Gypsy and Traveller and Travelling Showpeople sites, and on land that is already owned by Gypsies and Travellers and Travelling Showpeople.

Given the piecemeal nature of some of the existing sites and the varying degrees of access to facilities such as schools, education and highway as sought by PPTS (and NPPF for settled development), this approach is likely to mean that some of these locations will be found to be less sustainable, when compared to alternative approaches and judgements will need to balance the matters of supply, deliverability, Green Belt impact and sustainability carefully.

Spatial Option B Conclusion

This shows that it would be possible to designate Gypsy, Traveller and Travelling Showpeople Hubs based on existing locations with future potential in the Borough in the following broad locations:

- *A127 Corridor (Urban and Green Belt coverage¹²)*
- *South Wickford Plotlands (Green Belt)*
- *Crays Hill Plotland (Green Belt)*

¹² Broad spatial area that could include existing provision at Hovefields Avenue, Cranfield Park Avenue and new provision potential at Gardiners Lane South and anything delivered in E6.

- *North Benfleet Plotland (Green Belt)*
- *Crooked Brook Plotland, Fobbing (Green Belt)*

1. What are the sites which are suitable and available for Gypsy and Travellers in these hub locations?

The following sites were identified in the Site Potential Study as being suitable and available for the provision of pitches for Gypsies and Travellers.

Source	2016 – 2021 (5yr)	2021 – 2034
Hovefield and Honiley, and Fairmead Plotland (BAS025; BAS031; BAS077; BAS078)	12	Nil
Crays Hill Plotland (BAS075)	1	Nil
North Benfleet Plotland (BAS156)	1	Nil
Crooked Brooke Plotland Fobbing (BAS110)	2	Nil
TOTAL	16	Nil

2. What are the other sources of potential pitch supply in these hubs that would still be compatible with the Gypsy & Traveller definition?

The Council could also choose to allocate, and upon receipt of a planning application, authorise any unauthorised sites where households live which meet the definition. This would require the Council to cease its operational enforcement actions on such sites and invite planning applications if it was minded to approve them. This would generate a further 9 pitches which could be within the first five years of the plan, as follows:

- *7 pitches in Fairmead Plotland (inc. Hovefield & Honiley);*
- *2 pitches in North Benfleet Plotland;*

3. Are there other sources of potential supply from within the hubs, but where the travelling status of occupants/owners is unknown?

The Council could also choose to allocate sites within hubs, but where the household status is unknown, and upon receipt of a planning application and evidence of Traveller status, authorise any unauthorised sites with Traveller households which meet the definition. This would require the Council to cease its operational enforcement actions on such sites and invite planning applications. This could

generate up to a further 26 pitches should they meet the definition and be approved, potentially within the first five years of the plan, as follows:

Allocating and authorising (but, subject to planning permission) unauthorised sites with Traveller households where the status is unknown, if they could be confirmed:

- *10 pitches in Fairmead Plotland (inc. Hovefield & Honiley);*
- *15 pitches in North Benfleet Plotland;*
- *1 pitch in Crays Hill Plotland.*

4. Could any temporary sites be allocated and subject to planning permission authorised to become permanent sites?

There are currently 6 pitches in North Benfleet which benefit from temporary planning permission where a more proactive approach could be followed. The Council could choose to allocate these pitches to become permanent, and upon receipt of a planning application and evidence of Traveller status, authorise permanent provision on these sites. This could generate up to a further 6 pitches in North Benfleet, potentially within the first five years of the plan. The GTAA however could not identify the status of these households and the supply may therefore not contribute towards the needs of Gypsy and Travellers who meet the definition, which would not be able to count towards this need, although it could count towards needs met for the settled community of which non-definition gypsies and traveller are a part.

5. Can any further intensification happen on/ near existing authorised pitches where there is the room to expand the sites?

A number of existing Gypsy and Traveller sites were deemed potentially suitable for further pitches, but the GTAA identified the travelling status of households as 'Non-Travelling' or 'Unknown'. So, although these sites are potentially suitable, the *SPS2018* has drawn a conclusion that these pitches/sites are deemed not available for 'Travelling' Gypsy and Traveller development should the status of occupying households be confirmed. This could potentially generate up to a further 16 pitches, some within five years in the following locations:

- *11 pitches in Fairmead Plotland (inc. Hovefield & Honiley);*
- *5 pitches in Crays Hill Plotland*

What is the maximum possible pitch supply from existing 'hubs'¹³?

Source	2016 – 2021 (5yr)	2021 – 2034	Uncertain
SPS18: Hovefield and Honiley, and Fairmead (BAS025; BAS03; BAS077; BAS078)	12	Nil	Nil
SPPS18: Crays Hill (BAS075)	1	Nil	Nil
SPPS18: North Benfleet (BAS156)	1	Nil	Nil
SPPS18: Fobbing (BAS110)	2	Nil	Nil
(1) TOTAL	16	Nil	Nil
Unauthorised Pitches Fairmead	7	Nil	Nil
Unauthorised Pitches North Benfleet	2	Nil	Nil
(2) TOTAL	9	Nil	Nil
Unauthorised Pitches in Hovefields & Honiley	Nil	Nil	10
Unauthorised Pitches in North Benfleet	Nil	Nil	15
Unauthorised Pitches in Crays Hill	Nil	Nil	1
(3) TOTAL	Nil	Nil	26
Temporary Pitches North Benfleet	Nil	Nil	6
(4) TOTAL	Nil	Nil	6
Intensified Fairmead Plotlands	Nil	Nil	6
Intensified Crays Hill	Nil	Nil	5

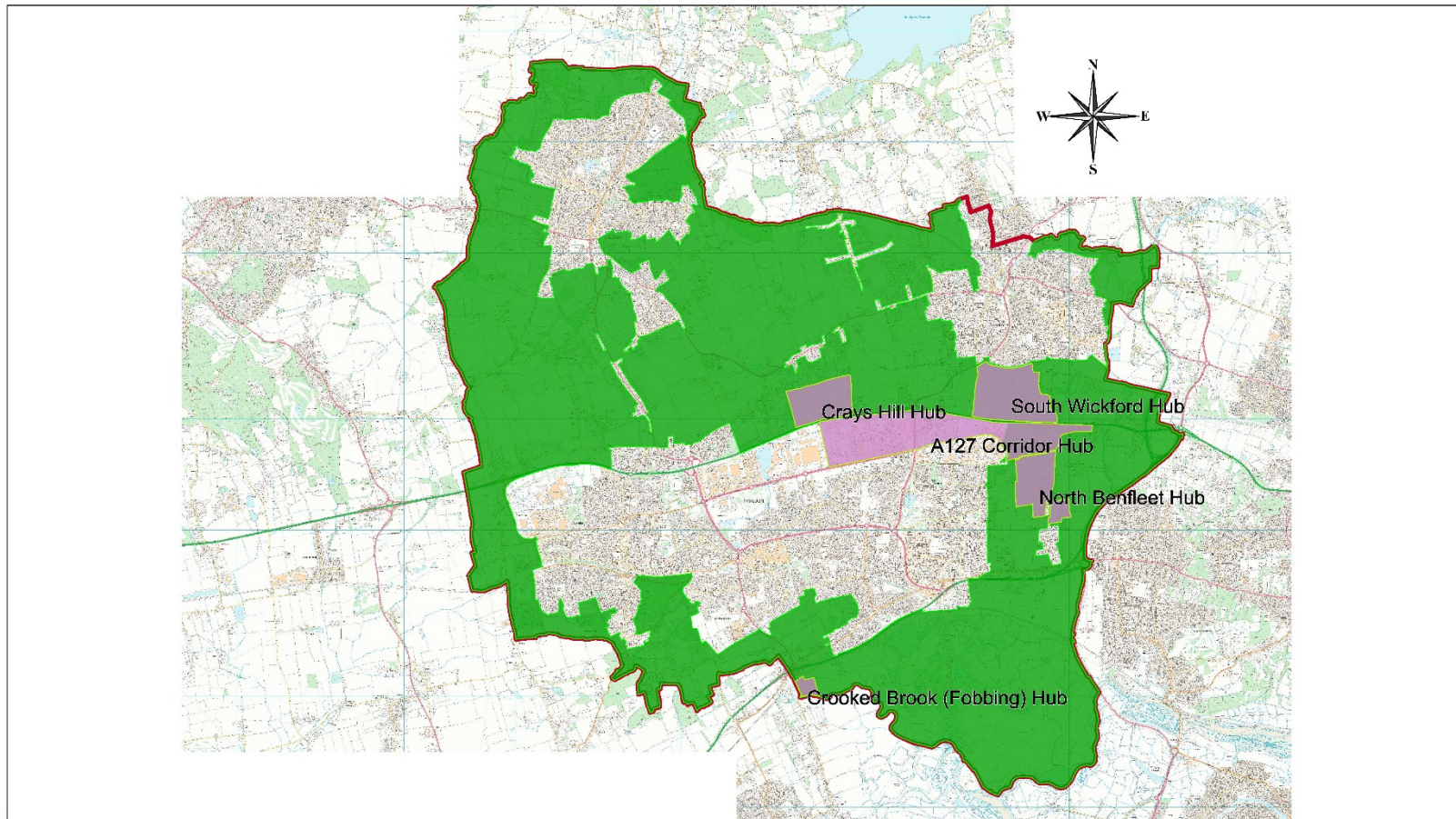
¹³ Maximum totals assumes 'unknown status' households are confirmed as meeting the definition, or sites are allocated and acquired for the purposes of meeting needs.

Source	2016 – 2021 (5yr)	2021 – 2034	Uncertain
Intensified Hovefields & Honiley	Nil	Nil	5
(5) TOTAL	Nil	Nil	16
TOTALS (1-5)	25	Nil	48

Summary

- Spatial Option B) on its own could provide between **30.2% and 47.2%** of need post 2019 and between 50% and 78% of the five year land supply required by PPTS2015, as more readily available sites will be provided through this approach.
- Spatial Option B) would however mean taking a different stance on existing unauthorised sites and enforcement action in Plotlands, particularly Fairmead, and North Benfleet.
- Spatial Option B) alone cannot with any degree of certainty, meet 53 pitches of Gypsy & Traveller need by 2034.
- Spatial Option B) would result in increasing Gypsy and Traveller development in more rural locations which would conflict with the PPTS.

Potential Gypsy, Traveller and Travelling Showpeople Hubs



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Figure 5: Map showing an Illustration of Potential Gypsy, Traveller and Travelling Showpeople Hubs in Basildon Borough

5.3 Spatial Option C) Strategic Sites released from the Green Belt

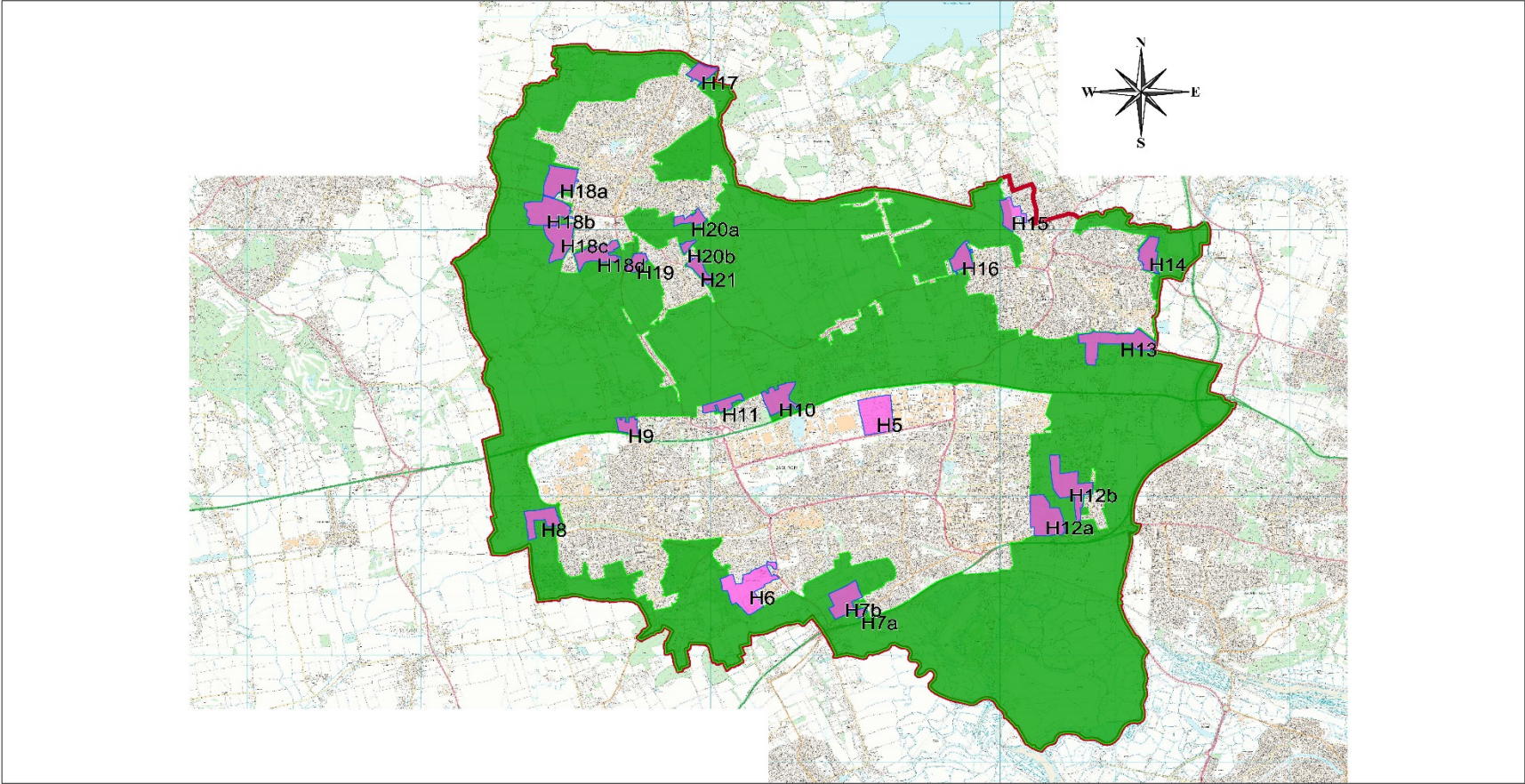
Summary of Option

New planned strategic sites are proposed to have new or improved access to facilities such as healthcare, education and highway and are therefore considered highly sustainable for eventual occupants. There is potential therefore that as development locations the Strategic Sites offer suitable locations for new Gypsy and Traveller sites for households that meet the definition as sought by the PPTS.

All but two of the Strategic Sites that are being considered by the Council are being proposed to be released from the Green Belt, as a result of a judgement of exceptional circumstances for meeting housing needs in the Borough being demonstrated. If allocated by the Local Plan, these sites would no longer be in the Green Belt, but would be part of the new urban land supply, highlighting that this approach could potentially crossover into Spatial Option A, if pursued.

This spatial option helps accommodate the mix of communities being sought by the NPPF and PPTS, and is considered as a new emerging practice for meeting Gypsy and Traveller and Travelling Showpeople needs in the most sustainable and well-planned way. There are already examples within the country, of local planning authorities planning for the future provision of sites for travelling communities by allocating sites for housing which require developers to provide serviced pitches/plots for private sale to Gypsies, Travellers or Travelling Showpeople, or to housing associations and Councils for public sites. For instance, Mid Sussex District Council have specifically set out this type of requirement in adopted policy (Mid Sussex District Plan 2014 – 2031), for a future urban extension. Chelmsford City Council and Guildford Borough Council have also included this approach in their submission plans.

All Strategic Sites (PLP, March 2018)



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Figure 6: Map of All Strategic Sites – Potential Gypsy, Traveller and Travelling Showpeople Spatial Locations

What has the evidence said?

The *SPS2018* concluded that it was unable to identify enough suitable and available sites to meet the 5 year supply and year's 6-10 as broad locations identified within the GTAA for Gypsies, Travellers and Travelling Showpeople who meet the planning definition. It recommended that in order to address needs, the Council should therefore consider the following additional measures:

- *Allocate provision for Gypsy and Travellers and Travelling Showpeople sites as part of Strategic Sites in the Local Plan; and/ or*
- *Work closely with neighbouring authorities through the Duty to Cooperate to potentially deliver Basildon Borough's need within other local authority land boundaries.*

The *SPS2018* concludes that in order to address the unmet need for Gypsy and Traveller and Travelling Showpeople, the Council should consider identifying further sites, including as part of strategic land allocations in the Local Plan. It recommended that the Council should consider the continued allocation of comprehensive sites for mixed-use development within the revised Local Plan, with the potential to provide for Gypsy and Traveller and/or Travelling Showpeople pitches/plots for households who continue to meet the definition. Delivery of any Gypsy and Traveller and Travelling Showpeople provision as part of these Strategic Sites will however need careful consideration to determine capacity, and ensure that both site viability and implementation of Council policy, such as affordable housing or design standard requirements are not as a result undermined.

By means of an update to the Basildon Borough Whole Plan and Community Infrastructure Levy Viability Appraisal in January 2018, it has been possible to test whether Strategic Sites remain viable, whilst including Gypsy, Traveller and Travelling Showpeople provision, with all other Local Plan policy-on requirements still being met.

The following Strategic Sites¹⁴ were found to remain viable whilst providing a maximum of 2 pitches for every 100 homes, as part of their housing mix:

- *H7: London Road, Vange;*
- *H12a/E6: East Basildon/Burnt Mills;*
- *H13: South Wickford; and*
- *H18: South West Billericay.*

¹⁴ In addition to H5 – Gardiners Lane South and H15 – Barn Hall, Wickford which feature in Option A

This approach to meeting the pitch and plot needs within Strategic Sites was pursued in the Publication Local Plan, March 2018, and assessed against sustainability and equality impacts.

The Publication Local Plan Sustainability Appraisal March 2018 identified significant positive effects for Policy H3, Gypsy, Traveller and Travelling Showpeople Accommodation Strategy, because the policy facilitates and promotes the delivery of a significant number of pitches/plots for Gypsies, Travellers and Travelling Showpeople, which meet the definition, across the Borough over the Plan period. Similarly, no negative impact or inequality was identified within the Publication Local Plan Service Impact Assessment, March 2018, on the Gypsy, Traveller and Travelling Showpeople population.

Appraisal

This approach to meeting Gypsy and Travellers and Travelling Showpeople needs has the potential to achieve a more balanced, rather than spatially focussed distribution of new Gypsy, Traveller and Travelling Showpeople pitches/plots around the Borough. It would also help to address the impact that no specific new sites have been promoted in some parts of the Borough, for Gypsy, Traveller and Travelling Showpeople development as expressed as a concern in earlier consultations. It is therefore necessary to consider the role Strategic Sites being considered for residential uses in the Local Plan could have in securing new provision, through their housing mix.

This option also offers the opportunity for different methods of delivering pitches/plots including as public sites gifted by developer, by housing associations, charity groups or private enterprise. It is therefore considered that, in principle, there is potential for those Strategic Sites that are larger in size to contribute to a broader housing mix than mainstream private and affordable homes, and include Gypsy, Traveller and Travelling Showpeople pitches/plots as part of their development, which would also ensure compliance with the Public Sector Equality Duty and the Equality Act 2010.

Given their proximity to the A13/A127 strategic road network and its junctions, some of these Strategic Sites identified above could also offer better locational solutions to nomadic Travelling Showpeople needs in particular, which Spatial Option A and B cannot deliver. Whilst it is recognised relying on this approach solely could delay the delivery of new plots until after the first 5 years, it is considered unavoidable due to the shortage of suitable site supply. This would mean the Council could not meet the PPTS requirements of identifying a rolling 5 year land supply for Travelling Showpeople and may need to concede temporary consents in other locations until this provision comes online.

To summarise:

- *H7 - the proposed allocation in Vange has good access to local amenities, schools, Basildon Hospital and the town centre, and is easily accessible via the A13. This location is therefore capable of delivering new homes as well as Gypsy and Traveller pitches/Travelling Showpeople plots. It is also close to the existing Gypsy and Traveller community in Fobbing. Whilst the site was assessed to be viable, it is worth noting that viability is generally weaker in the Basildon area and more susceptible to change in the local and national economy. It could therefore be the case that other policy requirements such as S106, affordable housing, infrastructure etc., would need to be waived on this site if viability worsens.*
- *H12/E6 - East Basildon/Burnt Mills is the only Strategic Site which was already considered to face viability challenges to deliver self-financing developments and supporting infrastructure, given the significant highway infrastructure costs required. What is however more unique about the H12 component is that it includes land owned by the Council. The Council could use part of its land holdings to facilitate the delivery of a new public/private site in this area, which could help overcome the specific viability issue and help meet the Housing Delivery Test. The Strategic Employment Allocation E6 area would make a good Travelling Showpeople location due to proximity to existing and proposed upgrades to the strategic road network, which could accommodate the mixture of open storage and residential, with the latter secured with appropriate landscaping and design to protect residential amenity. Delivery is however unlikely before 2021 due to need for masterplanning of the wider area, Green Belt release and phased delivery of wider sites aligned with infrastructure.*
- *H13 - Land South of Wickford is adjacent to the urban area of Wickford, and in close proximity to existing Gypsy and Traveller pitches/Travelling Showpeople plots in Fairmead Plotlands (including Hovefields and Honiley). The site is close to the A127, which alongside new housing development should benefit from planned improvements to the strategic and local highway network as part of the strategic development in the Local Plan. Viability is assessed to be generally good in Wickford.*
- *H18 - South West Billericay is the largest site allocation in the Local Plan for Billericay. The Basildon Local Plan and CIL Viability Update Study 2018 reveals that housing values in Billericay are higher than those elsewhere in the borough, therefore viability is generally very good in Billericay. The allocation is contingent upon the proposed relief route, which allows for the provision of walking, cycling and pedestrian movements would also serve to improve accessibility in the area. There are currently no established Gypsy and Traveller pitches/Travelling Showpeople communities in this part of the borough, and the deliverability of pitches/plots in this location is likely to be in the longer term when linked with Strategic Site release within H18.*

Spatial Option C Conclusions

This shows that it would be possible to designate Gypsy & Traveller & Travelling Showpeople pitches as part of allocations on the following sites:

All Viable Locations	2016 – 2021 (5yr)	2021 – 2034 (6-10+)
H7: Vange	Nil	8 Gypsy & Traveller pitches
H12a: East Basildon/ E6: Burnt Mills	Nil	13 Gypsy & Traveller pitches ¹⁵ and 3 Travelling Showpeople Plots
H13: South Wickford	Nil	15 Gypsy & Traveller pitches
H18: South West Billericay	Nil	15 Gypsy & Traveller pitches
TOTAL Gypsy & Traveller Pitches	Nil	51 pitches
TOTAL Travelling Showpeople Plots	Nil	3 TS Plots¹⁶

Summary

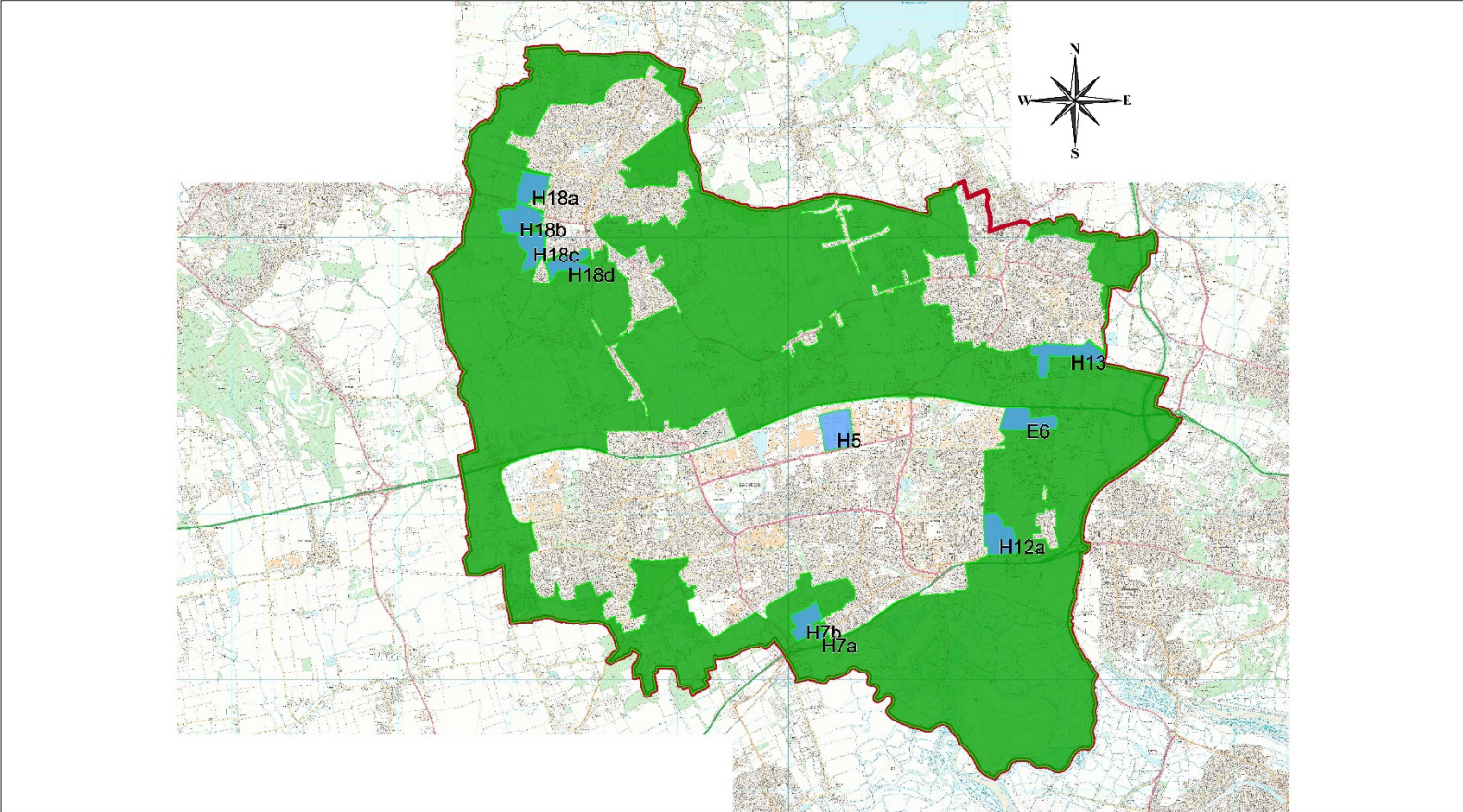
- Spatial Option C) on its own could provide **96.2% of need post 2021**, but this supply would only be unlocked alongside the phasing of Strategic Sites up to 2034, many of which require infrastructure investment and land preparation, which could set back their delivery.
- Spatial Option C) could not provide any sites towards the five year land supply required by the PPTS.
- Spatial Option C) will secure pitches on sites removed from the Green Belt, but only using land already judged to have exceptional circumstances as part of meeting traditional housing needs.
- Spatial Option C) would mean the provision of the first purpose built Gypsy and Traveller and Travelling Showpeople sites, which could be well designed and planned to limit their impact on the local environment and make them safe for residents.

¹⁵ Based on area outside neighbourhood area (650 homes)

¹⁶ Based on assessed need for Travelling Showpeople sites

-
- Spatial Option C) will secure pitches on sites promoted for traditional forms of housing. This will require strict application of plan policies in order to secure the necessary supply, which in turn can help provide purpose-built and well-managed Gypsy and Traveller sites.

Shortlisted Strategic Sites for Gypsy, Traveller and Travelling Showpeople Provision



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Figure 7: Map showing Shortlisted Strategic Sites for Gypsy, Traveller and Travelling Showpeople Provision

5.4 Spatial Option D) Combination of A, B or C

Option D would seek to combine elements of options A, B and/or C in order ensure sufficient supply of sites for the accommodation of Gypsies, Travellers and Travelling Showpeople across the plan period, including the first 5 years.

The table presented below shows that there is sufficient supply within the options available to meet the full need arising from the GTAA. This means that there are various permutations available within option D, depending on the elements of each option selected.

In considering if Option D is pursued, and which options should form part of it, it is worth noting the relative merits of each component option:

Option A – comprises sites outside the Green Belt. These sites are preferable in respect of national planning policy. It is acknowledged however that the Basildon Local Plan has already deduced from evidence that it cannot accommodate all of its development needs (housing (including Gypsies and Travellers) and economic development) within the existing urban areas, which has led to consideration of the Green Belt. The sites potentially available under option A cannot be delivered within five years.

Option B – comprises sites within the Green Belt. These sites have largely been promoted by the Gypsy and Traveller community, and can make a contribution towards the 5 year housing land supply. Beyond the initial suitable and available sites however, there is less certainty about this being a reliable supply and should it be followed the Council would need to reconsider its operational approach to planning enforcement in the impacted areas.

Option C – comprises sites which would be removed from the Green Belt as part of the Local Plan. These sites have however been promoted by housing developers and it would be necessary to secure delivery through strict masterplanning and policy requirements. These sites could secure provision of the necessary number of well-planned sites, including public provision. However, due to masterplanning requirements this would not be within the first five years.

What is the maximum potential across Spatial Options A, B and C?

Source	2016 – 2021 (5yr)	2021 – 2034	Uncertain
Gardiners Lane South, Basildon	-	10	Nil

Source	2016 – 2021 (5yr)	2021 – 2034	Uncertain
Haslemere Road Allotments, Wickford	-	10	Nil
(Spatial Option A) TOTAL	Nil	20	Nil
Suitable and Available for Travelling Gypsy & Traveller	16	-	-
Allocating and authorising any unauthorised sites with Traveller households which meet the definition	9	-	-
Allocating and authorising unauthorised sites with Traveller households where the status is unknown	-	-	26
Allocating and authorising temporary sites with Traveller households where the status is unknown	-	-	6
Intensifying existing authorised pitches where there is the room to expand the sites, and where the status is unknown	-	-	18
(Spatial Option B) TOTAL	25	Nil	48
H5: Gardiners Lane South	-	10	-
H7: Vange	-	8	-

Source	2016 – 2021 (5yr)	2021 – 2034	Uncertain
H12a: East Basildon	-	13	-
H13: South Wickford	-	15	-
H18: South West Billericay	-	15	-
E6: Burnt Mills	-	3	-
(Spatial Option C)	Nil	64	Nil
TOTAL			
COMBINED TOTAL (Options A-C)	25	74¹⁷	48

Summary

- Spatial Option A and B together amount to between **49.1% and 84.9% of need post 2019 and 2021**. This combination of options does not therefore meet the need in full and would risk the soundness of the Local Plan if limited to these Options alone, given evidence exists that further suitable supply is available to meet needs.
- Spatial Option B and C together amount to between **126.4% and 143.4% of need post 2019 and 2021-2034**, with the latter's release for development influenced by the phasing of the linked Strategic Sites. This does meet the need in full and provide flexibility should there be delivery issues with some sites. The soundness of the Plan would be at risk if the Council pursued these options, without unlocking the potential of the non-Green Belt areas covered by Option A as the NPPF requires this as part of the sequential process prior to considering Green Belt locations.
- Spatial Option A and C together amount to between **115.1% and 133.9% of need 2021-2034**, with the latter's release for development influenced by the phasing of the linked Strategic Sites. This meets the need in full and provides some flexibility should there be delivery issues with some sites. However it could not provide any sites towards the five year land supply required by the PPTS, which if relied upon would mean a soundness risk against compliance with national planning policy and could mean temporary planning consents/ appeals would be necessary in the Borough until land supply is released.
- Spatial Option A, B and C together amount to between **145.3% to 181.1% of need 2019-2034** being able to be delivered across all sites. This meets the

¹⁷ Gardiners Lane South sits within option A and option C. The total has therefore been reduced by 10 pitches to remove double counting.

need in full, including up to 78% of the 5 year land supply as required by the PPTS and provides a greater degree of flexibility should there be delivery issues with some sites, including accounting for those in Spatial Option B which may not be available if Traveller household status was found to not meet the definition. Spatial Option C could then contribute to clearing the backlog presented after five years to varying degrees.

- Spatial Option A, B and C would optimise the range of sites and tenures that could be made available in the Borough.

6 Other Relevant Considerations

6.1 Green Belt

National policy in relation to Gypsy and Traveller accommodation resists the location of pitches within the extent of the Green Belt. If option B is therefore pursued, it will be necessary to inset sites (cut holes in the Green Belt) to meet the needs of Gypsies and Travellers. It will be important as part of this process to understand which sites are being inset, and why. However, such an approach is based on current knowledge of promoted sites, and could therefore appear quite arbitrary in practice.

Over time, other sites within or nearby hubs may become available to Gypsy and Traveller families. The Council will need to determine how to deal with applications for such sites, as arguably, they may have been deemed suitable if they had been promoted now, and would have been inset and not subject to Green Belt policy. A criteria-based policy may be required to sit alongside any allocations made under option B in order to deal with such eventualities. Ideally, this would be based on the assessment methodology used in the Site Potential Study in order to provide a fair and consistent basis for assessment.

Option C's sites have already been judged as the optimal locations to release from the Green Belt following the consideration of exceptional circumstances. Once allocated, they would not be part of the Green Belt and therefore should be favourable locations for all housing development, including Gypsies and Traveller and Travelling Showpeople households which meet the definition.

6.2 Enforcement Activities

Within Option B, a number of the identified hubs for Gypsy and Traveller accommodation are areas where existing operational planning enforcement action is underway by the local planning authority. It is recognised that this enforcement action is being taken because development has occurred without authorisation in accordance with the current Development Plan. However, various components of the higher levels of provision that could be achieved under Option B would require the Council to change its stance in relation to this enforcement action and this option would represent a material consideration in the determination of applications in these areas, as well as the case for enforcement action going forward.

If the Council wishes to pursue higher levels of delivery of pitches under option B it will therefore need to review its approach to enforcement. It may for example wish to hold an amnesty for unauthorised Green Belt development in order to enable the Gypsy and Traveller community to regularise development that

occurred before a specified date. This would help supply without welcoming new unauthorised activity. This approach would however have resource implications for the Development Management and Enforcement teams which would need to be addressed.

6.3 Equality and Human Rights

The Council as a public body has to comply with the Equality Act 2010, Public Sector Equality Duty. The Act lists nine protected characteristics namely, race, sex, disability, age, religion or belief, pregnancy and maternity, sexual orientation, gender reassignment, marriage and civil partnerships. All local authorities have a duty under the Equality Act to pay “due regard” to the nine protected characteristics and in doing so:

- Actively eliminate unlawful discrimination
- Advance equality of opportunity and
- Promote good relations (Community Cohesion)

Gypsies and Travellers are covered by the protected characteristic of race. Public sector organisations must identify how their services, policies or decisions affect racial groups and the extent of satisfaction of people from all protected characteristics in the way they are treated. This includes whether the provision of service is effective for all communities and whether the design of services is suitable to meet the different needs.

In considering the options available to the Council, it is important to have regard to this duty and ensure that the Council is acting in the best interest of all residents including Gypsies and Travellers living in the Basildon borough and their future generations.

The Council also needs to be aware of the Human Rights Act, in particular Articles 8 and Article 14 which firstly identifies that everyone has the right to respect in relation to their private and family life and home, and secondly identifies that everyone should enjoy the same rights and freedoms without discrimination on any ground, including race.

The Council also needs to be mindful of the best interests of the child. This is a child rights principle, which derives from Article 3 of the [UN Convention on the Rights of the Child](#), which says that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. This principle has been a consideration in judicial cases related to planning and enforcement, where children are at risk of being made homeless. This has implications for some of the sites under Option B.

6.4 Neighbourhood Planning

Existing hubs for Gypsy and Traveller accommodation can be found in areas designated as Neighbourhood Planning areas by the Town and Country Planning Act 1990 (as amended) – Bowers Gifford and North Benfleet, and Hovefields and Honiley. The Council could choose to allocate specific sites within these areas for the accommodation of Gypsies and Travellers in accordance with its preferred spatial strategy, which the Neighbourhood Plan would then need to adhere to, or else provide the Neighbourhoods with a Gypsy and Traveller/ Travelling Showpeople pitch/plot delivery target. The second of these options could however result in inconsistencies in the approach to provision across the Borough, if option B is preferred. This could affect the five year supply, and potentially also give rise to issues around the Public Sector Equality Duty, especially if Gypsies and Travellers in a Neighbourhood Area are disadvantaged by any differences in plans for the area, meaning legal challenges for both sets of plans is possible.

The Neighbourhood Areas also have known aspirations for the redevelopment of plotlands where many of the existing Gypsy and Traveller community live. There is a risk that existing pitches will be proposed for redevelopment in these locations, *inadvertently increasing the need* rather than reducing it. It is therefore essential that in preparing Neighbourhood Plans, the respective bodies re-provide existing pitches if they seek to redevelop, or repurpose areas, rather than simply displacing existing residents, which would otherwise mean they fail the Public Sector Equality Duty, meaning their plans could be rendered unlawful.

6.5 Design and Amenity

Some of the current enforcement activity is in relation to sites which have been constructed in a hurry, or are not being maintained in an appropriate way causing harm to the amenity of the surrounding area. Whilst the Council's enforcement is justified in any event when development is unauthorised, the design and amenity impacts from poor quality development that may have arisen would add to the Council's case.

Gypsy and Traveller development does not however need to proceed in this way. Such sites can be well sited and designed to manage their impacts on the surrounding area and on neighbours. This can include the retention of landscaping and the addition of new landscaping to reduce the impact of sites. Well-designed sites, which are connected to utilities, avoid flood risk and provide opportunities for safe outdoor play can also contribute towards better health outcomes for residents. Guidance on Designing Gypsy and Traveller Sites was published by CLG in 2008. It has not been updated since that time, but provides a good basis for thinking about how such sites could be designed to reduce their harm and encourage better community cohesion. The Council may wish to

consider in the medium term developing new guidance on this matter to ensure that the design of such sites best addresses local issues and best reflects local character.

6.6 Social Cohesion

The Equality Act 2010 requires all public bodies to foster good relations between protected characteristics. Under the Act local authorities are therefore expected to actively promote community cohesion and integration. Community cohesion, also called 'social cohesion', is generally used to refer to the notion of people in the locality getting on well together. As the term has developed, it has become broader including ideas of a shared identity, a respect for cultural differences, high levels of social interaction, civic engagement and people having similar life opportunities.

Overtime, the shortage of Gypsy and Traveller sites across the country has led to increasing incidences of unauthorised encampments, which can create tensions between the settled community and Gypsies and Traveller communities. For Basildon Borough, this is particularly relevant given the Council's ongoing expenditure on enforcement against unauthorised sites. Whilst the Council has been effectively managing such incidences, it is important that it continues to focus on improving community cohesion, in order to develop a healthy and sustainable environment for both the Traveller and settled community. Evidence from the Equality and Human Rights Commission (EHRC) and local authorities has shown the correlation that once appropriate Gypsy and Traveller sites are provided, conflict and tension between local settled communities and Gypsies and Travellers is significantly reduced, leading to greater community cohesion amongst all communities.

In addition, the accommodation needs of the Travelling Showpeople community, are more directly linked to their trends for employment (i.e. servicing fairs and fairgrounds with rides, kiosks and catering vehicles). Therefore Gypsy and Traveller and Travelling Showpeople sites should take into account the practicalities of moving and storing equipment, commercial vehicles, and heavy goods vehicle (HGVs). Accessibility is a priority for such sites, and constraints relating to the use of commercial vehicles/HGVs are a key factor in assessing the local impacts of sites. This could have implications for certain sites being able to be purposed for Gypsy, Traveller and Travelling Showpeople sites such as H16 - Barn Hall, Wickford given its proximity to an established built-up area with a lower order higher network. Although it the highway challenges presented by this site are not considered to be insurmountable, the allocation of the site for Gypsy and Traveller and Travelling Showpeople sites is likely to generate additional traffic from HGVs than that which would normally be generated as frequently by the settled community. It is therefore important to consider what implications this could have on community cohesion between the existing settled

community and potential occupants of the new site if it were developed. Likewise, it is important to maximise the use of sites that may have already or could benefit from supporting infrastructure provided as part of larger developments for Travelling Showpeople sites in particular.

6.7 Health & Wellbeing

As with all communities, security of accommodation – a home – has an important role to play determining the health and wellbeing outcomes of Gypsies and Travellers. Historically, the health and wellbeing outcomes of Gypsies and Travellers have been poor, sitting significantly below those of other communities. This is reflected in the Borough's Stock Condition Modelling and associated Health Impact Assessment 2017, undertaken by the Building Research Establishment, which showed significantly poorer health outcomes for residents living in the Borough's plotland areas. This will include therefore the health outcomes for Gypsies and Travellers living in those areas.

The lack of suitable accommodation underpins many inequalities that Gypsies and Traveller communities experience which are as follows:

- Gypsies and Travellers die earlier than the rest of the population
- They experience worse health, they are less likely to receive effective continuous healthcare
- There is an unqualified but substantial negative psychological impact on children who experience repeated brutal evictions, family tensions associated with insecure lifestyles, and an unending stream of overt and extreme hostility from the wider population.
- There is an increasing problem of substance abuse among unemployed and disaffected young people
- There are high suicide rates among the communities
- *Gypsies and Traveller's culture and identity receive little or no recognition with consequent and considerable damage to their self-esteem.*

6.8 Education and Employment

Gypsy and Traveller's education and employment prospects are worse than those of other communities. Their children's educational achievements are worse and declining still further. Participatory in secondary education is extremely low. Discrimination and abusive behaviour on the part of school staff and other students are frequently cited as reasons for children and young people leaving education at an early age. There is lack of access to pre-school, out of school and leisure services for children and young people. Due to the combination of all these factors, employment rates are low and poverty high.