

TORBAY LOCAL PLAN

A landscape for success

The Plan for Torbay – 2012 to 2032 and beyond

**REVIEW OF THE DEMAND FOR GYPSY
AND TRAVELLER ACCOMMODATION
IN TORBAY**

TORBAY COUNCIL

2014

Gypsy and Traveller Accommodation in Torbay - Interim Review

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Introduction

Background

Preparation of the new Torbay Local Plan, 'A landscape for success' has involved a comprehensive appraisal of the local plan evidence base during recent years to ensure that policies in the new Plan are appropriate, address current and anticipated needs, and are deliverable. Part of this work has necessarily and importantly included a review of the policy framework for travellers.

Current CLG guidance is set out in 'Planning policy for traveller sites' (March 2012), which was released with the National Planning Policy Framework. Local planning authorities are required to make their own assessment of need for the purposes of planning and where appropriate to meet need through the identification of land for sites over a reasonable timescale. Criteria are required to guide land supply locations where there is identified need – where none is identified, criteria-based policies should be provided as a basis for decisions on any planning applications that do come forward during the Plan period.

An earlier assessment on a Devon-wide basis was carried out by Plymouth University in 2006, as part of the evidence base for the (then) emerging Regional Spatial Strategy for the South West (RSS) [see also below].

Aims of Review

This traveller accommodation review considers the background to planning for travellers in Torbay and likely accommodation requirements by considering the following:

- Traveller planning history and policy in Torbay
- Current traveller accommodation and movement in Torbay
- Assessment of traveller accommodation need
- Conclusions and recommendations

Traveller planning history and policy in Torbay

Planning history

In comparison with other parts of Devon, and the wider South West, Torbay has played a limited part in the lives, traditions and movements of the travelling community, whether Romany, Irish or New Age in origin. There are no long established cultural connections with Torbay or any historical employment links for travellers with the area. The area is located away from the main traveller corridors in the region (in particular the A303 / A30 / A38) and has no associations with the traditional events such as fairs, for example, that are so closely linked with traveller movement elsewhere.

This position is reflected in the planning history for related development in Torbay. There are no records of any planning applications having been submitted, by private individuals or public bodies, for sites for permanent residential pitches or transit pitches. Furthermore,

there is no evidence of any enforcement action having been taken over any unauthorised traveller pitches or sites.

Development Plan policy

Devon Structure Plan 2001 – 2016

The *Adopted Devon Structure Plan 2001 – 2016* (adopted in 2004, revoked in 2013) included no policies specifically relating to provision of accommodation for travellers. Torbay was a partner authority in this Plan, along with Plymouth, Devon County Council, Dartmoor and Exmoor National Parks.

Torbay Local Plan 1995 – 2011

The *Adopted Torbay Local Plan 1995 – 2011* (adopted 2004) is the ‘Saved’ and current operative development plan for Torbay. The Plan contains a criteria-based policy (Policy H14 ‘Caravan sites for travelling people’) that provides guidance to prospective applicants on the relevant considerations that need to be met by any application for traveller pitches. Sites were not proposed in the Plan due to lack of need for such accommodation. During the Local Plan Inquiry, neither this Policy nor the absence of proposed sites were the subject of any objection or debate.

Regional Spatial Strategy for the South West

The preparation of the *Regional Spatial Strategy for the South West* in the mid 2000s led to a wider regional approach to provision for travellers. The RSS was required to set out the numbers of new residential and transit pitches needed in each LPA across the South West. This policy framework was informed by the ‘Devon-wide Gypsy and Traveller Housing Needs Assessment’ (University of Plymouth, November 2006). The study concluded that there was no need for pitches of any type to be provided in Torbay. A subsequent ‘technical benchmarking’ exercise by the then Regional Assembly suggested that Torbay should seek to accommodate 5 transit pitches during the period to 2011, in an attempt to ‘balance’ provision across the Region rather than meet an identified need.

Subsequently, notwithstanding the position argued by the Council, the RSS Examination in Public Panel Report recommended the provision of 8 (rather than zero) residential and 5 transit pitches for Torbay. These recommendations were carried forward in the Secretary of State’s Proposed Modifications to the RSS published in 2008.

During this period of time, and with the potential to benefit from a time-limited government funding ‘window’, the Council attempted to identify a site for gypsies and travellers that might help address this RSS requirement. However, it did not prove possible in the time prescribed to make the appropriate decisions on the options available, or to identify any sites in Torbay that were considered suitable for such use. In 2013, the RSS was revoked by the current government’s Secretary of State.

During this period, the Council had embarked on the preparation of a Core Strategy for Torbay as part of the new Local Development Framework. Early 'issues and options for growth' documents were published for consultation in 2006 and 2009. These documents effectively tested Torbay's ability to accommodate RSS growth requirements.

Whilst there were, and still are, significant environmental and infrastructure constraints to the levels of growth proposed by the RSS, the Council has continued to assess ways in which growth can be accommodated in Torbay. As part of this work, the Council has continued to rely on the findings of the 2006 Gypsy and Traveller Housing Needs Assessment to inform the new policy framework of the emerging Torbay Local Plan, on the basis that this remains a robust assessment of accommodation need.

Torbay Local Plan 2012 - 2032

In September 2012, the '*Torbay Local Plan – A landscape for success: The Plan for 2032 and beyond*' was published as a consultation draft plan under Regulation 18 of the Local Plan Regulations 2012. This document, on the basis of earlier evidence of need, did not allocate any sites for accommodation for travellers. Rather, it included a revised criteria based policy (Policy H6 'Sites for gypsies and travellers'), consistent with CLG guidance (March 2012), setting out guidance to assist prospective applicants for sites, should the need arise.

Reference was made in the supporting text to this Policy to the need to keep the matter of need under review, and to continue to monitor the appropriateness of this policy approach. This interim accommodation review forms part of that continuing process.

Traveller accommodation and movement in Torbay

Existing provision of accommodation

There are no temporary stopping places or pitches of any sort for travellers located in Torbay. Indeed, there have never been any authorised sites for travellers and this remains the position today. Similarly, there have never been any permanent unauthorised sites or tolerated unauthorised sites in existence in the local authority area. There is also no record of any land purchase by the traveller community for the provision of a residential or transit site.

Traveller movement in Torbay

Romany and Irish travellers

Travellers do visit Torbay periodically, almost always on a seasonal basis between spring and the autumn. The majority are Romany Gypsies and Irish Travellers. It is clearly evident that such visits are for holiday purpose (see below). However, because Torbay is not on the main traditional travelling routes, gypsy and traveller encampments are infrequent. Numbers are not high – typically there may be six encampments each year, each one comprising 3 to 6 caravans and reflecting the size of family groups. Locations used most frequently include

Churston Common and Clennon Valley Car Park (Paignton). **Appendix 1** sets out further details of these visits, their locations and frequency over the past three years. It should be noted that the Annual Traveller Survey returns usually show a nil entry for travellers visiting Torbay.

Whilst visits are not common-place, those that do occur normally take the form of short-term unauthorised encampments, and predominantly on Council-owned land. Visitors are usually Romany Gypsies or Irish Travellers, but rarely New Age Travellers. These occurrences nevertheless trigger a series of actions and duties that the Council has to undertake. Once the local authority has received notification of the arrival of a group of travellers, the Council responds in accordance with an agreed procedure, ensuring that individuals are treated fairly, legal processes are followed and community cohesion is safeguarded.

Before the Council can initiate proceedings to remove unauthorised encampments, it must make enquiries regarding the general health, welfare and children's education. As such, Council officers arrange for representatives of the relevant responsible authorities to visit the site and offer assessments. In due course, the necessary legal paper work is served to ensure that the trespass is addressed in a safe and lawful manner and to move travellers off the site.

Travelling Showmen

Torbay Council hosts summer fairs and circuses on an annual basis. These are promoted by established organisations and usually form part of regular national circuits. These events, usually staged during the spring and summer months on Paignton Green and Torquay's Torre Abbey Meadows, are approved attractions staged by professional travelling fairground and circus families in approved locations. In both cases, nearby or adjoining sites are set aside for the temporary accommodation of vans and trailers for the duration of the fairs and circuses. This formal arrangement with the Council has been in place for many years. At the end of these events, the showmen either move on to other events or return to permanent residential / business bases elsewhere in the country.

Assessment of traveller accommodation need

Context

This update of traveller accommodation needs in Torbay for the Plan period takes as its starting point the 2006 Devon-wide Needs Assessment, current government guidance, the prevailing and emerging Local Plan policy framework, and the specific Torbay context. The review has sought to identify all appropriate and available sources of information at its disposal, drawing on the experience and knowledge of relevant Torbay Council officers and other individuals and organisations who work with the travelling community, and who have an understanding of their lifestyles, activities and accommodation needs.

Updated assessment of need

During the latter part of 2013, a review was undertaken of relevant documentation, data and other evidence addressing need, the planning policy framework and relevant Council procedures. Against the background of the relatively low key role played by Torbay in the

lives of travellers, the second stage of this review focussed on a series of face to face and telephone interviews / discussions during the latter part of 2013 / early 2014 with those parties who were likely to be most closely involved with travellers when the need arose.

As part of this specific study, and the Council's ongoing duty to cooperate, discussions were held by the Strategic Planning Team with the following:

- Torbay Council – Children's Services (Ethnic Minority Achievement Officer)
- Torbay Council – Community Protection (Traveller Liaison Officer)
- Torbay Council – Commercial Services (Legal)
- Torbay Council – Children's Services (Housing Options)
- Torbay Health Authority (Schools Nurse)
- Torbay Council / Devon and Cornwall Police (Equality and Diversity Officer)
- Devon Race Equality Council (Gypsy Traveller Liaison Officer)
- Gypsy Traveller Roma Achievement Service
- Devon County Council (Gypsy and Traveller Liaison Officer)

These interviews sought to build up an understanding of the nature of the traveller community in so far as it existed in Torbay, its role and traditions, the scale, purpose and frequency of visits to Torbay, the locations used, the management of such visits and the likely need for the provision of sites and pitches in Torbay to meet any identified current or future accommodation needs.

Discussion also took place regarding the composition and characteristics of the Housing Waiting List, and the accommodation requirements expressed through this List.

The Exeter and Torbay Strategic Housing Market Assessment (2007; 2011 update) and further update (Torbay Housing Requirement Study 2013) did not consider the accommodation needs of travellers in view of the specialist nature of this particular type of assessment. It is recognised that planning for travellers is very different from planning for housing and that it is difficult to treat the processes in the same way.

Regard has also been had to the fact that a future joint commissioning of an update to the earlier Devon-wide needs assessment was being actively discussed in 2012/2013 by Devon Districts. These discussions have continued and agreement has now been reached to procure a joint study, with the awarding of a contract expected in March 2014. However, the likely timing of implementation of this research, and availability of its related findings, has prompted Torbay Council to proceed with its own Torbay-wide assessment. Notwithstanding the cross-boundary characteristics of traveller movement and related duty to cooperate considerations, this approach is considered to be justified given the programming of Local Plan preparation and the reality of the traveller community's limited association with the area in terms of culture, tradition, travel patterns and accommodation provision.

Key findings of surveys

The following paragraphs summarise the key findings of the surveys and discussions used to inform this review of gypsy and traveller accommodation needs:

- According to a number of sources, Torbay has a small number (2 or 3) of gypsy and traveller families in settled accommodation, with children in local schools. There is no

evidence to suggest that these families wish to be re-housed in traveller caravan accommodation, or wish to buy a site or pitches in Torbay.

- The area's peripheral location off the main traditional traveller routes reinforces the understanding that the limited number of seasonal visits that take place in Torbay are for holiday / leisure purposes, rather than traditional cultural reasons. These are usually for 1 to 2 weeks duration and form part of a longer spell on the road (around 4 to 6 weeks) involving visits to other locations in the south west.
- Such visits nevertheless also provide the male members of the travelling community with the opportunity to seek casual work at the same time, including gardening, landscaping and general repairs work.
- It is apparent that most travellers visiting Torbay have accommodation on permanent sites elsewhere in the country, often shared with an extended family, which they use as a base from which to travel.
- Notices served on travellers by the Council for site possession and eviction have never been contested on the basis that travellers either have a local connection with the area and / or need accommodation on a site in Torbay. Unauthorised encampments are generally 'moved on' as swiftly as the current codes of practice and legal framework will allow.
- No requests for accommodation for gypsies and travellers were identified through the Council's Housing Waiting List, which has been comprehensively refreshed in 2011 and 2013.
- No need has been identified for the provision of pitches on a permanent site.
- There is some consensus that an identified short-term and safe 'tolerated temporary stopping area' would help Council officers and the Police to manage the removal of unauthorised encampments more effectively. This would provide more time for the relevant responsible bodies and individuals to assess the general, health, welfare and children's educational needs of travelling groups, to deal with litter problems and generally to diffuse public concern.
- Although the benefits of introducing an authorised transit site were raised, this option received less support than the introduction of a 'tolerated temporary stopping area'
- Those traveller liaison professionals working in the area are unaware of any gypsy or traveller families who have come forward to initiate a dialogue to provide suitable new accommodation in the form of pitches or sites in Torbay.
- During the consultation period for the Consultation Draft Torbay Local Plan (September 2012), no representations were received in opposition to the criteria based policy or to any other aspect of provision of traveller accommodation in

Torbay. Specific traveller organisations consulted included The National Federation of Gypsy Liaison Groups and The Showmen's Guild of Great Britain.

Conclusions and recommendations

Need for accommodation

Permanent and transit sites

The findings of the survey work and research carried out to date to suggest that there is no identified need for the provision of permanent or transit sites offering pitches for the gypsy and traveller community in Torbay during at least the first five years of the Plan period of the emerging Local Plan.

There are significant Local Authority funding implications for any consideration of future permanent provision, assuming that suitable sites were available. The Council would need to put in place a capital budget for site preparation, equipment and maintenance, plus a revenue budget to meet operational and management costs. It is likely that because there are generally few unauthorised encampments in Torbay, the operation of a site all year round would in any event not be financially viable.

This process would also require a considerable amount of liaison and communication with what appears to be a very small, and possibly difficult to reach, local traveller community over the choice of location, if there were to be any certainty that a future site would ever be used. However, there are no guarantees that if directed, an unauthorised encampment would relocate to a permanent or transient site.

Sites for temporary use

In the meantime, there may be options available for the Council to explore that could help to improve the way in which it is able to manage sporadic unauthorised encampments. These include the possible deployment of a suitable area for temporary use during the processing of information and undertaking of welfare measures for such encampments.

Positive planning policy

However, the need for clear planning policy guidance remains. In such circumstances it is appropriate that the Council continues to use the established criteria-based policy framework for proposals to develop such facilities. Should a need arise for a site to be brought forward in the future, this policy will provide suitable guidance to prospective applicants including the Council, private organisations and members of the gypsy and traveller community, as well as providing assistance to Officers and Members in the decision making process.

Monitoring and further review

The Council has highlighted its intention to undertake a first review of the emerging Torbay Local Plan after five years, in partnership with its neighbouring local planning authorities (South Hams and Teignbridge District Councils) and their own Plan reviews.

The Torbay Gypsy and Traveller Accommodation Review is a short to mid-term measure to assess the level of gypsy and traveller accommodation need, in the absence of the completion a new broader Devon-wide assessment. Torbay will nevertheless engage with the emerging Devon study at the earliest opportunity.

The above Plan review with Torbay's two adjoining Districts will enable the Council to take account of any Devon-wide gypsy and traveller assessment(s) that are then in place, for example in association with a potential joint SHMA.

Appendix 1

SEASONAL TRAVELLER ENCAMPMENTS IN TORBAY - LOCATION AND FREQUENCY OF OCCURRENCE

Town	Site name	Ownership	2011	2012	2013
Torquay	Torre Abbey Meadows	Torbay Council	0	0	1
Torquay	Cricketfield Road (Cricket Club)	Torbay Council	0	0	1
Torquay	Stantor Barton Farm	Private	1	0	0
Paignton	Clennon Valley Leisure Centre (Car Park)	Torbay Council	2	4	4
Paignton	Cliff Park Road Car Park	Torbay Council	0	1	0
Paignton	Paignton Green	Torbay Council	0	1	0
Paignton	Occombe Home Farm (Singmore Meadow)	Private	1	0	0
Paignton	Former Focus store, Borough Road	Private	1	0	0
Paignton	Long Road (adj. Former industrial units)	Torbay Council	0	1	0
Paignton	Broadsands Beach Car Park	Torbay Council	0	0	1
Churston	Churston Common	Torbay Council	6	3	3
Brixham	Windy Corner, Langdon Lane	Torbay Council	0	1	0
Totals			11	11	10

Note:

Encampments range from 3 to 9 caravans at any one time - average is 5 - 6 caravans at any one time

