

Breckland Local Plan Examination

Matter 8:

Housing: Provision for Gypsies, Travellers and Travelling Showpeople (Policy HOU 08)

Breckland District Council Hearing Statement

March 2018



Issues

8.1: Has the need for additional pitches and plots been robustly calculated?

1. The need for pitches for Gypsies and Travellers and plots for Travelling Showpeople is set out within the Gypsy and Traveller Accommodation Assessment (“the GTAA”) (LP/H/2) which was prepared on behalf of the Council by Opinion Research Services (“ORS”). It is the Council’s opinion that this represents a robust piece of evidence to be used for the calculation of need.
2. The GTAA has been carried out in accordance with the national Planning Policy for Traveller Sites (2015) (“the PPTS”). The primary change made by the PPTS was in the definition of Gypsy, Traveller and Travelling Showpeople for planning purposes. Whilst requiring local authorities to complete a GTAA, the PPTS does not provide a methodology for the assessment of current and future pitch/plot need. The GTAA (LP/H/2) has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople populations in Breckland that meet the planning definition through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites/yards. It also includes an estimate of current and future accommodation need for those Gypsies, Travellers and Travelling Showpeople who were not able to be interviewed who *may* meet the planning definition (referred to as unknown households).
3. It is not now a requirement for a GTAA to include a formal assessment of need for households that do not meet the current planning definition. However this assessment was carried out for completeness and included in the document to provide information on overall levels of need that will have to be addressed through a variety of means by the local housing authority with the assistance of other parts of the Council.
4. The desk based research indicated that there were 80 pitches/plots in Breckland, which includes unimplemented pitches with planning permission. The total breaks down as: 53 authorised pitches, 25 unauthorised pitches and 2 authorised plots – see GTAA Appendix C. As part of the GTAA the consultants sought to contact and interview the occupants of each of the pitches/plots in Breckland (see GTAA Chapter 6), and also engaged with stakeholders (see GTAA Chapter 5).
5. All pitches and plots were visited by experienced ORS interviewers who are accredited under the Interviewer Quality Control Scheme (IQCS) and the Market Research Society

(MRS) Code of Conduct. The interviewers attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics; their current or future accommodation needs; whether there is any over-crowding or the presence of concealed or doubled-up households or single adults; and their travelling characteristics.

6. Interviews were carried out with the occupants of 31 pitches and the occupant of one plot (up to three attempts were made to contact each of the occupants – see GTAA paragraph 6.2). Alongside this attempts were made to contact those Gypsies and Travellers living within bricks and mortar (see GTAA paragraphs 6.3-6.5).
7. The outcomes of the interviews were used to assess whether the occupants met the planning definition within the PPTS in that they stated that household members:
 - Travel for work purposes and stay away from their usual place of residence when doing so; or
 - Have ceased to travel temporarily due to education, ill health or old age.
8. As well as the case law that is set out in Paragraphs 2.14-2.18 of the GTAA, this approach was endorsed by a Planning Inspector in a Decision Notice for an appeal in East Hertfordshire that was issued in December 2016 (Ref: APP/J1915/W/16/3145267):

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

9. This was further reinforced in a more recent Decision Notice for an appeal in Norfolk that was issued in February 2018 (Ref: APP/V2635/W/17/3180533) that stated:

As discussed during the hearing, although the PPTS does not spell this [the planning definition] out, it has been established in case law (R v South Hams DC 1994) that the nomadism must have an economic purpose. In other words gypsies and travellers wander of travel for the purposes of making or seeking their livelihood.

10. In relation to pitches for the Gypsy and Traveller population, the GTAA (Chapter 7) shows that there is a need for 10 additional pitches for households that meet the new Gypsy and Traveller planning definition over the Local Plan period (a current need for 4 pitches, being 1 unauthorised pitch and 3 concealed or doubled-up households or adults, a 5-year need for 2 pitches due to teenage children who will be in need of a pitch of their own, and a 2016-2036 need for 4 pitches to reflect new household formation based on a 1.60% growth rate¹, split 1 pitch per five year period, hence a five-year need for 7 pitches and plan period need for 10 pitches). There is a need for *up to* 27 additional pitches in relation to unknown households who were not interviewed but *may* meet the definition. However, in relation to need from unknown households, the ORS national average² suggests that 10% will meet the definition, which would result in a requirement for an additional 3 pitches (GTAA paragraphs 7.27-7.31). If the slightly higher (16%) locally identified proportion of those who meet the planning definition were to be applied this could result in a requirement for 4 additional pitches.

11. The approach that ORS take to identify future household growth from new household formation has been supported by Planning Inspectors in a number of Decision Notices. One of the more recent was in relation to an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used. The Inspector concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.50% but that a 2.50% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation

¹ Calculated by adjusting the ORS national household formation rate of 1.50% based on the local demographics of the households that were interviewed.

² Based on over 2,500 interviews that have been completed by ORS since the changes to PPTS in 2015.

between Doncaster's gypsy and traveller population age profile and the national picture, a 1.50% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.50% figure is justified in the case of Doncaster.

12. In relation to plots for Travelling Showpeople, the GTAA (paragraphs 7.34-7.35) shows that there is a need for an additional 2 plots over the Local Plan period (a 2026-2036 need reflecting the younger children living at the one yard in the district). As regards unknown need, there may be a need for an additional plot in relation to the one household not interviewed that may meet the definition, or more if there are concealed household/s or older teenage children (GTAA paragraphs 7.36-7.37).
13. The conclusions drawn together in Chapter 8 of the GTAA are the result of the methodology summarised above.
14. The approach currently used by ORS was considered in April 2016 and July 2017 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. She concluded in her final Examination Report that was published in October 2017:

'The methodology behind this assessment incorporates a full demographic study of all occupied pitches, a comprehensive effort to undertake interviews with Gypsy and Traveller households, and consideration of the implications of the new national policy. I am satisfied that the GTAA provides a robust and credible evidence base and I accept its findings.'

(Paragraph 148, Inspector's Report October 2017)

15. The overall approach used by ORS was also considered at a Local Plan Examination in Maldon, Essex, in January 2017 and the Inspectors Report published on 29 June 2017 included the following comments:

143. The methodology of the new GTAA incorporates both a desk-based review and a survey of travelling communities. The former has drawn on a range of data including from the census, site records and caravan counts. The survey has been undertaken through face-to-face interviews with travellers. Rather than sample interviews, the general approach has been to attempt to interview all travellers in the district – those occupying pitches and those living in bricks-and-mortar accommodation. To that end, visits were made between January and September 2016, during the 'non-travelling season', avoiding July and August and days of known national or local events. Those undertaking the fieldwork have re-visited households multiple times when householders were either not present or not available to be interviewed at the time of calling. All of this is appropriate and, on the face of it, it appears that all reasonable endeavours have been undertaken to capture fully the views of the travelling community in the district.

16. Further to this, within the methodology the approach to unknown need is considered to be an appropriate and robust way to identify the needs that may arise from the households who were not interviewed (unknown households). The ORS methodology to address the need arising from unknown households was supported by the Planning Inspector for a Local Plan Examination for Maldon Borough Council, Essex. In his Report that was published on 29th June 2017 he concluded:

150. The Council's stance is that any need arising from 'unknowns' should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist. That being said, **MM242h** is nonetheless necessary in this regard. It commits the Council to a review of the Plan if future reviews of the GTAA reveal the necessity for land allocations to provide for presently 'unknown' needs. For effectiveness, I have altered this modification from the version put forward by the Council by replacing the word "may" with "will" in relation to undertaking the review committed to. I have also replaced "the Plan" with "Policy H6" – the whole Plan need not be reviewed.

8.2: To be positively prepared, should the Plan make provision for the identified need for additional pitches and plots through a site allocation(s)?

17. Policy HOU 08 sets out the Council's proposed approach to meeting the need for Gypsies and Travellers and Travelling Showpeople. As set out within paragraph 3.64 and 3.66 of the Local Plan, the Council considers that the GTAA shows a modest level of pitch/plot need for Gypsies and Travellers and Travelling Showpeople within Breckland over the plan period.

18. The Council carried out a call for sites in 2013. Additional calls for sites also occurred alongside the Regulation 18 consultations. As set out within the Council's response to the Inspector's initial questions in December 2017 ("EX.4"), only a single site was promoted to the Council for Gypsies and Travellers, on land in Attleborough. This site was not considered suitable for allocation due to representations received from Norfolk County Council (the highways authority) stating that it had severe highways constraints.

19. Since the initial EX.4 response was provided to the Inspector in December 2017, further work has been undertaken to understand the needs of Gypsies and Travellers in Breckland. This has included further information from ORS around where the need arises from and how, in practice, the need might be met.

20. As set out in the response to issue 8.1 above, the five-year need is for 7 pitches (no plots), and the majority of that (6 out of 7) is from concealed/doubled-up adults, teenage children in need of a pitch of their own in the next 5 years and those living on unauthorised sites. ORS have advised that the majority of need within the first five years originates from small permitted private family sites. Of this need, based on the data gathered as part of the interviews carried out for the GTAA, ORS have confirmed that all households that meet the PPTS planning definition, where current or future need was identified, (on permitted sites) stated that this need can be met on the individual sites and that they feel there is sufficient space for the additional pitches

21. The following table has been produced by ORS from further analysis of the results of the GTAA. This shows the location of need arising from concealed adults and teenagers on permitted, tolerated and unauthorised sites within the first five years. The total of 6 does not represent the full 7-pitch need within the first five years (to 2021) as it does not include 1 additional pitch from new household formation.

Address	Status	Pitches	Meet Planning Definition	Current Need ³	5 Year Need ⁴	Unauthorised
				Additional Pitch Needs		
Fayrehaven Caravan Site, Beetley	Private	1	Yes	1	0	0
Summer Meadow, Mill Road	Private	1	Yes	0	1	0
Woodview, Attleborough	Private	1	Yes	0	1	0
Thetford, Fire Ride 23	Tolerated	1	Yes	2	0	0
Otterwood, Dereham Road	Unauthorised (Temporary Permission)	1	Yes	0	0	1
		5	5	3	2	1

³ From concealed or doubled-up adults in need of a pitch of their own.

⁴ From teenage children who will be in need of a pitch of their own in the next 5 years.

22. As set out within the above table, the majority of the five year need from those who meet the definition does not arise from unauthorised/time-limited sites. Further to this, initial review of the wider unauthorised sites within Breckland, showed that the residents either do not meet the PPTS definition or it is unknown if they meet the definition. Having regard to where the existing need arises from and the affected households' reports as to how it will be met, the Council no longer considers that the regularisation of tolerated sites suggested by EX.4 will be a sufficient response to meet full five year need (to 2021). Regularisation may be an appropriate response to meet a proportion of the need within the first five years and also to meet need on those on unauthorised sites where they either do not meet the PPTS definition or where it is unknown whether they meet the definition.
23. As part of ongoing work to meet the need for Gypsy and Traveller pitches within the first five years, the Council will review the following steps:
1. Assessment of existing permitted sites (identified within the above table) for intensification or expansion (in line with the current occupants' plans to meet the needs arising at those sites as explained to ORS) and assessment of tolerated and unauthorised sites to consider whether they could be regularised.
 2. Further investigation of the land in Attleborough proposed for a Gypsy and Traveller Site through the call for sites, which the highway authority has identified as having highways constraints.
 3. Review of Breckland Council owned land to assess suitability for pitches.
 4. Write to all landowners who submitted land through call for sites to consider whether they would support the use of land for gypsy and traveller pitches.
24. The Council has already undertaken preliminary work on establishing the ability to intensify or expand permitted sites, as set out at step 1. This has shown that there is undeveloped land available within these permitted sites and therefore it can be considered to be a viable option to meet this need. This would accord with responses received from the interviews carried out by ORS as part of the GTAA. Work would be undertaken to also review the tolerated site in order to establish the feasibility of regularisation. Taken together this would reduce the current five year need by 5 pitches. Further work would be undertaken assessing these sites. The remaining 2 pitches within the first five years result from an unauthorised site and new household formation. The Council would seek to address this need through steps 1-4 as set out above.

25. Beyond the first five years of the GTAA (up to 2021) the need would be met through the criteria based Policy HOU 08. As set out in response to issue 8.1, the level of need from 2021-2036 is for 3 pitches, arising from new household formation. The criteria-based policy is considered to be a suitable mechanism to meet the needs arising beyond the five-year period (to 2021), and any presently unknown need (from those households where it is unknown whether they meet the PPTS definition) would also be met through the criteria based Policy HOU 08 (as set out in response to issue 8.1 above, that approach was supported by the Planning Inspector who examined the Maldon Borough Council local plan).
26. Having regard to the level of need, and where that need is arising from, it is considered that an approach set out in steps 1-4 represents an appropriate strategy to deal with need, rather than the allocation of a new Gypsy and Traveller site. It cannot be concluded that a new site allocation would serve to meet the needs of those residents who are known, as they have already shown a preference for remaining on existing sites, and the preference of the households that are calculated to emerge from new household formation is a matter of speculation.
27. For the need for 2 pitches identified within the first five years arising from an unauthorised site and also from new household formation, the steps above are considered to be relevant to meeting their need alongside the criteria based policy.
28. The need for additional plots for Travelling Showpeople is set out within paragraphs 8.6 to 8.8 of the GTAA. This shows that the need is made up from new household formation later in the plan period (2026-2036), as shown in Figure 18 page 48. Having regard to when this need is within the plan period, it is considered that the criteria based approach is appropriate.
29. It is the Council's view that the Local Plan is positively prepared in relation to Gypsies and Travellers and Travelling Showpeople, the use of a criteria based policy is appropriate to address the needs as they arise from small private sites through concealed adults, teenage children and new household formation.
30. The criteria-based policy will also address any need arising from unknown households through the development management process as opposed to a specific allocation – an

approach found to be sound by the Local Plan Inspector for Maldon that is referenced earlier in this statement.

31. Need from households that do not meet the planning definition will be addressed through separate Local Plan Policies as they do not need to be addressed through a specific Gypsy and Traveller and Travelling Showpeople Policy.

8.3: Is Policy HOU 08 justified and consistent with national policy?

32. The Council considers Policy HOU 08 to be justified and consistent with national policy, in accordance with the tests of soundness as set out within the paragraph 182 of the NPPF.
33. It is the Council's opinion that the level of need set out within the GTAA, as set out within paragraph 3.66 of the Local Plan, is modest, and that a criteria based policy approach is a reasonable, pragmatic and proportionate approach. This approach needs to be read in conjunction with the Council's proposed work on expansion and intensification of sites as set out in response to issue 8.2 above, and the fact that the Council has made repeated calls for sites but those have not produced a suitable site that could be allocated at this stage. The PPTS is concerned that need is met and does not preclude meeting need by means other than allocation. As set out in issue 8.2, the Council is seeking to ensure that proactive measures are taken to address this need.
34. Policy HOU 08 has been subject to sustainability appraisal at both Regulation 18 Preferred Directions (LP/S/10) and Regulation 19 (LP/S/3). The policy scores positively in relation to social objectives around redressing inequalities, and ensuring all groups have access to affordable, decent and appropriate housing that meet their needs. It also scores positively in relation to economic objectives around helping people gain access to satisfying work, appropriate to their skills, and improving the efficiency, competitiveness and adaptability of the local economy. As part of the sustainability appraisal reasonable alternatives have also been appraised. This included the allocation of a specific site within the Local Plan. The allocation of a new site scores well in relation to the provision of housing in order to redress inequalities. The impact against a number of the objectives is shown within the sustainability appraisal as unknown, with the impact depending on the site's location (see LP/S/3 paragraph 1.31 and the tables at pages 204 to 209).