

## **Travellers' Sites Development Plan Document**

### **Main Issues Statement**

#### **Issue 2 – Questions (i to xv) (Document Number 1.2)**

**Issue 2 - Has the preparation of the plan been informed by a robust evidence base to establish accommodation needs for travellers?**

The Accommodation Assessment of 2017 (A13) describes at paras 5.23 – 5.26 why expected turnover from public sites has been included in Tables 5.4 and 6.1. It is expected that 84 pitches will become available between 2017 and 2031 and that this will address the residual pitch requirement. I have some initial concerns about the reliance on turnover in this way even taking account of the Council's comments at 2) on page 8 of A16, the consultants response to queries in May 2015 (C2) and the references to turnover in past and draft guidance.

Essentially the approach adopted appears to take no account of the needs of households leaving the public sites so that potentially they are excluded from the overall assessment as they themselves may require a pitch. Alternatively this may over-estimate the actual contribution that the turnover of pitches would have on supply. Furthermore, the reliance on this method of meeting needs does not lead to the creation of new pitches although the plan does allocate 9 residential pitches and a temporary stopping place for 5 pitches. With this in mind I have the following specific questions:

**Question (i) Is there any support in national policy or guidance for the contention that the availability of a social rented dwelling is a comparable example when considering the question of turnover? Or that the principle of including turnover in assessing traveller accommodation needs is consistent with that for Strategic Housing Market Assessments for housing?**

**Response**

2.1 By way of general context, it should be noted that the GTAA states that the shortfall of pitches over the whole plan period 2011/12 to 2030/31 is 91 pitches and, as a subset of this number, a need compliant with the Planning Practice for Traveller Sites PPTS of 33 pitches. The assessment takes account of the overall need for Gypsies and Travellers to meet the Council's obligations under section 8 of the Housing Act 1985 (as amended by section 124 of the Housing and Planning Act 2016) (termed the Cultural need). It then applies the PPTS policy by focusing on those households meeting the following definition as set out in the August 2015 PPTS:

*'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 dependants' 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.'*<sup>1</sup>

2.2. In addition, PPTS 2015 adds the following 'clarification' for determining whether someone is a Gypsy or Traveller:

*'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

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<sup>1</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 1

- a) *whether they previously led a nomadic habit of life*
- b) *the reasons for ceasing their nomadic habit of life*
- c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*<sup>2</sup>

2.3 Having established this need, the expected level of turnover on local authority pitches is considered along with potential capacity for additional pitches on existing private sites.

2.4 Former Gypsy and Traveller Accommodation Needs guidance (October 2007) makes specific reference to turnover on public sites. Para 62 makes reference to pitch turnover informing the assessment of need.

2.5 Draft Planning Practice Guidance (March 2018) informs the preparation of Strategic Housing Market Assessments. Whilst recognising that this is draft guidance it considered to be a useful reference in this context. Under the section ‘How can the current total affordable housing supply available be calculated?’ the following is stated:

*“There will be a current supply of housing stock that can be used to accommodate households in affordable housing need as well as future supply. Assessing the total affordable housing supply requires identifying:*

- *the number of affordable dwellings that are going to be vacated by current occupiers that are fit for use by other households in need;*
- *suitable surplus stock (vacant properties);*
- *the committed supply of new net affordable housing at the point of the assessment (number and size).”*

2.6 Therefore, there is direct comparability with the way turnover is measured in the GTAA on public sites and guidance on how total affordable housing supply is calculated. This is because the GTAA considers the number of pitches that are likely to be vacated by current occupiers that are fit for use by other households in need based on available evidence; and also any vacant pitches at the time of the study. (There was no committed supply of new affordable pitches at the time of the assessment to consider.)

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<sup>2</sup> DCLG *Planning policy for traveller sites* August 2015 Annex 1, para 2

**Question (ii) When occupants permanently move away from a gypsy and traveller pitch on a public site what evidence is there that they no longer require a pitch elsewhere? Should and can a distinction be made between circumstances when existing occupiers no longer require a pitch due to death or moving into bricks and mortar and occasions when this is not so?**

#### **Response**

2.7 The household survey evidenced the number of households planning to move away from a pitch on a public site. The survey then asked whether the household planned to move to pitch on the same site, elsewhere in the County, outside the County or into bricks and mortar. This data was analysed as part of the needs assessment modelling and showed that 7 households were planning to move from a local authority pitch to bricks and mortar housing. Households responding to the survey were given options as to the nature of accommodation they are planning to move to, which included another pitch as well as into bricks and mortar housing. This therefore gave the opportunity to make assumptions about the level of need on other sites generated from the anticipated move.

**Question (iii) Why is the site management data which indicates a turnover of 6 pitches per year on public sites to be preferred over the household survey which equates to 1.8 pitches per year?**

#### **Response**

2.8 The household survey is a snapshot in time and reports the responses of households living on sites at the time of the survey. Site management data provides data over a longer time horizon and also takes account of evictions and the death of a tenant in freeing up pitches. Therefore it provides a more robust evidence base and is regularly monitored.

**Question (iv) Over how long a period has the site management data showing an annual turnover of 6 pitches on public sites been compiled? Is it reasonable to assume that this trend will continue throughout the plan period or has it been affected by factors highlighted in paragraph 3.19 of C2 that are unlikely to re-occur?**

#### **Response**

2.9 The data related to the latest two year period (2015/ 2016 and 2016/2017) and was provided by the Traveller Sites Licensing Team in July 2017. The turnover data for 2015 was also considered. This showed that was a higher turnover rate of 9 pitches. However this was not considered an appropriate measure of turnover as this could be attributed to exceptional circumstances. These included one extended family occupying three plots on the same site moved out of the county and two other occupants moved from the same site at a different date, again out of the county. As this level of movement out of one site is unusual it was not considered appropriate or sufficiently robust to be used as evidence.

- 2.10 Since August 2017 there has been turnover of 3 pitches which is consistent with the average of a turnover of 6 pitches per year. This turnover was as a result of one occupant moving into a care home and two families moving into housing. The Council will continue to monitor turnover on pitches to inform future reviews of the DPD. However this does not imply that the analysis of pitch need should be revisited more frequently than a five year review as referred to in the revisions to the National Planning Policy Framework (NPPF).

**Question (v) Does the Council wish to elaborate on comment 3) on page 9 of A16 which refers to inquiries in South Worcestershire and Shropshire?**

### **Response**

- 2.11 The GTAA's for both the South Worcestershire Development Plan and the Shropshire Samdev were carried out by Arc 4 who were commissioned to produce the Herefordshire GTAA. The Inspectors report to both these development plans considered the use and impact of turnover and confirmed it to be an appropriate approach. The paragraphs below draw out the relevant sections from the Inspectors report and both reports have been included as post submission documents.
- 2.12 Shropshire SAMDev Plan 'Report on the Examination into site allocations and management of development (Post submission document PS2). Paragraphs 71-79 of this report considers whether the Site Allocations and Management of Development (SAMDev) Plan makes satisfactory provision to meet the accommodation needs of the gypsy and traveller community and travelling Showpersons. It provides a detailed review of pitch and pitch occupancy including vacancy and turnover. Paragraph 73 states *"Using the DCLG-approved model as advocated in Gypsy and Traveller Accommodation Assessment Guidance (DCLG, 2007) for calculating pitch requirements, the 2014 GTAA demonstrated a shortfall of 5 pitches across Shropshire, excluding an allowance for turnover, to accommodate gypsies and travellers over five years and a need for a further 12 pitches to 2026/27 arising from newly formed households within the County. The turnover of pitches on Council owned sites would, the Council asserts, address these requirements."* The Inspector accepted this approach by concluding in para 79 that *"it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling Showpersons."* This report demonstrates that the inspector accepted the principle of incorporating turnover as part of the needs assessment modelling.
- 2.13 South Worcestershire Development Plan Examination Inspectors Report (Post Submission Document PS3). The issue of turnover was explored in detail and reported in the Inspectors Interim Findings published in July 2015 (post submission document PS4). In his final report the Inspector summarised his findings. He found aspects of the methodology employed in the 2014 GTAA also carried out by Arc4 as sound. However, he concluded that two adjustments need to be made to the allowance which the assessment makes for pitch turnover. The first adjustment, which is of particular relevance, is necessary to account for the fact that propensity to move to another pitch within the area must logically add to need as well as to supply. This was applied in the GTAA modelling for Herefordshire which

informs this DPD. (The second related to specific circumstances in Malvern Hill District where there was an unusually high, trend-based turnover rate in Malvern Hills.) Again this report demonstrated that the inspector accepted the principle of incorporating turnover as part of the needs assessment modelling.

**Question (vi) In assessing need, can the Council confirm that there is no overcrowding of existing pitches, no unauthorised sites and no sites with temporary permissions?**

**Response**

- 2.14 A review of all sites took place as part of the GTAA assessments and this was informed by Council data. There are six Council sites, 29 authorised permanent private sites and one tolerated private site. There were no unauthorised sites identified nor sites with temporary permissions at the time of the 2017 GTAA.
- 2.15 The household survey specifically asks about overcrowding of pitches and also whether there are concealed or doubled up households on the pitch or if the pitch is used by anyone else as their home. No households stated that they were doubled up or included concealed households (however there was an instance of a family unit which was likely to be concealed and this was factored into the needs analysis as emerging need). Therefore it is concluded that there is no evidence of overcrowding on existing pitches, no unauthorised sites (although there are occurrences of unauthorised encampments as outlined in response to question xiv below), or sites with temporary permissions.

**Question (vii) How has the question of migration of travellers into and out of Herefordshire been considered in assessing the need for permanent residential pitches?**

**Response**

- 2.16 Establishing the precise scale of in and out-migration from an area is very difficult because we are not in a position to interview those who have moved in and then out of the district in the past 5 years; and also we do not know who has moved away from the county as we are not in a position to interview them as they no longer occupy sites in the county. Potential out-migration can be established from responses to survey questionnaires – and in the case of the 2017 survey this evidenced that no household was planning to move out of the County in the next 5 years. This is the best available evidence.
- 2.17 The 2015 GTAA household survey identified an annual in-migration of around 6 households based on past movements – however it is important to note that in-migrant households can move onto vacant pitches, new pitches or onto existing pitches to join friends/family already living in the area. Reasons for moving to an area can include marriage and result in no net additional pitch need. Therefore, it can be particular difficult to quantify the overall impact of migration on pitch need. Furthermore, household surveys cannot evidence the future intentions of households not currently resident in the County.

- 2.18 That said, housing register information can provide a robust indication of households requiring pitches and include an allowance for in-migration. The available evidence was a need from 15 households currently on pitches and wanting to move onto Council sites. Survey evidence would suggest 5 households are planning to move to another pitch within the County, which would suggest that the housing register includes people who want to move into Herefordshire. Therefore, the analysis is assuming a net increase in households through in-migration of around 10 households as part of the overall assessment of need which is a reasonable and appropriate figure to use.

**Question (viii) Are the assumptions made about the number of travellers in bricks and mortar accommodation and their need for a pitch before the end of the plan period (20 households) reasonable?**

**Response**

- 2.19 There are a total of 20 households currently on the housing register living in bricks and mortar accommodation who have indicated that they would prefer to move onto a pitch. This has been used in modelling to express need from bricks and mortar households.
- 2.20 2011 census data identifies 100 Gypsy and Traveller households living in bricks and mortar accommodation. In the absence of alternative data, Arc4 studies assume that 5.3% of households living in bricks and mortar accommodation would prefer to live on a pitch over a five year period. This is considered to be a reasonable assumption given the lack of alternative data. For Herefordshire, this would result in a need for around 5 pitches over the next 5 years.
- 2.21 The assumption that 20 households would prefer to live on pitch is therefore reasonable as it takes account particular local knowledge of need and is considerably higher than the assumptions that would normally be modelled.

**Question (ix) For the purposes of Table 5.1 of the Accommodation Assessment is the total number of households on the housing register or the waiting list for public sites 35? Is there any more recent information in this respect?**

**Response**

- 2.22 Correct – the 35 comprises 20 living in bricks and mortar and 15 already living on pitches (and although the breakdown of this figure was not available it is reasonably assumed that this also includes households wanting to move to the County).
- 2.23 According to the latest (April 2018) waiting list data, there are a total of 39 households on the waiting list for public sites 27 living in housing, 7 on local authority sites, 1 on a private site and 4 of no fixed abode. The numbers on the waiting list will vary over time as circumstances change but does not imply that the analysis of pitch need should be revisited more frequently than a five year review as referred to in the draft revisions to the National Planning Policy Framework (NPPF).

**Question (x) What is the justification for including existing households who intend to move between sites in the next 5 years at lines 3a and 3b? As these are existing households are they not already covered in the total of 119 at 1f?**

### **Response**

2.24 This was subject to much discussion at the South Worcestershire Development Plan inquiry. The inspector there considered that the need from households currently on pitches should be included in a figure for the total net impact on need. A copy of the inspector's findings pertaining to this is attached (PS4). This recommends that the need from existing households planning to move is included in calculations and this approach was adopted in the Herefordshire GTAA

**Question (xii) Table 3.1 of the Accommodation Assessment indicates that there is 1 unoccupied pitch on public sites and 6 on private sites. Where are these vacancies and are they genuinely available for travellers?**

### **Response**

2.25 The number of vacant pitches was assessed as part of site observation and therefore relates to a particular snapshot in time (April/May 2017). The model assumed that these pitches were available for travellers to use. Our records indicate that four out of the five sites are now occupied. The vacancies at the time of the assessment were as follows:

- Tinkers Corner Bosbury – Now occupied.
- The Paddocks, Falcon Lane, Ledbury – Now occupied
- Poolhead Orchard, Chapel Lane, Bodenham – Now occupied
- Oakfield, Bosbury - Now occupied
- Bush Pitch, Hereford Road, Ledbury – Now occupied.

**Question (xiii) Is the current authorised supply of 129 pitches likely to remain available to travellers for the remainder of the plan period having regard to any occupancy conditions and the known intentions of land owners?**

### **Response**

2.26 During site observation work, we identify if there is any potential change in use of sites (for instance conversion to non-Gypsy/Traveller use). This is noted and factored into analysis where necessary. The site observation and subsequent household surveys did not identify any sites which may cease to be available over the remainder of the plan period.

2.27 In many instances the private sites have been used for the travelling community for a number of years often are located where non-traveller accommodation would not be permitted. Therefore, it is considered reasonable to assume that the overall level of supply will remain available. With regard to occupancy conditions, of the planning permissions

granted planning permission since 2011, only two of these have conditions which restrict the occupancy of the site to a named family. All the other applications have conditions which restrict the use of the sites to gypsy and travellers as defined in the relevant circular or planning policy guidance in place at the time when the permission was granted. None of them are for temporary permissions.

- 2.28 The number of pitches on public sites will be retained (and in some cases expanded if the proposals in the DPD are determined to be sound).

**Question (xiv) The provision of a transit site of 5 pitches is recommended at paragraph 5.32 of the Accommodation Assessment on the basis that this could accommodate almost all unauthorised encampments. However, is there any information about whether such events occur at the same time as one another which could lead to a shortfall?**

#### **Response**

- 2.29 Records of unauthorised encampments and the numbers of caravans at each encampment have been kept since 2015. These records show that there have been some events of two or more incidents occurring at the same time in different locations in the County. However given the numbers of caravans on the different sites there would be capacity to accommodate the majority of these concurrent unauthorised encampments on the proposed site. Post Submission document (PS5) provides information about the dates and duration of unauthorised encampments and the number of caravans.
- 2.30 The council accepts that the proposed temporary stopping place identified in Policy TS3 is unlikely to cater for all unauthorised encampments as these can vary in size. On occasion there have been incidents of encampments of 20 caravans but these are infrequent. However, with currently no provision of such a facility in the county, it is considered that the provision of the site will be a significant improvement to the current situation and an appropriate response to the level of demand.

**Question (xv) A need for 9 plots for Showpeople has been established at paragraph 5.30 of the Accommodation Assessment but the plan makes no provision for any such sites. How is the plan sound in these circumstances? What would be the impact on those in need of a plot? Is there scope to utilise existing sites more flexibly as suggested by the Showmen's Guild (G1)?**

#### **Response**

- 2.31 The existing community of Travelling Showpeople are located in Ross on Wye area and that would be the preferred location for any further sites. The Council has undertaken a diligent and ongoing process to seek to identify sites for Travelling Showpeople. Attempts have been made through both "the call for sites process" and continuing discussions with the Showmans Guild however, no deliverable sites have yet been identified. One of the existing

sites appears to have potential additional capacity and this was raised with the Showman's Guild. Additionally all the residents of the sites were written to in relation to public consultations and call for sites this was never submitted as being available for further development.

- 2.32 The Council considered that in this situation the most pragmatic approach would be to continue with the progress of the DPD and to include an enabling policy to encourage proposals for sites to meet the needs of Showpeople. Delaying the progress of the plan further in order to continue the site search would not deliver sites in the short term. In the circumstances the Council considers its approach to be sound. The DPD provides a commitment to continue to working with the Guild and the local community to encourage sites to come forward for this purpose.