#19

COMPLETE

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Q1 Personal Details

Name:	**Luke Clements**
Address:	
Postcode:	
Email:	
Preferred contact method:	**email**
If you are an agent, who do you represent?	**n/a**

Q2 If you do not wish to be on our database or receive any further information, please tick the box	**No thank you**

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Q3 Policy TS1 - Do you consider this part of the document is sound, based on the following issues?:

If you have not ticked any of the above, please give your reasons below with regard to the test of soundness.: Specifically I have serious reservations about whether the Council's Travellers' Sites Document satisfy the requirements of 'soundness'. In relation to the necessary criteria my view is as follows: 1. Is the plan positively prepared?' No. The plan does not address the real need 'now' for accommodation. It uses a discredited technique - ie setting the turnover of pitches against the need for them. Those leaving a particular pitch do not evaporate: they travel (generally within the local authority area), circulate and return. 2. Is the plan justified? No. The plan fails to assess the real demand: the actual demand in Herefordshire. I understand that there are about 40 or more Gypsies and Travellers on the waiting list for pitches and that about nine families are 'doubling up' on relative's pitches. 3. Is the plan effective – ie is it deliverable? This strikes me as highly dubious. I have noted above the failure of Herefordshire Council to produce any additional sites since it came into being. I understand that it can cost upwards of £80,000 of public money to provide an individual pitch. In a time of

politically imposed austerity I consider it unlikely that this level of funding will become available. On this analysis, therefore, the plan will not be effective: it will not 'deliver'. 4. Is it consistent with government policy? No. The government's stated ambition is its 'overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional nomadic way of life of travellers while respecting the interests of the settled community', and to ensure Local Authorities …. 'develop fair and effective strategies to meet need through its identification of land for sites'. This is not an effective strategy, for the reasons stated above. I am particularly concerned that the nine pitches that are proposed are for future need. This means that there is a failure to address the existing need – ie the severe shortage of sites that Gypsies and Travellers in Herefordshire are currently in desperate need of. It is clear that the current plan is seeking to exploit the revised definition of a Gypsy and Traveller. This is a troubling, unnecessary and a high risk strategy. What should be done is to assess the demand without seeking to subtract from the calculation people who may not meet the new definition. These people have accommodation needs regardless of this policy alteration. It is high risk because it is possible that the courts will find that this definition offends fundamental principles of Equality Law. In that case the council will have embarked (unnecessarily) on a revised strategy that will have to be fundamentally revised. Even putting to one side the council's reliance on the revised definition, as noted above, it is entirely inappropriate to offset against the identified need for six new pitches per year, those Gypsies and Travelling People who are vacating pitches. This not only presupposes that such families 'evaporate' for 'count' purposes but it also disenfranchises the children of these families – for whom there appear to me to be no provision in the calculations – and ignores the fact that many such families are already doubling up on exiting local authority pitches.

Q4 Do you consider that your comment for Policy TS1 is a representation of:

Objection

Q5 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I do not regard it as my role to explain how the policy can be made 'legally compliant or sound'. This is the roe of the council. My role is to explain why it fails in this respect. To set out my full views, I make the following comments.
I strongly support the need for a significant increase in the number of pitches for Gypsies and Travellers to be provided for in the Travellers Sites Development Plan. For the reasons detailed below, I express severe reservations about the 'soundness' of the Travellers' Sites Document and in consequence the proposed Development Plan Document.
As the outline notes, there has been a travelling community in Herefordshire for the last 500 years. Herefordshire has one of the highest per capital populations of Gypsies and Travellers for any council area in the UK and this has immensely enriched the character and

per capital populations of Gypsies an Travellers for any council area in the UK an this has immensely enriche the character an culture of our community. Gypsies and Travellers have (among many other unique contributions) played a crucial role in sustaining the seasonal needs of our agricultural economy.

Since the 1940s successive planning policies have made it increasingly difficult for Gypsies and Travellers to follow their traditional way of life and they consistently have failed to ensure that there is an adequate supply of planning permissions to make this possible. This state of affairs has been exacerbated by consistent underestimates of the demand for land on which Gypsies and Travellers can legally pitch their caravans in Herefordshire.

The result of this inadequate supply, combined with the criminalisation of camping on land without planning permission, has been that many Gypsies and Travellers have had little or no choice but to move into housing – a trend particularly marked since the 1990's. I believe that many Gypsies and Travellers in this positon in Herefordshire have never relinquished their wish to resume their traditional way of life and that the 'counts' recorded in your Travellers' Sites Document do not fully take this factor into account.

Not all Gypsies and Travellers have the financial resources or the stamina to acquire land and then to pursue private planning applications (which are invariably opposed by the Council) and so there is a clear need for a significant supply of land to be made available for council provided sites. This does not appear, in my opinion, to have been adequately addressed in the Travellers' Sites Document.

I believe that when Herefordshire Council came into being it inherited 82 council pitches and that today this number has dwindled to 53. I also note that during its existence Herefordshire Council has not created a single new site. On this basis I express considerable concern about the allocation figures and the commitment of this council to address this need. It is, in terms of overall planning demand, a small challenge – but it concerns one of the most marginalised and 'discriminated against' of communities and is one that deserves very particular attention in the proposed Local Plan.

Specifically I have serious reservations about whether the Council's Travellers' Sites Document satisfy the requirements of 'soundness'. In relation to the necessary criteria my view is as follows:

1. Is the plan positively prepared?'

No. The plan does not address the real need 'now' for accommodation. It uses a discredited technique - ie setting the turnover of pitches against the need for them. Those leaving a particular pitch do not evaporate: they travel (generally within the local authority area), circulate and return.

2. Is the plan justified?

No. The plan fails to assess the real demand: the actual demand in Herefordshire. I understand that there are about 40 or more Gypsies and Travellers on the waiting list for pitches and that about nine families are 'doubling up' on relative's pitches.

3. Is the plan effective – ie is it deliverable?

This strikes me as highly dubious. I have noted above the failure of Herefordshire Council to produce any additional sites since it came into being. I understand that it can cost upwards of £80,000 of public money to provide an individual pitch. In a time of politically imposed austerity I consider it unlikely that this level of funding will become available. On this analysis, therefore, the plan will not be effective: it will not 'deliver'.

4. Is it consistent with government policy?

No. The government's stated ambition is its 'overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional nomadic way of life of travellers while respecting the interests of the settled community', and to ensure Local Authorities …. 'develop fair and effective strategies to meet need through its identification of land for sites'. This is not an effective strategy, for the reasons stated above.

I am particularly concerned that the nine pitches that are proposed are for future need. This means that there is a failure to address the existing need – ie the severe shortage of sites that Gypsies and Travellers in Herefordshire are currently in desperate need of.

It is clear that the current plan is seeking to exploit the revised definition of a Gypsy and Traveller. This is a troubling, unnecessary and a high risk strategy. What should be done is to assess the demand without seeking to subtract from the calculation people who may not meet the new definition. These people have accommodation needs regardless of this policy alteration. It is high risk because it is possible that the courts will find that this definition offends fundamental principles of Equality Law. In that case the council will have embarked (unnecessarily) on a revised strategy that will have to be fundamentally revised.

Even putting to one side the council's reliance on the revised definition, as noted above, it is entirely inappropriate to offset against the identified need for six new pitches per year, those Gypsies and Travelling People who are vacating pitches. This not only presupposes that such families 'evaporate' for 'count' purposes but it also disenfranchises the children of these families – for whom there appear to me to be no provision in the calculations – and ignores the fact that many such families are already doubling up on exiting local authority pitches.

authority pitches.

Q6 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)	**Written representation**

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Q7 Policy TS2 - Do you consider this part of the document to be sound, based on the following issues:	If you have not ticked any of the above, please give your reasons below with regard to tests of soundness: I have set out my concerns in my earlier responses
Q8 Do you consider that your comment for Policy TS2 is a representation of:	**Objection**

Q9 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

Q10 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)	**Written representation**

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Q11 Policy TS3 - Do you consider this part of the document to be sound, based on the following issues:	If you have not ticked any of the above, please give your reasons with regard to tests of soundness.: I have set out my views on this question in my earlier responses
Q12 Do you consider that your comment for Policy TS3 is a representation of:	**Objection**

Q13 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

Q14 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

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Q15 Policy TS4 - Do you consider this part of the document to be sound, based on the following issues:

If you have not ticked any of the above, please give your reasons with regard to tests of soundness.:
I have set out my views on this question in my earlier responses

Q16 Do you consider your comment for Policy TS4 is representation of:

Objection

Q17 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

Q18 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

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Q19 Policy TS5 - Do you consider this part of the document to be sound, based on the following issues:

If you have not ticked any of the above, please give your reasons with regard to tests of soundness.:
I have set out my views on this question in my earlier responses

Q20 Do you consider your comment for Policy TS5 to be a representation of:

Objection

Q21 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

Q22 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

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Q23 Policy TS6 - Do you consider this part of the document to be sound, based on the following issues:

If you have not ticked any of the above, please give your reasons with regard to tests of soundness.:
I have set out my views on this question in my earlier responses

Q24 Do you consider your comment for Policy TS6 to be a representation of:

Objection

Q25 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

Q26 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

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Q27 Policy TS7 - Do you consider this part of the document to be sound, based on the following issues:

If you have not ticked any of the above, please give your reasons with regard to tests of soundness.:
I have set out my views on this question in my earlier responses

Q28 Do you consider your comment for Policy TS7 to be a representation of:

Objection

Q29 Please set out what change(s) you would consider necessary to make policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have set out my views on this question in my earlier responses

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Q30 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

Q31 GTAA - Do you consider this document to be sound, based on the following issues:

If you have not ticked any of the above, please give your reasons with regard to tests of soundness.:
I have set out my views on this question in my earlier responses

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Q32 Do you consider your comment about GTAA to be a representation of:

Objection

Q33 Please set out what change(s) you would consider necessary to make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

I have set out my views on this question in my earlier responses

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Q34 How do you wish your representation on this issue to be dealt with at the examination hearing?(Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.)

Written representation

Q35 Are there any other comments you wish to make with regard to the Travellers' Sites document?

I have set out my views on this question in my earlier responses

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