

Inspectors Issue 7:
Does the Local Plan make adequate provision for gypsy and traveller sites and is it consistent with national policy?

i) Does the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment of 2013 (GBD16) provide a robust evidence base to establish the starting point for accommodation needs in accordance with paragraph 7 of the Planning Policy for Traveller Sites (PPTS)?

1.1 The GTAA 2013 (GBD16) and its subsequent 2016 update is considered to provide a robust evidence base to Local Plan policy. It was prepared in accordance with Policy A of Planning Policy for Traveller Sites (PPTS).

1.2 The starting point for the assessment was the existing evidence held by the borough, and it sought to actively engage with the Gypsy and Traveller communities through representative bodies and in-depth face to face interviews with communities. This evidence gathering delivered a 56% response rate which was considered acceptable. The GTAA provides a detailed analysis and overview of the needs of the Gypsy and Traveller community in the borough, it then sets out the expected requirement for pitches to 2028. The Local Plan period extends beyond this to 2030, and hence the requirement for the final two years has been extrapolated by applying the annual requirement set out for the period 2012-2028.

ii) Is the figure of 54 pitches, based on the 2016 update of GBD16, a reasonable assessment of need over the plan period for those who comply with the definition at Annex 1 of the PPTS?

2.1 The initial GTAA (GBD16) was carried out before the 2015 publication of PPTS and the revised definition included within that, the 2013 GTAA survey included a number of questions relating to the extent to which respondents travelled. These include: the time spent travelling; reason for travelling; and method by which respondents travelled; future intention in respect to travelling. Although these were not framed by the 2015 PPTS, the GTAA in the update carried out by the Borough Council concluded that it would be a reasonable and sufficient basis upon which to establish the need under the new definition of Gypsies and Travellers as defined in Annex 1 of PPTS.

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iii)	How does the Council intend to deal with the needs of people defined by section 124 of the Housing and Planning Act including those residing in or resorting to the District with respect to the provision of sites on which caravans can be stationed?
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- 3.1 In addition to surveying authorised permanent pitches, the GTAA has taken into account the needs of those living on the following circumstances: Temporary planning permissions, concealed households, unauthorised developments and, unauthorised encampments.
- 3.2 Insofar as those temporarily resorting to the borough, the GTAA indicated that there was no need for a transit site. However in the last five years, the council has taken action against 22 unauthorised encampments which suggests that there may be an unmet need.
- 3.3 Whilst the borough is satisfied that the existing GTAA provides a robust evidence base, it is intended that the new GTAA will provide a up-dated, comprehensive assessment of the current need for transit and permanent sites within the borough and will respond to any new or emerging government policy. This GTAA will be used to inform the upcoming Gypsy and Traveller Development Plan Document.

iv)	Does the Local Plan identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against a locally set target as per paragraph 10 a) of the PPTS?
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- 4.1 Whilst it is acknowledged that the Borough Council does not have an identified supply of sites to satisfy the full requirement for the plan period, evidence of historical delivery suggests that the delivery of pitches through planning permissions has delivered the five year supply of pitches identified within the GTAA 2016.
- 4.2 The GTAA identifies a total need for 54 pitches over the plan period, with a need for 14 in years 1-5, 14 in years 6-10 and 20 for years 11-16.
- 4.3 34 pitches have been granted permission between 2012 to 2017, with 28 of these having been granted by the Local Planning Authority and 6 having been granted on appeal. This figure excludes any pitches which may have been granted temporary permission.
- 4.4 The table below outlines the delivery rate of pitches through planning applications for the years 2012 to 2017.

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	LPA perm	LPA Temp	Appeal Perm	Appeal Temp	Total perm
2012	8		4	2	
2013	3			1	
2014	3			0	
2015	7	5	1	1	
2016	2	4	1		
2017	5			1	
Total	28	9	6	5	34

- 4.5 In addition to these permissions, the draft Local Plan allocates land for 7 pitches under policies S43 and S44 and there is 1 vacant pitch on the Chilmington site. The five year land supply calculations are as follows:

GYPSY AND TRAVELLER PITCH PROVISION 5YR SUPPLY (BASE DATE 2012 to 2030):	
Gypsy and Traveller Accommodation Assessment Target (2012 to 2030)	54
Pitch delivery 2012 to 2018 (applications and appeals)	34
Remaining need	20
Supply	
Allocations	7
Vacancies at Chilmington Local Authority site	1
Total Supply	8
Remaining requirement	12

- 4.6 In total, 42 specific deliverable pitches have been brought forward through either permissions or allocations. There remains a need to identify additional sites to meet the remaining requirement of 12 pitches over the plan period to 2030. In addition, the presence of sites with temporary permission and unlawful sites within the borough suggests that there may be an additional unmet need.
- 4.7 In order to address this, the Council are in the process of preparing a Gypsy and Traveller DPD which will include additional site policies. The starting point has been to carry out a new GTAA and initiate an Issues an Options consultation, both of which are ongoing.

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v)	Is the adoption of a windfall traveller policy consistent with the PPTS and is it justified?
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5.1 Whilst the PPTS is silent on windfall policies, experience has demonstrated that adopting this approach can deliver the necessary pitch requirements in a reasonable and pragmatic way. In particular, this has been demonstrated by the strong rate of delivery in the years 2012 to 2017 and the Council considers that from this evidence the windfall policy is justified. Adoption of a windfall policy also allows for greater consideration of personal circumstances and expansion of existing sites, where delivery of additional pitches through new sites may not be the most appropriate solution. For example, this could be where young adults form their own family unit but wish to remain close to the wider family.

vi)	Have all potential sites been fully considered against reasonable criteria? Does the sustainability appraisal (SD02) undertaken for gypsy and traveller sites (May 2016) take sufficient account of the criteria in paragraph 13 of the PPTS which are intended to ensure that sites are sustainable economically, socially and environmentally?
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- 6.1 The sustainability appraisal assesses sites against a number of criteria. These criteria seek to aid in the selection of the most appropriate sites, which are located so as to promote social inclusion with strong access to services and the ability to provide a settled existence (points a-d of paragraph 13). Where a site is put forward for a mixed use of both Gypsy/Traveller accommodation and commercial uses (point h of paragraph 13), it has been assessed under Objective 12 of the sustainability appraisal which will take into account the suitability of the site for business use.
- 6.2 Finally, it assesses the characteristics of the sites and adjoining land uses to ensure that no sites are located where they would be at risk of flooding or poor environmental quality (points e and g of paragraph 13), as well as the capacity of existing infrastructure (point f of paragraph 13).
- 6.3 In relation to environmental quality at Westwell Lane (S44), which is located within close proximity to the M20, these issues were considered at appeal (APP/E2205/A/13/2190874). It was concluded that the occupants of the site would not be subjected to undue levels of noise pollution either inside the home or within its curtilage.

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vii)	Will the Local Plan be sound if addressing the full accommodation needs of gypsies and travellers is left to a separate development plan document? What commitment is there to its production? Should the provisions of the Local Development Scheme (GBD15) that adoption will take place in early 2019 be written into the Local Plan?
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- 7.1 An initial call for sites in 2013 returned limited results with a small number of suitable sites coming forward, two suitable sites to emerge from this exercise have been included in the Local Plan to 2030. Whilst the borough has clearly established a history in effectively delivering Gypsy and Traveller sites through a windfall policy, a DPD will allow the borough to carry out a fresh call for sites to establish whether more site opportunities have arisen since 2013.
- 7.2 An Issues and Options consultation is ongoing and this is being run in parallel to a revised GTAA. The LDS has been amended to reflect the revised timing of the DPD, and it is expected that the DPD will be submitted for examination by April 2019.

viii)	Are the proposed allocations S43 and S44 justified and deliverable? Are the limits on the number of pitches and the other detailed criteria justified?
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- 8.1 In respect to S43, an existing pitch occupies this site and in 2013 it was put forward for potential capacity increase. It's availability was again confirmed again in 2015. Whilst S43 is substantial in size, a number of mature trees occupy the site which reduces the available land upon which to site structures. Limiting the number of pitches across the whole site allows for the retention of these trees, and ensures that the site reflects the surrounding built form. This mainly comprises generously spaced buildings within substantial grounds and mature landscaping.
- 8.2 S44 benefits from existing temporary permission for one caravan. The policy allocates the existing pitch area for a single permanent caravan, whilst increasing the size of the site to accommodate an additional four caravans. This site is located within the AONB. This land designation does not impose a blanket ban on sites, however careful consideration should be given to the need to prevent adverse impact on the visual or other essential qualities of the AONB. The site is located within close proximity to a number of agricultural buildings as well as a site associated with the distribution of minerals. The site is also bound to the east by the M20 with a row of trees separating the site from the motorway. Given the nature of the surrounding uses and their associated structures, the siting of five caravans on this site would not lead to an undue negative impact on the visual or other qualities of the AONB.
- 8.3 Concerns over noise pollution have been considered as part of a previous appeal at the site (APP/E2205/A/13/2190874), which determined that the site is not subjected to undue noise disturbance from the M20. The size of the site allows for the siting of homes away from the area closest to the M20.

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ix)	Are the criteria in Policy HOU16 fair when compared to the provisions of Policy HOU5 for residential windfall development and will they facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community? Given that there is unmet need in Ashford is criterion a) justified? What is the justification for the 5 pitch limit in criterion b)? How will the requirement for ready access to local service and facilities in criterion e) be interpreted? Is reference to Landscape Character Areas in criterion g) justified?
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9.1 Policy HOU16 in criterion a) recognises the unique needs and characteristics of the Gypsy and Traveller community ensure that such development is for those that accord with the PPTS definition of Gypsies and Travellers. In terms of b), the limit of 5 pitches is based on local experience around the likely impact of larger sites in what have tended to be rural locations. It also responds to trends within the borough which sees the majority of sites serving just extended family units and constituting small scale sites. According to the Caravan Count, of the sites within the borough, over 90% have historically accommodated fewer than 10 caravans. In terms of criterion e), because of the trends in Ashford, a careful balance has to be struck between meeting the desires of the community to occupy small rural family sites, and the need to ensure that such sites can readily access local services and facilities. To satisfactorily address this, sites will be assessed on a case by case basis against relevant indicators as set out in the Sustainability Appraisal, which considers the extent to which services can be accessed. In addition, this criteria, along with criteria g), acknowledges that in some circumstances the only available and suitable sites to come forward have been in more rural settings. In such rural settings, large sites are unlikely to be more visually apparent within the landscape. Where such small sites are to be located in more rural areas, applicants should build into their proposals sufficient measures to address any visual impact of the site. Criteria g) also requires that such measures take into account and respond to the specific character of the landscape the site is located in.

x)	What is the rationale for criteria a) and c) of Policy HOU17 on safeguarding existing traveller sites?
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10.1 Bearing in mind the difficulties in identifying and bringing sites forward, and the trend for Gypsy and Traveller sites to be located in more rural locations, it was considered that it was important to safeguard existing sites and pitches from alternative development. Criteria a) allows the authority to take a reasonable response in the event of site surplus. Its purpose is to enable the authority to allow the re-use of sites where there is a surplus of pitches within the borough which are not required by the Gypsy and Traveller community. It ensures that if we are ever in the position of having a surplus of sites then this may not apply – we would be able to take decision on a particular site being turned over to another use if, on balance, the loss of the site would bring some benefits

10.2 Criteria c) reflects that fact that in some circumstances the site has a personal permission that may relate to particular circumstances at a point in time. Such examples could include the accommodation of a disabled child, where permission may not normally have been granted under normal circumstances.