

Chichester District Council

CABINET

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Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document – Review of the Evidence

1. Contacts

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2. Recommendation

- 2.1 **That further work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document is delayed until a review of the background evidence has been completed.**
- 2.2 **That the Local Development Scheme which sets out the timetable for the preparation of development plan documents be amended.**

3. Background

- 3.1. Changes to government guidance 'Planning Policy for Travellers' (PPTS) were published on 31 August, amending the planning definition of travellers (see Appendix 1) to limit it to those who have a nomadic habit of life, meaning that where someone has ceased travelling permanently they should be treated no differently from the settled population.
- 3.2. Previously, those who had ceased travelling permanently for reasons of health, education or old age were required to be treated like those who continue to travel.
- 3.3. Local Plan Policy 36 Planning for Gypsies, Travellers and Travelling Showpeople identifies the number of pitches and plots which are required in the Plan area by 2027 which is based on background evidence in the Gypsy and Traveller Accommodation Assessments (GTAA). The GTAA and Policy 36 in turn provide the background evidence for work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD). Policy 36 also provides the basis for the 5 year supply of sites the Council needs to be able to identify.
- 3.4. Work has commenced on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD) which will identify sites to meet the identified need. It was intended to go out to public consultation in January

2016 with potential development sites. The Local Development Scheme sets out the timetable for progress of the DPD.

- 3.5. The recent changes to the PPTS will now require the GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of Gypsies, Travellers and Travelling Showpeople. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population.
- 3.6. In their initial release, DCLG stated that the Government will lay before Parliament a proposal to revoke “Gypsy and Traveller Accommodation Needs Assessments – Guidance” (2007), and subject to that the Government will publish new guidance on traveller accommodation needs assessments. However, there was no indication about when this guidance would be issued. Shortly after this, in another statement, it was suggested that there would be no guidance and that it would be up to each local authority to define Travellers. It is also unclear whether the changes will be applied retrospectively for studies completed before the new PPTS was released, or indeed to studies that have been completed but have not been the subject of a Local Plan Examination. It is also unclear at this stage how completed studies will be interpreted in any forthcoming Planning Appeals.
- 3.7. Therefore as things currently stand, the impact the changes may have on individual studies is unclear and what the full implications of the new PPTS will be on the overall assessment of need has thrown up more questions than answers. The consultant (ORS) who has previously advised the Council is currently seeking clarification from DCLG and agreement with other planning consultants they work with to try and get some clarification on a number of issues.
- 3.8. What is clear is that an Accommodation Needs Assessment completed using the new PPTS definition cannot simply assume that all ‘settled’ Gypsies, Travellers and Travelling Showpeople living on sites, yards and in bricks and mortar have ceased to travel permanently and can be excluded as components of need. The likelihood is that more in-depth fieldwork will be required with all Gypsies, Travellers and Travelling Showpeople living in a particular area in order to gain a better understanding of their individual and family circumstances.
- 3.9. It is also likely that a better understanding will be required of transit provision if the change in definition does force more households or family members to travel in order to keep their Traveller status.
- 3.10. Appendix 2 outlines the concerns of the consultants (ORS) who undertook the GTAA for the Council.
- 3.11. In addition to the changes in the planning definition of gypsies and travellers, there is also a question over the growth rates used in GTAAs. Growth rates are an important component but little detailed work has been done to assess their likely scale. Nonetheless, nationally, a net growth rate of 3% per annum has been commonly assumed and widely used in local assessments, even though there is actually no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically.
- 3.12. The growth in the Gypsy and Traveller population may be as low as 1.25% per annum, a rate which is much less than the 3% per annum often assumed, but still at least four times greater than in the general population. Even using

extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2% per annum nationally.

- 3.13. The GTAA for Coastal West Sussex used a growth rate of 3%, and this is reflected in Policy 36. A Technical Update Study in December 2014 used a 2% growth rate. This represented a reduction of 14 pitches over the Coastal West Sussex Area when compared to the original needs assessment. For the Chichester Local Plan area this meant a reduction of 7 pitches compared to the 2013 assessment. If a suggested 1.25% growth figure is applied it may reduce the figures even further. However it is currently necessary to use the existing figures on need in the local plan policy as this has been through examination. If work on the Gypsies, Travellers and Travelling Showpeople DPD is halted and the GTAA reviewed there will be an opportunity to include revised figures in the forthcoming review of the Local Plan.
- 3.14. In conclusion, due to changes in the PPTS definition, there is concern that the background evidence for the forthcoming DPD is now out of date and cannot be relied upon to provide an accurate indication of need. Were the Council to proceed with the Site Allocations Document at this point in time there is a strong risk that the plan would be found unsound or subject to legal challenge due to reliance on an evidence base that has been rendered out of date following the change in government policy.
- 3.15. If work on the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD is significantly delayed, there is the potential risk of additional planning applications and appeals being submitted, all of which will need to be considered against Local Plan Policy 36 and the Five Year Supply of Sites. However, the change to the planning definition of traveller means that applicants will have to demonstrate that they continue to travel. If they cannot demonstrate this, applications should be treated as for any residential development outside the Settlement Boundaries in line with Local Plan Policy 2 'Development Strategy and Settlement Hierarchy'.

4. Outcomes to be achieved

- 4.1. Given the changes to government guidance, the GTAA will need to be reviewed in order to provide a robust background evidence for the DPD and achieve a sound plan. It is therefore proposed to delay progress on production of the DPD in order for the background evidence to be updated.
- 4.2. This will also require an amendment to the Local Development Scheme which sets out the timetable for work on Local Plan projects. This will be the subject of a separate report to the Development Plan and Infrastructure Panel, Cabinet and Council.

5. Alternatives that have been considered

- 5.1. There is the option to carry on with the production of the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD. However a DPD needs to go through the formal Examination process. If there is a significant query over the validity of the background evidence there is a risk that the DPD would fail at Examination, or be subject to legal challenge.

6. Resource and legal implications

- 6.1. The Council will need to commission work to review the existing GTAA and this is as yet uncosted. The Council may need to deal with increased speculative planning applications and appeals for traveller sites due to the lack of an allocations plan.

7. Consultation

- 7.1. The Development Plan & Infrastructure Panel considered this report at its meeting on 15 October 2015 and made the recommendations listed at 2 to Cabinet.

8. Community impact and corporate risks

- 8.1. There is a lack of certainty about the overall need and location of sites for gypsies and travellers. This could have an adverse impact for both traveller and settled communities.
- 8.2. While it can be argued that the gypsy and traveller community is disadvantaged through the delay in the production of the Gypsy, Traveller and Travelling Showpeople DPD, there remains an opportunity to submit planning applications for the provision of sites. The impact on the traveller community is therefore neutral.

9. Other Implications

	Yes	No
Crime & Disorder		✓
Climate Change		✓
Human Rights and Equality Impact: The impact on the traveller community is neutral, see paragraph 8.2.	✓	✓
Safeguarding		✓

10. Appendices

Appendix 1 - Planning Definition of Traveller in Planning Policy for Traveller Sites

Appendix 2 - ORS Briefing on the implications of changes to Planning Policy for Traveller Sites (August 2015)

11. Background Papers

None