

## Examination of the North Hertfordshire Local Plan (2011-2031)

### Examination hearing sessions

#### Statement of North Hertfordshire District Council

#### Matter 12 – The housing strategy: provision for gypsies, travellers and travelling showpeople (Policies SP8 and HS7)

##### Issues

**12.1 Is the Gypsy, Traveller and Showperson Accommodation Assessment Update (July 2014) [HOU10] a robust assessment of the accommodation needs of travellers in the District? From my reading, it covers the period 2013 to 2031 – is that correct? Does this timeframe have any implications for the soundness of the Plan?**

1. The 2014 Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) was completed under guidance set out in Planning Policy for Traveller Sites (2012) (PPTS) and met the requirements of Sections 225 and 226 of the 2004 Housing Act (Accommodation needs of Gypsies and Travellers). It also met the requirements of the National Planning Policy Framework (2012).
2. In August 2015, the PPTS was amended to differentiate between travellers who have permanently ceased to travel and those that continue to travel, or have ceased travelling temporarily. To take account of this change a new Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned in 2017 and published in 2018. This GTAA covers the 15 year period from 2017 to 2032 but has also considered the need arising within the period to 2031 so it aligns with the Local Plan period. It therefore considers the need for the remaining Local Plan period. This document is available as ED60 and supersedes HOU10.
3. The objectives of the GTAA are to provide the Council with a robust and defensible evidence base on the accommodation needs of Gypsies, Travellers and Travelling Showpeople for the period to 2032 and also for the Local Plan period to 2031.
4. The assessment has been carried out by independent experts, ORS, and followed a methodological approach that has been tested at both planning appeals and local plan examinations<sup>1</sup> and found to be sound. The assessment included a mixture of quantitative and qualitative research with members of the Travelling Community and local and regional stakeholders, as well as a comprehensive assessment of current and future pitch requirements.
5. The PPTS, states that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide for 5 years' worth of sites against their

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<sup>1</sup> Including the Local Plan for Maldon and the Joint Core Strategy for Cheltenham, Gloucester and Tewkesbury.

locally set targets, and identify sites or broad locations, for years 6-10 of the plan and where possible sites or broad locations for years 11-15 [PPTS para.10 a and b].

6. The PPTS states that local planning authorities should use a 'robust evidence base to establish accommodation needs to inform the preparation of local plans' [PPTS para. 7c.]. The 2014 GTAA identified a need for 7 pitches between 2013 and 2031, this is covered by the proposed allocation within HS7 [HOU10 para 4.2]. The survey for the 2018 GTAA included an additional family who had moved in to North Hertfordshire since 2014. The 2018 GTAA identifies a need for 10 pitches for travellers that meet the new planning definition and no need for any identified pitches for unknown households who may meet the planning definition or those that no longer meet the planning definition. For clarity, the figure of 10 pitches supersedes the figure identified in the 2014 GTAA for 7 pitches.
7. The key implication for the Local Plan is that 8 of the 10 pitches are required in years 1-5 (2017 to 2022). This means that the local planning authority should identify suitable sites to meet this need.

**12.2 The definition of 'Gypsies and Travellers' used in the national Planning Policy for Traveller Sites now omits from this definition people who have ceased to travel permanently. The Gypsy, Traveller and Showperson Accommodation Assessment Update (July 2014) appears to be based on an earlier definition which includes people who have ceased to travel permanently.**

**a) Is that correct?**

8. Yes. The 2014 Gypsy and Traveller and Accommodation Assessment (GTAA) was based on a definition of Gypsies and Travellers that includes people who have ceased to travel permanently. It was completed to meet the requirements of sections 225 and 226 of the Housing Act (2004) and PPTS (2012).
9. ED60 can be relied upon as identifying the needs for North Hertfordshire using the new planning definition. The statement of common ground / memorandum of understanding for Luton [ED18, p.8]; for East Hertfordshire [ED13, para 5.7], St Albans [ED7, para 4.1], Stevenage [MOU11, para 4.1] Welwyn Hatfield [MOU7, para 6.14] South Cambridgeshire [MOU10, para 4.5], Central Bedfordshire [MOU 8, para 5.9] confirm that there is no requirement for North Hertfordshire to meet the traveller housing needs from these districts.

**b) What are the implications of this?**

10. The outcomes of the 2014 assessment do not comply with the requirements set out in PPTS (2015) as they do not differentiate between households that meet the current planning definition and those that do not. ED60 supersedes the 2014 GTAA. Therefore

there are no implications for the plan as the up to date assessment sets out the need to be met based on the current planning definition of a Traveller.

**c) What are the needs of gypsies, travellers and travelling showpeople based on the definition used in current Government policy?**

11. ORS conducted surveys and interviews and Figure 7 below sets out the planning status of households in North Hertfordshire.

<b>Site Status</b>	<b>Meet Planning Definition</b>	<b>Unknown</b>	<b>Do Not Meet Planning Definition</b>
<b>Gypsies and Travellers</b>			
<b>Private site</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Residential caravan site</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Unauthorised sites</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>Bricks and mortar</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>3</b>

[ED60 Figure 7, p28]

12. Figure 7 shows that for Gypsies and Travellers 4 households meet the planning definition of a Traveller in that ORS were able to determine that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 3 Gypsy and Traveller households do not meet the planning definition as they were not able to demonstrate that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons, to visit relatives or friends, and others had ceased to travel permanently – these households did not meet the planning definition.

13. The 4 households that meet the planning definition are presently located on the private site, the residential caravan site and an unauthorised site.

14. Analysis of the household interviews completed at the private site indicated that there is a current need for the 6 presently unauthorised pitches. The six pitches are unauthorised due to the lapse in March 2017 of the temporary planning permission for

the pitches. There is a future need for 2 additional pitches as a result of new household formation (based on the demographics of the residents). There are 2 vacant pitches on the site to accommodate future need and the site owner is applying for planning permission to extend the temporary consent for the presently unauthorised pitches.

15. Analysis of the household interviews completed at the unauthorised site indicated that there is a current need for the 2 pitches that are presently sited there but unauthorised, and future need for 2 additional pitches as a result of new household formation (based on the demographics of the pitch residents) over the 15 year GTAA period to 2032.
16. Therefore, it can be seen from figure 8 below that there is an overall need for 12 pitches but that there are also 2 vacant pitches in the area. Therefore the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for 10 additional pitches over the 15 year GTAA period. See Figure 8 below.

<b>Gypsies and Travellers - Meeting Planning Definition</b>	<b>Pitches</b>
<b>Supply of Pitches</b>	
Additional supply from vacant public and private pitches	2
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
<b>Total Supply</b>	<b>2</b>
<b>Current Need</b>	
Households on unauthorised developments	8
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
<b>Total Current Need</b>	<b>8</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	4
<i>(Formation from household demographics)</i>	
<b>Total Future Needs</b>	<b>4</b>
<b>Net Pitch Need = (Current and Future Need – Total Supply)</b>	<b>10</b>

[ED60 Figure 8, p29]

17. The need for the provision of pitches in five-year Local Plan periods is as follows in Figure 9.

Years	0-5	6-10	11-14	15	Total
	2017-22	2022-27	2027-31	2032	
<b>Pitches</b>	8	1	1	0	10

[ED60 Figure 9, p30]

18. Note, there were no Gypsy or Traveller households in North Hertfordshire where it was not possible to complete an interview, or to obtain robust data about pitch residents.

**d) If the answer to the preceding question is not known, is it necessary to update the evidence to ensure that the Plan is consistent with national policy and properly justified?**

19. This question is no longer relevant due to the 2018 GTAA being PPTS (2015) compliant. The evidence base has therefore been updated.

**12.3 In light of the previous questions, will the seven permanent pitches allocated at Pulmore Water ensure that the need for gypsy, traveller and travelling showpeople accommodation is met?**

20. Rather than a need for 7 permanent pitches there is now a need for 10 additional permanent pitches for the period to 2032. The figure of 7 pitches is therefore superseded by the 2018 GTAA. Figure 8 above identifies a need for 8 pitches to accommodate existing families on unauthorised developments in the first five years of the assessment period to 2022. Of this 8, 6 are for families currently at the Pulmore Water site and 2 are for families currently at the Pottersheath Road site. For clarity, Table NHDC 1 provides the information on need and supply.

Years	0-5	6-10	11-14	15	Need	Supply	Total
	2017-22	2022-27	2027-31	2032			
<b>Pottersheath Road</b>	2	1	1	0	4	0	4
<b>Pulmore Water</b>	6	1	1	0	8	2	6

NHDC Table 1 [Based on 2018 GTAA]

21. 2 pitches are needed in years 6-10 and 2 pitches are needed years 11-15 for family expansion on both sites. Figure 9, at paragraph 17 above shows 1 pitch is required in years 6-10 and 1 pitch is required for years 11-15. This because there are already two vacant pitches at Pulmore Water so this need is already catered for and the need to physically provide pitches for family expansion is therefore only relevant at Pottersheath Road. NHDC Table 1 above indicates the supply at Pulmore Water netting off the need to that site from 8 to 6.
22. The proposed allocation at Pulmore Water will ensure that the need for Gypsy and Travellers accommodation arising from residents of Pulmore Water will be met over the plan period. The needs at Pulmore Water are for 6 unauthorised pitches to become lawful and authorised plus two additional sites for family expansion. This totals a need for 8 pitches – however as there are two vacant sites at Pulmore Water, the actual provision required is 6.
23. The unauthorised development at Pottersheath Road has a need for 2 pitches in the period to 2022 to become lawful and permanent. There is also a need for 2 pitches for family expansion for the period to 2031. Therefore, there is a need for 4 pitches to accommodate the families currently at Pottersheath Road now and in the future and within the plan period.

**12.4 Is the allocation of the seven permanent pitches at Pulmore Water soundly based? What site selection process has been followed, and why has this site been chosen?**

24. The allocation of the pitches at Pulmore Water is soundly based on the most up to date evidence available for plan making at the time of submission of the plan. The need for provision at Pulmore Water was based on a robust site selection process that was based on the recognition that a site owned by a travelling family will always be preferable to public or third party ownership and that to seek an alternative site for the family would require the purchase of another site when the family are already suitably accommodated. The site selection process therefore focussed primarily on the sustainability of the site to meet the aims of the plan and the suitability of the site to meet the needs of the family to the end of the plan period. A flow chart showing the site selection process followed has been appended to this statement.
25. The Proposed Submission Local Plan relied on the 2014 GTAA. The families at Pottersheath Road were identified as new families by the 2018 GTAA. A map showing the location of Pottersheath Road is attached at Appendix 2 to this statement. The families at Pottersheath Road own the land upon which they are currently unauthorised to reside. The Council therefore proposes to test this site using the same methodology as for Pulmore Water. If the site is found to be suitable it can then be promoted as an allocation at Pottersheath Road and as a main modification. This would enable the sites potential release from the Green Belt to be considered appropriately through the

Local Plan process. This will enable proper consultation, and a Sustainability Appraisal to be undertaken. As the Council has identified a need arising within the first years of the Local plan the need should be provided for in the Local Plan.

**12.5 Have all sites put forward for allocation been considered through the SA? Is the SA based on appropriate criteria and is it a robust and sound base of evidence?**

26. Only one site was put forward for the accommodation of travellers. This site<sup>2</sup>, called Pulmore Water, is the only reasonable alternative identified. It was subject to the SA site assessment process described under matter 9.1. A summary and details of the assessment are included in Appendix 6 of the Submission SA (LP4, Appendix 6, p508). The SA would need to be updated and consulted upon for Pottersheath Road.

**12.6 What process or methodology has been used to select land for allocation? In particular:**

- a) Have all sites put forward for allocation been considered through the process/methodology? Has the testing of reasonable alternatives been robust?**
- b) Have sites been discounted from possible allocation for any reason (for example, through the use of site size thresholds)? If so, are all of the reasons for excluding sites justified?**
- c) Aside from any reasons for excluding sites, has greater weight/importance been given to any site selection criteria over others and if so what is the justification for this 'weighting'?**
- d) Have all constraints been taken into account?**
- e) Have alternative uses been considered?**

27. The methodology for the site selection of Pulmore Water was based on a pragmatic view of the practicalities of asking a family resident on a site in their ownership to move to an alternative site. The main constraint to the allocation of the site was the capacity of the site to accommodate all the pitches required to the end of the plan period. To establish the capacity of the site a capacity assessment of the site was undertaken (HOU11). This capacity assessment found that there existed sufficient space on the Pulmore Water site to make appropriate accommodation for all members of the extended family to the end of the plan period through the allocation of the area shown on the policies map identified by Policy HS7. This remains the position in light of the GTAA 2018.

28. In regard to Pottersheath Road the families are currently residing on land they own and no additional sites for travellers have been submitted to the Council. A planning application to temporarily regularise the unauthorised development for three years was refused against officer advice on January 18, 2017. This decision was appealed and a Public Inquiry was due to take place on 5-7 December 2017. However, a meeting of

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<sup>2</sup> LP4, pp 98-99, Site CD4 Land at Pulmore Water, St Albans Road, Codicote.

the Planning Committee on September 6, 2017 concluded that in the light of the very special circumstances, material weight could be given to provide temporary planning permission to the families at Pottersheath Road. Officers were authorised to invite the Inspector at the Appeal to grant conditional planning permission. In response to this the applicant withdrew their Appeal and submitted a new Planning Application for temporary planning permission which is expected to be determined February 15, 2018.

29. The Council intends to carry out an assessment, similar to that at Pulmore Water to evidence if an allocation at Pottersheath Road is justified.

**12.7 Overall, has the SA of sites and the selection process been appropriate and robust?**

30. Please see answer to Question 12.5 above.

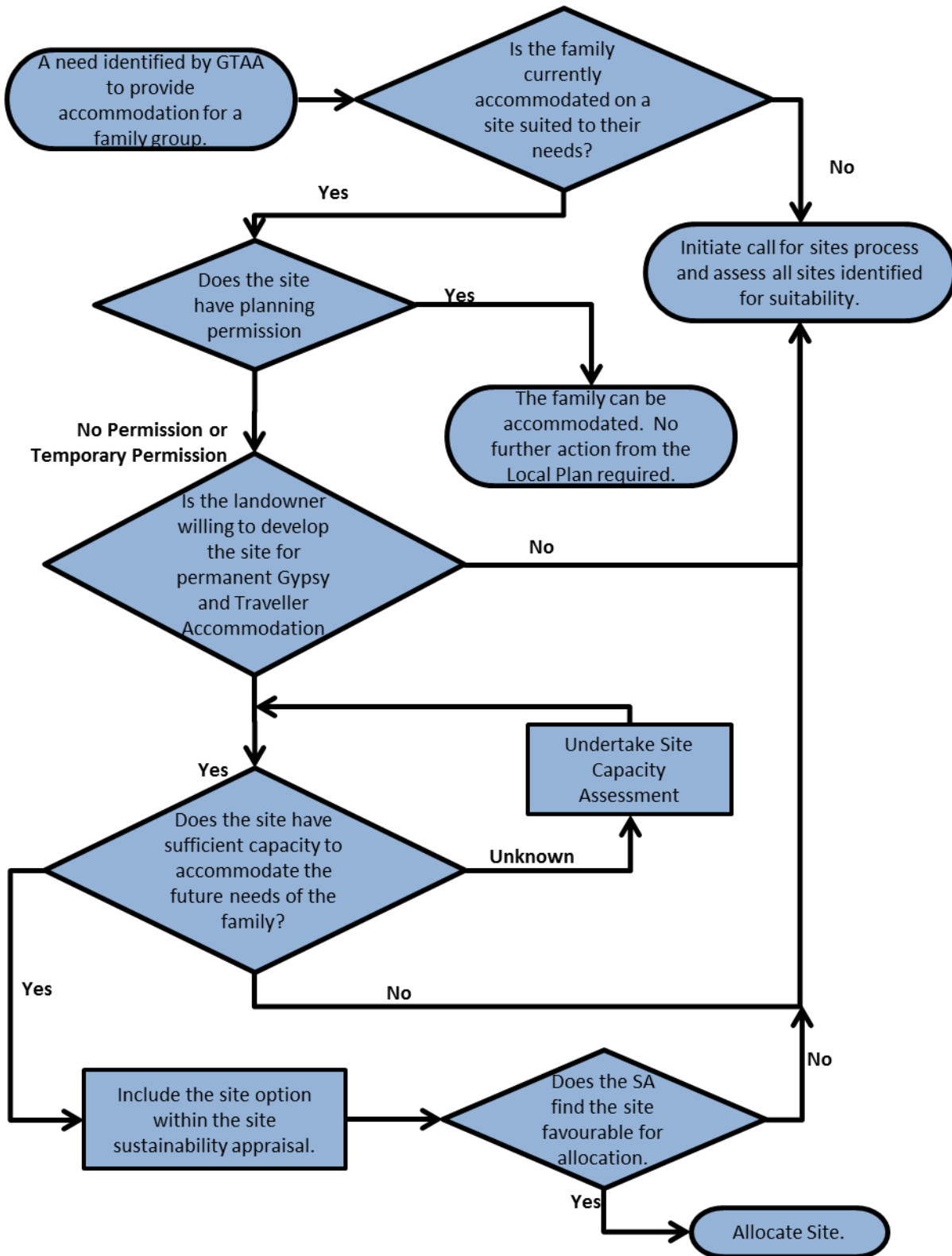
**12.8 Are the criteria set out in Policy HS7 consistent with national policy and guidance?**

31. The principles behind Policy HS7 are considered to be consistent with national policy and guidance as set out in the PPTS (2015). The policy includes an allocation to meet the level of need that was identified in the 2014 GTAA. This meets the requirements of the PPTS.

32. The policy then includes a set of criteria to determine any further applications that are submitted for additional Gypsy and Traveller pitches and Travelling Showpeople plots. This is also consistent with the requirements of the PPTS. If a main modification is made to incorporate the traveller site at Pottersheath Road, and this was found sound, it would be added Policy HS7.



Appendix 1: Site Selection Flowchart



Matter 12, North Hertfordshire District Council

Appendix 2: Pottersheath Road Candidate Traveller Pitches Site Location Plan



Gypsy & Traveller Site - Pottersheath Road

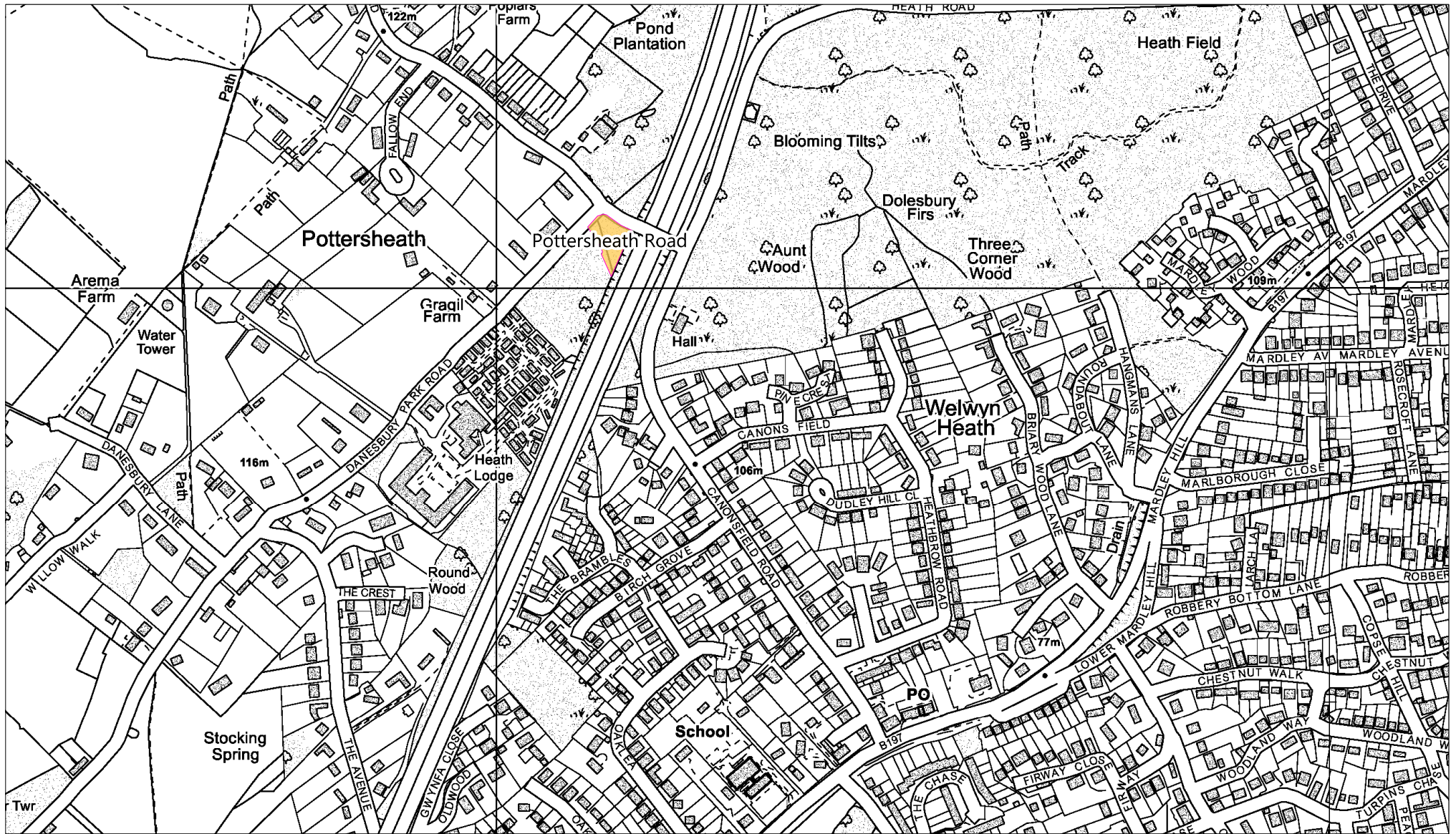


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Gypsy & Traveller Site - Pottersheath Road



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