Meeting the Accommodation Needs of Gypsies, Travellers and Travelling Showpeople

For the East Hampshire District Local Plan Regulation 18 consultation

December 2018
Contents
1. Introduction .......................................................................................................................... 3
2. Key Steps to this Stage (draft Local Plan Consultation - Regulation 18) ......................... 4
3. Evidence Gathering ............................................................................................................. 4
4. Land Availability Assessment (LAA) Call for Sites .......................................................... 5
5. Early and Effective Engagement ...................................................................................... 6
6. Land Availability Assessment (LAA) - Site Assessment .................................................. 6
7. Proposed Allocations ......................................................................................................... 8
8. Strategic Policies in the Local Plan .................................................................................... 9
9. Next steps .......................................................................................................................... 10
10. Wider Context .................................................................................................................. 11
11. Summary .......................................................................................................................... 12
1. Introduction

1.1 There is a well-established Traveller\(^1\) community in East Hampshire district. The community lives in a variety of accommodation; including bricks and mortar homes, mobile homes, and touring caravans. A Traveller ‘site’ can consist of one household living on one pitch or plot\(^2\), or many pitches or plots on one site. Multiple pitch/plot sites are often accommodated by one extended family but can be non-related households. All the Traveller accommodation in East Hampshire district is privately owned – none is owned and managed by the Local Authority or the County Council.

1.2 The Council recognises the value of closer working relations with the local Traveller community. Often a socially excluded group, the community has a significantly lower life expectancy, lower educational attainment, and strikingly, a Gypsy and Traveller child is three times more likely to be taken into care than a child from the settled community\(^3\). The Council recognises the contribution that decent permanent culturally suitable accommodation can have to the overall wellbeing of Traveller families.

1.3 The National Planning Policy Framework (NPPF) reflects this, stating that it is important that the needs of groups with specific housing requirements are addressed. In recognition of the complexities of planning for Traveller accommodation, there is separate national planning policy called ‘Planning Policy for Traveller Sites’ (PPTS), 2015. It is the policy guidance in this document, along with relevant legislation\(^4\) that the Council must follow with regards to its consideration of the accommodation needs of the Traveller community in the Local Plan.

1.4 Akin to general housing, the PPTS requires local authorities to assess the accommodation needs for Travellers, and to develop a strategy to meet that need, including setting targets for pitches and plots. Local authorities are also required to demonstrate a five-year supply of deliverable pitches and plots, and identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.

1.5 This background paper provides information on how the Council is working towards achieving this for the planning authority area (those parts of the district outside the South Downs National Park), structured by the key steps taken so far (see Section 2).

1.6 The South Downs National Park Authority is producing its own Local Plan to address Traveller and other accommodation needs covering its area.

\(^1\) For the purposes of this paper, the term ‘Traveller’ will include Gypsy, Traveller and Travelling Showpeople. Where the reference is specific to a group, such as Travelling Showpeople, it will be stated.

\(^2\) Gypsy and Traveller accommodation is generally termed as a pitch, whereas the equivalent for a Travelling Showpeople site is a plot or a yard. This paper uses the term plot. A plot tends to be much larger than a pitch, due to the storage of equipment.


\(^4\) In particular, The Housing and Planning Act (2016) and The Equality Act 2010.
2. Key Steps to this Stage (draft Local Plan Consultation - Regulation 18)

2.1 Initial first steps:
   - Evidence gathering
   - Land Availability Assessment (Call for sites)
   - Early and effective engagement

2.2 Subsequent steps:
   - Site assessment
   - Proposed site allocations in the draft Local Plan (regulation 18)
   - Strategic policies in the draft Local Plan (regulation 18)

2.3 Next step:
   - Public consultation on the draft Local Plan (regulation 18), scheduled to commence in February 2019.

2.4 Duty to Co-operate discussions are a continuous part of these steps.

2.5 The structure of this paper follows this general order of steps.

3. Evidence Gathering

3.1 The PPTS says, "local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions." (paragraph 7c).

3.2 Opinion Research Services (ORS) were appointed in 2017 to undertake a comprehensive Traveller accommodation needs assessment in the East Hampshire district. This covered the whole area of the district as a housing authority, however, within that area, the study provided results for the South Downs National Park planning authority area, and East Hampshire District Council planning authority area. The results for East Hampshire District Council Local Planning Authority exclude the South Downs National Park planning authority area.

3.3 The East Hampshire GTAA (2017) supersedes any previous GTAAs completed in the planning authority area. The GTAA sought to understand the accommodation needs of the Traveller population through a combination of desk-based research, stakeholder interviews and engagement with members of the Traveller community living on all known sites. The fieldwork of the study was completed between January and April 2017. The base date for the GTAA is March 2017 which is when the majority of the interviews were completed.

3.4 The GTAA (2017) identifies the overall level of additional need, as set out in the draft Local Plan Policy S1: Quanta and location of development (regulation 18 stage) as follows:
3.5 The PPTS says that local planning authorities should also have an up to date understanding of the likely transit accommodation needs of the area over the plan period. Whilst most Travellers have a permanent base, some travel for all or part of the year. To avoid unauthorised encampments in unsuitable locations, transit accommodation can be provided. Clearly, this needs to be in suitable locations on frequently travelled routes and be well managed.

3.6 The GTAA (2017) recommends that the situation regarding unauthorised encampments should be monitored, and a review of the evidence undertaken in Autumn 2018. It does not identify a specific need for transit accommodation in the planning authority area.

3.7 In the short term, however, the GTAA (2017) notes that ‘negotiated stopping’ can be used to deal with unauthorised encampments. This is a term used to describe agreed short-term provision for Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides.

4. Land Availability Assessment (LAA) Call for Sites

4.1 To understand what land is potentially available for development in the new Local Plan in the district (outside the SDNP) the Council undertook a call for sites. The call for sites was open for 12 weeks and closed on Friday 4 May 2018. The site suggestion form required stating what uses the land would be available for, should it be suitable. This included Traveller accommodation.

4.2 All those on the Council’s Local Plan mailing list were contacted, in addition to those who had previously suggested sites. The call for sites was advertised on the Council’s website.

4.3 In total, 24 sites were identified that promoted the land for Traveller accommodation (singularly or as one of many possible land uses). The total number of sites were sourced from:

- Site suggestions (call for sites)
- The GTAA 2017 (list of sites surveyed)
- Planning history
- Council owned land
- Liaison with the Traveller community

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5 Includes national average of 10% unknowns which equates to one additional pitch (GTAA 2017, paragraph 7.28).
6 Gypsy and Traveller households tend to reside on a residential “pitch” within a Traveller “site”.
7 Includes national average of 70% unknowns which equates to 1 additional plot (GTAA 2017, paragraph 7.33)
8 Travelling Showpeople tend to reside on mixed-use “plots” within a Travelling Showpeople “yard”.
5. Early and Effective Engagement

5.1 The PPTS says that “local planning authorities should: a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers’ accommodation needs with travellers themselves, their representative bodies and local support groups)”. In addition, the Council’s Statement of Community Involvement recognises the Council’s commitment to including hard to reach groups in Local Plan consultation (para.4.9).

5.2 Engagement between the Council and the Traveller community has historically been limited, and often only carried out in response to a planning application or planning issues. To set the foundation for building a positive proactive relationship, the Council has established a cross service internal working group to draw together knowledge and expertise. Lead by the planning policy team, the key aims of the group are to:
- Help effectively and positively involve the Traveller community in the Local Plan process, particularly in relation to site allocations for Traveller accommodation;
- Help produce an effective and deliverable Local Plan that meets the development needs of all members of the community;
- Help ensure the Council meets its legal duties and planning requirements.

5.3 With the assistance of the Communities team, contact has been made with several members of the Traveller community and visits carried out. Letters have also been sent to established sites where a desk top exercise has considered there may be potential for intensification or expansion of pitches/plots. These will be followed up during the draft Local Plan consultation (regulation 18), and all known sites will be mailed during all Local Plan consultation stages and invited to an event and offered a meeting with an officer.

5.4 The Council recognises that to assess and allocate land that will be delivered, a greater understanding of individual household’s circumstances is needed. The Council’s planning and communities team members are keen to meet with any Traveller household residing in the planning authority area at present or representative to discuss the Local Plan process and how they can be involved.

6. Land Availability Assessment (LAA) - Site Assessment

6.1 Having identified possible sites, the LAA is the process by which the land is assessed for its suitability, availability, viability and overall deliverability. The Council has published the LAA (December 2018), which considers land for a variety of uses, and identifies all potentially developable land, from which site allocations can be selected. The selection of proposed site allocations is informed by other evidence base, including the Sustainability Appraisal.

6.2 The LAA documents the methodology used, including a section on how this has been tailored to be appropriate for consideration of land for Traveller accommodation.

6.3 The LAA concludes that at present, there is insufficient developable land to meet the need for Traveller accommodation in the area. There is one particular constraint to development that is a significant contributing factor to this outcome. That is the
proximity of available land to the Wealden Heaths Phase II Special Protection Area (SPA).

6.4 There are well-established Traveller communities living close to each other in Liphook (Queens Road / Longmoor Road – where the two roads meet), and Headley Down (north east of Grayslott Road). As there is an established community residing here, there are consequently identified accommodation needs (for example, from new household formation). Equally, in many cases, there is available land to accommodate additional pitches/plots either within existing sites or through extension. However, much of that land is within 400m of the SPA, or within the SPA itself, rendering it unsuitable and thus undevelopable.

6.5 Some remaining capacity has been identified for residential development within 400m of the SPA, and this has been earmarked for Traveller accommodation and affordable housing, as set out in the Joint Wealden Heaths Phase II Special Protection Area - Supplementary Planning Document (SPD). However, that capacity will soon be exhausted by planning permissions, and thus is not expected to serve any Local Plan allocations.

6.6 This presents challenges, as much of the identified need cannot be met where it is being sourced from. Traditionally, and often, Traveller families live as extended households, and moving to other sites away from an established community is not preferable. Likely, such a constraint will cause compliance challenges, and cause households to live in unsuitable overcrowded accommodation. This is concerning to the Council, and dialogue will continue with Natural England through the plan preparation process to see if there is any solution in the areas identified.

6.7 Also of note, flood risk is a significant constraint to development of Traveller accommodation. NPPF references the consideration of development proposals in terms of all sources of flooding. With regards to fluvial flooding, Traveller accommodation should only be allocated in Flood Zone 1 (low risk), and only where it is not possible to meet needs within Flood Zone 1, should areas within Flood Zone 2 be considered (subject to passing the Exception Test). Traveller accommodation should not be permitted in Flood Zone 3 (high risk). The Strategic Flood Risk Assessment: Interim Supplement Incorporating Sequential Test (2018) has carried out a desktop assessment of all sources of flood risk on sites considered in the LAA.

6.8 The LAA has identified ‘developable’ land that can accommodate:
• 11 Traveller pitches
• 18 Travelling Showpeople plots
• A small number of Traveller pitches or plots within a new larger settlement

6.9 These are identified to be delivered within the first five years of the new Local Plan period (with the exception of the new larger settlement).

6.10 Despite efforts, insufficient land has been identified to meet the identified need. The NPPG says, “It may be concluded that insufficient sites/broad locations have been identified against objectively assessed needs. Plan makers will need to revisit the

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9 NPPG identifies caravans, mobile homes and park homes intended for permanent residential use as a highly vulnerable use, which can only be located in Flood Zone 1 (low risk), or in Flood Zone 2 if the Exception Test is passed.
assessment, for example changing the assumptions on the development potential on particular sites (including physical and policy constraints) including sites for possible new settlements. If, following this review there are still insufficient sites, then it will be necessary to investigate how this shortfall should best be planned for. If there is clear evidence that the needs cannot be met locally, it will be necessary to consider how needs might be met in adjoining areas in accordance with the duty to cooperate”.

(Paragraph: 026 Reference ID: 3-026-20140306).

6.11 Reviewing the assessment and changing assumptions will not assist this at present as insufficient land has been suggested or identified. The Council intends to carry out further engagement to encourage additional site suggestions, and has identified potential sites requiring further information in the draft Local Plan (2018), sourced from the LAA (see Section 7, Table 2). If following further engagement and assessment, insufficient developable land is identified, the Local Planning Authority will as part of the ongoing discussions with adjoining areas through the Duty to Cooperate, consider how needs can be met at a wider scale.

6.12 The LAA has not identified developable land for transit accommodation.

7. Proposed Allocations

7.1 The developable land identified in the LAA for Traveller accommodation has been proposed for allocation in the draft Local Plan.

Table 1: Proposed Site Allocations for Traveller accommodation in the draft Local Plan (Regulation 18)

<table>
<thead>
<tr>
<th>Site allocation</th>
<th>LAA reference</th>
<th>Site location</th>
<th>Net (pitches/plots)</th>
<th>Gross (pitches/plots)</th>
<th>Type of Traveller accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA26</td>
<td>LAA/FM-010</td>
<td>Janeland, Willis Lane, Four Marks</td>
<td>5</td>
<td>6</td>
<td>Traveller pitches</td>
</tr>
<tr>
<td>SA27</td>
<td>LAA/FM-023</td>
<td>Briars Lodge, Willis Lane, Four Marks</td>
<td>4</td>
<td>8</td>
<td>Traveller pitches</td>
</tr>
<tr>
<td>SA28</td>
<td>LAA/FM-024</td>
<td>Land at Alton Lane, Four Marks</td>
<td>2</td>
<td>2</td>
<td>Traveller pitches</td>
</tr>
<tr>
<td>SA23</td>
<td>LAA/CHA-003</td>
<td>Land north of Wolf's Lane, Chawton</td>
<td>12</td>
<td>12</td>
<td>Travelling Showpeople plots</td>
</tr>
<tr>
<td>SA7</td>
<td>LAA/HEA-011</td>
<td>Land at Middle Common, Grayshott Road, Headley Down, Bordon</td>
<td>6</td>
<td>6</td>
<td>Travelling Showpeople plots</td>
</tr>
<tr>
<td>SA21</td>
<td>LAA/BEN-007</td>
<td>Land at Northbrook Park</td>
<td>TBC</td>
<td>TBC</td>
<td>Traveller pitches / Travelling Showpeople plots</td>
</tr>
</tbody>
</table>

7.2 A new settlement presents the opportunity to be ambitious, achieving the highest standards of design, the most sustainable development layouts and the most inclusive and positive communities, supported by innovative technologies and
modern approaches to infrastructure. To that end, draft Local Plan Policy SA21 includes a small amount of Traveller accommodation as part of the 800 homes proposed. The exact amount will be subject to further consideration.

7.3 As the Local Plan progresses, additional work will be carried out regarding deliverability. This is particularly the case for SA23 (proposed allocation for 12 Travelling Showpeople plots), as the land is not believed to be in the ownership of members of the Travelling Showpeople community. Delivery mechanisms therefore need to be discussed further with the landowner, as part of the draft Local Plan (regulation 18) consultation.

7.4 Three additional sites have also been identified where further work is required to assess developability. These are as shown in Table 2 and are listed in the draft Local Plan as such. If further work establishes they are developable, this will be documented in an update of the LAA prior to the next Local Plan consultation (regulation 19 stage) and considered for allocation.

Table 2: Potential ‘developable’ sites, requiring further work

<table>
<thead>
<tr>
<th>Site location</th>
<th>LAA reference</th>
<th>Potential yield (net pitches)</th>
<th>Type of Traveller accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fordlands, Brislands Lane, Four Marks</td>
<td>LAA/FM-022</td>
<td>2</td>
<td>Traveller pitches</td>
</tr>
<tr>
<td>Hilltop Stables, Devil’s Lane, Liphook</td>
<td>LAA/LIP-032</td>
<td>2</td>
<td>Traveller pitches</td>
</tr>
<tr>
<td>The Paddocks, Station Road, Bentley</td>
<td>LAA/BEN-014</td>
<td>2</td>
<td>Traveller pitches</td>
</tr>
</tbody>
</table>

7.5 The Council is keen to engage with the owners of these sites, and any other members of the Traveller community settled in the local area.

8. Strategic Policies in the Local Plan

8.1 At this stage, it has not been possible to identify sufficient land to fully meet the identified need for Traveller accommodation. Despite this, the identification of land for 11 pitches and 18 plots, goes a considerable way towards meeting need.

8.2 Whilst discussions continue with adjoining planning authorities on strategic matters, including provision of Traveller accommodation, it is widely known that many local planning authorities struggle to identify land to meet this need.

8.3 In recognition of this, the draft Local Plan (regulation 18) proposes a combination approach to meeting the need over the plan period. This acknowledges that new Traveller accommodation contributing towards meeting need is equally likely to be provided through the planning application process.

8.4 To help meet needs, the first thing that can be done is to safeguard existing Traveller accommodation. As such, draft Local Plan Policy S10 proposes to safeguard existing Traveller accommodation with permanent planning permission to ensure it is not lost to other uses. It is futile providing new accommodation if existing accommodation can
be changed to other uses. Following that baseline position, the approach to meeting identified needs is:

8.5 Policy based:
- Allocate deliverable land for Traveller accommodation (as set out in the draft Local Plan – Regulation 18)
- Include a criteria-based policy in the draft Local Plan (Regulation 18) that assesses planning applications for Traveller accommodation (including transit accommodation) (draft Local Plan policy S9)
- Encourage Neighbourhood Plans to include the local Traveller community in the planning process, and recognise their accommodation needs through allocations where appropriate (draft Local Plan policy S1.9).
- Apply the adopted Wealden Heaths Phase II Special Protection Area SPD to ensure any remaining capacity within 400m of the SPA is earmarked for Traveller accommodation and/or affordable housing.

8.6 Engagement:
- Continue to engage with the Traveller community to help find additional available land during the Local Plan process, and encourage appropriate planning applications thereafter.
- Continue to work with neighbouring local planning authorities and specific consultation bodies (particularly Natural England) under the Duty to Cooperate (particularly with regards to evidence gathering and transit accommodation requirements).

8.7 Need for accommodation of those falling outside of the definition of ‘Traveller’ for Planning Purposes:
- To add to the complexity of the issue, there is a definition of Travellers for ‘planning purposes’, as set out in the PPTS. This requires consideration of whether a person physically travels, and if they do not, if they used to, what caused them to stop and whether they intend to travel again in the future.
- Those Travellers who do fall outside of the definition of Travellers for ‘planning purposes’ may still have a need for culturally suitable accommodation. Draft Local Plan Policy S12 New Homes in the Countryside says planning permission will be granted for new homes in the countryside for seasonal, temporary or permanent Gypsy, Traveller and Travelling Showpeople accommodation for those who do not meet the planning definition where: a. there is a proven need for culturally suitable accommodation; and b. the criteria a-h of Policy S9 are met.

9. Next steps

9.1 During the consultation on the draft Local Plan (regulation 18), further targeted engagement will take place with the Traveller community, to try and identify more

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10PPTS says, “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:

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.”
land and to gather thoughts from the Traveller community on the draft Local Plan. All known Traveller sites in the area will be mailed during all Local Plan consultation stages and invited to an event and offered a meeting with an officer.

9.2 In addition, evidence will continue to be collected about unauthorised encampments, to assist with the consideration of the possible need and location of transit accommodation.

9.3 There will be specific dialogue with:

- Natural England regarding the two areas (as identified in Section 6) that are specifically constrained by proximity to the SPA.
- The landowners of SA23 to discuss delivery mechanisms.
- The promoters of SA21 to discuss the inclusion of Traveller accommodation within the new settlement, to create mixed and inclusive communities.

9.4 The Traveller Working Group will continue to meet to share information and continue a Council wide approach to improving liaison and engagement with the local Traveller community.

9.5 The draft Local Plan, the LAA and this background paper will be updated following the draft Local Plan consultation (regulation 18), prior to the next stage of consultation.

10. Wider Context

10.1 There is a national shortage of Traveller accommodation, and many local planning authorities struggle to identify sufficient land to meet needs. Many Travellers move around districts/boroughs within a regional area to find permanent accommodation. As such, a ‘need’ may be presented as part of a planning application that has not been specifically identified in a local needs assessment.

10.2 Even if the draft Local Plan identified sufficient deliverable land to meet identified needs, whilst this does carry weight in the decision-making process, it does not mean that planning applications for further Traveller accommodation would be refused. The quantum of need identified is not a target in the sense that once met, subsequent planning applications can be refused. Each planning application is considered on its own merit, and with regard to the outstanding identified need and five-year supply position at that point in time. Given that national planning policy accepts the location of Traveller accommodation within the countryside, this will always be a real prospect for areas without the added protection of for example, Green Belt, Areas of Outstanding Natural Beauty or National Park.

10.3 Despite this, the Council believes the best approach is to allocate as much deliverable land to meet needs in the Local Plan as possible, to enable the approach to primarily be plan led giving the opportunity to have specific detailed policies for sites. This is preferable to leaving the location of all new sites to be determined by planning applications.

10.4 Equally, whilst it may appear that the ‘planning definition’ of Traveller has served to prevent settled Travellers from gaining planning permission for sites, this is not
necessarily the case. It is challenging for a Council, when determining a planning application, to conclude that a Traveller does not meet the ‘planning definition’, particularly if information is presented to the contrary and when there are often valid reasons presented to having stopped travelling (such as health and education), and an intention stated to travel again in the future. Even if an applicant does not meet the ‘planning definition’, they may be able to demonstrate a need for culturally suitable accommodation. The Council has a duty to consider the accommodation needs of all members of the Traveller community, regardless of their status in terms of the planning definition.

11. Summary

11.1 The Council recognises the contribution that decent permanent culturally suitable accommodation can have to the overall wellbeing of Traveller families.

11.2 This paper clearly sets out the Council’s approach to trying to allocate deliverable sites to meet the identified need for Traveller accommodation in the planning authority area. This is not an easy task, but every effort is being taken through a proactive attempt to engage and include the Traveller community in the process.

11.3 The Council recognises the importance of the Local Plan addressing the accommodation needs of everyone, and the potential wider community value of investing resource in establishing a better working relationship with the local settled Traveller community, who are part of many local communities in the district.

11.4 This work is ongoing, and this background paper will be updated and republished alongside the next Local Plan consultation (regulation 19).