

## HEREFORDSHIRE COUNCIL

### Examination of Travellers' Sites Development Plan Document

**Inspector:** David Smith BA(Hons) DMS MRTPI

**Programme Officer:** Tracy Pearson

**Tel:** 07792 880908

**Email:** [Programme.Officer@herefordshire.gov.uk](mailto:Programme.Officer@herefordshire.gov.uk)

**Address:** c/o Plough Lane Offices, Hereford, HR4 0LE

**Webpage:** [Travellers' Sites Document examination](#)

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## INSPECTOR'S ISSUES, QUESTIONS AND INITIAL COMMENTS

This note sets out the main issues I have identified in order to determine the soundness and legal compliance of the Travellers' Sites Development Plan Document taking account of the representations received (A8 & A9) and the Council's responses (A16). The specific questions raised are for the Council to address if it wishes in a statement prior to the hearing. This should be received by **Friday 4 May 2018**. Further advice about this and the examination process more generally is contained in my separate guidance note.

In the interests of raising concerns at an early stage I also make some initial comments about one aspect of the Accommodation Assessment (A13).

Should, as a result of these questions, changes be proposed by the Council to any of the policies or text or to the Accommodation Assessment then these should be included in an updated schedule or document published prior to the hearing. Furthermore, if there are factual updates to be made in view of the passage of time then these should also be produced before the hearing.

### Main issues

#### Issue 1

Have the relevant procedural and legal requirements been met, including the duty to co-operate?

#### Issue 2

Has the preparation of the plan been informed by a robust evidence base to establish accommodation needs for travellers?

#### Issue 3

Does the plan identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target and of specific developable sites or broad locations for growth after those 5 years?

#### Issue 4

Are the criteria based policies TS1 and TS2 necessary and are they fair in facilitating the traditional and nomadic life of travellers whilst respecting the interests of the settled community?

#### Issue 5

Are the proposed allocations (TS3 – TS7) justified, are they deliverable and do they contain sufficient detail?

## Questions and comments

### Issue 1

- (i) The Council has undertaken Sustainability Appraisal (A10 & A11) and Habitats Regulations Assessment (A12). Is it satisfied that these are adequate and comply with the relevant legislation?
- (ii) The duty to co-operate statement (A19) concludes that the duty has been met although details of the co-operation actually undertaken are quite limited. Is there anything further the Council wishes to add about the engagement with neighbouring authorities and whether it has been constructive, active and on an on-going basis? Paragraph 5.6 confirms that the Council has not been requested by any of its neighbours to meet unmet need from elsewhere and has not sought assistance in meeting its own needs. Is the Council able to provide any more detail about the plan-making position of adjoining authorities in relation to traveller sites?
- (iii) In preparing the Local Plan has the Council complied with its Statement of Community Involvement (A14)?

### Issue 2

The Accommodation Assessment of 2017 (A13) describes at paras 5.23 – 5.26 why expected turnover from public sites has been included in Tables 5.4 and 6.1. It is expected that 84 pitches will become available between 2017 and 2031 and that this will address the residual pitch requirement. I have some initial concerns about the reliance on turnover in this way even taking account of the Council's comments at 2) on page 8 of A16, the consultants response to queries in May 2015 (C2) and the references to turnover in past and draft guidance.

Essentially the approach adopted appears to take no account of the needs of households leaving the public sites so that potentially they are excluded from the overall assessment as they themselves may require a pitch. Alternatively this may over-estimate the actual contribution that the turnover of pitches would have on supply. Furthermore, the reliance on this method of meeting needs does not lead to the creation of new pitches although the plan does allocate 9 residential pitches and a temporary stopping place for 5 pitches. With this in mind I have the following specific questions:

- (i) Is there any support in national policy or guidance for the contention that the availability of a social rented dwelling is a comparable example when considering the question of turnover? Or that the principle of including turnover in assessing traveller accommodation needs is consistent with that for Strategic Housing Market Assessments for housing?
- (ii) When occupants permanently move away from a gypsy and traveller pitch on a public site what evidence is there that they no longer require a pitch elsewhere? Should and can a distinction be made between circumstances

when existing occupiers no longer require a pitch due to death or moving into bricks and mortar and occasions when this is not so?

- (iii) Why is the site management data which indicates a turnover of 6 pitches per year on public sites to be preferred over the household survey which equates to 1.8 pitches per year?
- (iv) Over how long a period has the site management data showing an annual turnover of 6 pitches on public sites been compiled? Is it reasonable to assume that this trend will continue throughout the plan period or has it been affected by factors highlighted in paragraph 3.19 of C2 that are unlikely to re-occur?
- (v) Does the Council wish to elaborate on comment 3) on page 9 of A16 which refers to inquiries in South Worcestershire and Shropshire?
- (vi) In assessing need, can the Council confirm that there is no overcrowding of existing pitches, no unauthorised sites and no sites with temporary permissions?
- (vii) How has the question of migration of travellers into and out of Herefordshire been considered in assessing the need for permanent residential pitches?
- (viii) Are the assumptions made about the number of travellers in bricks and mortar accommodation and their need for a pitch before the end of the plan period (20 households) reasonable?
- (ix) For the purposes of Table 5.1 of the Accommodation Assessment is the total number of households on the housing register or the waiting list for public sites 35? Is there any more recent information in this respect?
- (x) What is the justification for including existing households who intend to move between sites in the next 5 years at lines 3a and 3b? As these are existing households are they not already covered in the total of 119 at 1f?
- (xi) If turnover is included on the supply side, should the entry in 3c of Table 5.1 of 7 households returning to bricks and mortar in the next 5 years and which is subtracted from immediate need, be excluded?
- (xii) Table 3.1 of the Accommodation Assessment indicates that there is 1 unoccupied pitch on public sites and 6 on private sites. Where are these vacancies and are they genuinely available for travellers?
- (xiii) Is the current authorised supply of 129 pitches likely to remain available to travellers for the remainder of the plan period having regard to any occupancy conditions and the known intentions of land owners?
- (xiv) The provision of a transit site of 5 pitches is recommended at paragraph 5.32 of the Accommodation Assessment on the basis that this could accommodate almost all unauthorised encampments. However, is there

any information about whether such events occur at the same time as one another which could lead to a shortfall?

- (xv) A need for 9 plots for showpeople has been established at paragraph 5.30 of the Accommodation Assessment but the plan makes no provision for any such sites. How is the plan sound in these circumstances? What would be the impact on those in need of a plot? Is there scope to utilise existing sites more flexibly as suggested by the Showmen's Guild (G1)?

### **Issue 3**

- (i) The table at comment 11) on page 10 of A16 indicates a supply of 6.25 years. However, this is based solely on the requirement arising from travellers who meet the definition of traveller in the Planning Policy for Traveller Sites. Having regard to section 124 of the Housing and Planning Act 2016 should the needs of 'cultural' travellers, as referred to throughout the Accommodation Assessment, (or people residing in or resorting to the district with respect to the provision of sites on which caravans can be stationed) also be addressed?
- (ii) In the same table, could the Council please provide details of the 18 pitches that have been completed between 2011 and 2017? Why is the figure for total deliverable pitches as at April 2018 given as 10 rather than 9? Should the start of the 5 year supply period be taken from April 2017 or April 2018 and, if so, why?
- (iii) Given that the start of the plan period and the date of the Accommodation Assessment are not aligned what approach should be taken to meeting historic pitch needs which equates to 17 in total according to Table 5.3?
- (iv) Should the potential to further expand existing sites as referred to at paragraphs 5.27 and 5.28 of the Accommodation Assessment be pursued further?

### **Issue 4**

- (i) Given that Policy H4 of the Core Strategy sets out when proposals for traveller sites will be supported and the other general policies in the Core Strategy, are Policies TS1 and TS2 necessary?
- (ii) Are similar provisions applied to other forms of development that are limited in the countryside according to Core Strategy Policy RA3 and are criteria 1 – 12 fair and reasonable?
- (iii) Why are the first paragraphs of Policies TS1 and TS2 different to one another? In the interests of effectiveness should it be made clear that development will be supported rather than encouraged and given the identification of a need for plots for show people is this reference in Policy TS2 superfluous?

- (iv) In Policy TS1 does criterion 12 overlap with site licensing requirements, why should an on-site shared community building be explored in every case and why should details of animals to be kept at the site be provided? The latter would appear to encompass domestic pets and use of land for grazing is a separate matter.
- (v) In Policy TS2 is criterion 1 necessary as a site is unlikely to be selected that would not meet the accommodation and storage requirements of the intended occupiers? Why should any site have suitable access to the strategic road network as required by criterion 3? Does criterion 6 overlap with site licensing requirements?

### **Issue 5**

- (i) Comment 7) on page 4 of A16 indicates that funding for 3 of the new pitches at Grafton and Bromyard (TS4 & TS6) has been approved. What is the latest position and is the sum referred to contingent on the bidding process with Homes England? How is the process of developing these pitches to be taken forward?
- (ii) What is the position with the other proposed permanent and transit pitches? How long is the funding process likely to take? Overall is there a reasonable prospect that the allocated sites will be delivered within 5 years?
- (iii) Are the individual site allocations justified and do they contain sufficient detail to guide development? In particular is the transit site proposed by Policy TS3 suitably located bearing in mind that it would be in the north of the county? Can suitable access to it be provided from the A49?
- (iv) Would the proposed allocations be acceptable when judged against existing policies in the Core Strategy and Policies H4 and RA3 specifically?
- (v) Given that allocations TS4 – TS7 are either within existing sites or are extensions to them, would planning permission be required for the use of land as a residential caravan site?

*David Smith*

INSPECTOR

20 March 2018