Havering Local Plan Examination Inspector’s Note 14 August 2019

Further modifications to Policy 11 – Gypsy and Traveller Accommodation

I have now had an opportunity to consider the updated Gypsy and Traveller Accommodation Assessment (GTAA), July 2019, and the Draft Schedule of Proposed Modifications (August 2019) so far as that relates to policy 11. I note that a number of my previous concerns have been resolved by the updated information and I welcome the Council’s responses in this regard. However, Policy 11 requires further modification in order that it may be included in the list of main modifications for consultation.

The particular issues to be resolved are as follows:

Need

1. The policy should set out the overall level of need of 220 pitches for the plan period. This could be done by inserting the overall level of need into the first paragraph and by deleting “for the period 2016-2021” from the end of that paragraph. The policy should also set out that the Council will seek to meet that need.

2. The bullet points in the second paragraph of the policy set out the need for the first 5 years of the plan period, 2016-21, as assessed in the GTAA. However, the paragraph refers to these figures as the need for the period 2021-2026. This is incorrect and requires alteration to 2016-2021.

3. The policy states “The allocated sites for Gypsies, Travellers and Travelling Showpeople considered to meet the identified accommodation needs for 2016-2026 are identified on the Proposals Map and listed in Appendix X”. It only becomes clear from paragraph 7.9.13 that not all of the identified need for those years is being met through these allocations. The policy therefore needs to be altered to make it clear that 162 of the required pitches needed up to 2021 are being met through site allocations. The policy should also make clear that the remaining need for the years 2016-26 is to be met through the consideration of planning applications which may come forward, in the first 5 year plan period, within the land identified as the sites / broad locations for growth for years 6-10 of the plan.

4. The policy states “the Council expects that the majority of the accommodation needs arising for the period 2021-2026 could be met within existing sites or within land adjoining them...”. The policy wording should include the sites or broad locations that are identified in paragraph 7.9.22. The wording of paragraph 7.9.22 in the justification should also make clear that those identified sites are the sites / broad locations which are identified to accommodate the growth within years 6-10 of the plan (and the 7 pitches from the 5 year need), rather than the existing wording which states that they “may have the potential”.


5. At present the geographic extent of the allocations is unclear. Are the sites maps I have been sent intended to be the Policies Map identification of sites? If so, it should be made clear which parts of the sites are allocated for the first 5 years of the plan (and the allocations should be large enough to accommodate the 7 unallocated pitches) and which parts for years 6-10 of the plan. Please clarify this.

6. As I understand the policy, it is not identifying land for growth for years 11-15 of the plan. I note that this paragraph, “Future needs in the latter periods…”, refers to new household formation in the period 2021-31. If my interpretation of the policy and GTAA is correct, this should read 2026-31. Please correct this or advise me if that is not the case. This paragraph should also state “Planning applications for future need…etc” as it is future applications, not future need, that will be assessed having regard to national policy and the criteria in policy 11.

7. From the additional site layout maps provided, some of the allocated sites do not appear to be capable of accommodating the number of pitches allocated in Appendix X. I note the reasons for this as set out in the Council’s letter dated 1 August 2019. However, the Council needs to acknowledge in the policy justification that the allocated sites may not be capable of accommodating the number of pitches required to fully meet the identified need. For example, where the existing families have accepted that teenage children can currently sleep in touring caravans, this will be time limited and they will require their own pitch at some point in the future. Such an approach could also lead to over-crowding on sites. This future need would be captured in further assessments of need and in an update of the plan. However, it is important that the policy justification flags this up as an issue and sets out that future need not able to be accommodated on the allocated sites will be dealt with through an update of the plan. Whilst this is not ideal, this would be a pragmatic solution which would enable me to recommend this as a main modification, subject to my further consideration of the responses to subsequent consultation.

8. The justification to the policy should set out that an immediate update of the Local Plan is proposed on adoption. This should be set out in a similar form of wording to the proposed main modification to paragraph 7.1.14 of the plan (in the latest Schedule of proposed Modifications, August 2019). The aim should be to make it clear that those aspects of the need not fully dealt with in this Local Plan will be further considered in the plan update, in line with the proposed approach to settled housing.

9. Paragraph 7.9.12 states that no specific need has been identified for Travelling Showpeople. However, the GTAA identifies that there are 5 Travelling Showpeople households that meet the definition and that there is over-crowding on the yard and a need to provide additional space to accommodate older teenage children. In addition, the table at Appendix X
of the policy sets out that there is a 5 year need for 5 Travelling Showpeople plots and it identifies a site. Paragraph 7.9.12 sets out that that expansion of the existing yard will meet future need. Reference in the policy to there being no need is therefore incorrect and inconsistent with the Appendix. Paragraph 7.9.12 should be reworded to refer to the level of need identified in the Appendix and to indicate that expansion of the existing yard to meet current and future needs will be considered favourably, subject to the criteria in the policy. It may help the clarity of the policy to separate out Travelling Showpeople need in the same way as Transit need has been dealt with separately.

Policy wording

10. The paragraphs within the policy which state “the land is to revert to Green Belt” and “Any proposals on these sites for uses…..etc”, together with paragraph 7.9.9 of the justification which says “The Council will regard the sites as remaining within the Green Belt…”: The first sentence of paragraph 7.9.9 is justified and in accordance with national policy. However, it is not possible for a site to ‘remain within the Green Belt’ whilst being inset within it. Neither it is possible for land to ‘revert to Green Belt’ once it has been inset (other than through a subsequent Local Plan). Whilst I understand the Council’s desire to stress that these sites are not for general use, I consider that the wording is clear on that point elsewhere in the policy / justification. In the event that an application for any other use was submitted on an allocated site, it would be contrary to policy 11 of the Local Plan and the Council would be able to resist it unless there were material considerations that indicated otherwise. In fact, if the site were to ‘revert to Green Belt’ there may be circumstances in which planning permission for other uses could be granted if very special circumstances could be demonstrated. These phrases in the policy and justification are therefore unnecessary and are in conflict with national policy. In order to resolve this, the Council should remove from the policy wording “Once such use ceases then the land is to revert to Green Belt” and the following sentence which states “Any proposals on these sites…..planning policies for the Green Belt will apply to such proposals”. Paragraph 7.9.9 should end after “….Travelling Showpeople.”

11. Criterion ‘v’: As per my previous note¹, this should be worded in accordance with paragraph 25 of Planning Policy for Traveller Sites (PPTS). PPTS does not indicate that sites should be in a reasonable location with regard to local services and facilities. It refers to sites in the open countryside and sites in rural areas and sets out the considerations that should apply in these circumstances.

12. The paragraph immediately after criterion ‘viii’: I note that this is in accordance with paragraph 26 PPTS. However, is there any reason why

¹ Inspector’s note of actions following May 2019 Hearings
the Council have excluded paragraph 26a of PPTS? The effective use of brownfield land will be a factor which the Council would also need to take into account, where relevant, in accordance with national planning policy. This matter could be resolved either by including paragraph 26a in the policy or by deleting the whole of this section from “In addition to the criteria above......” up to and including criterion ‘iii’ and instead stating that the Council will have regard to the considerations in PPTS, or any subsequent national policy.

13. The paragraph which states “Proposals for sites.....will be required to demonstrate need....” up to “verifiable”:– As per my previous note in relation to criterion i of the previous policy, this should be deleted. PPTS sets out that the onus is upon local planning authorities to assess need. Individual applicants should not be required to produce an up to date needs assessment and they will probably not be in a position to do so. As per my previous note, the policy should be worded in accordance with paragraph 24 of PPTS as this aspect of national policy sets out what the Council should take into account in determining applications.

14. I also have concerns with the term ‘verifiable’ in that same paragraph. It is unclear how the Council would verify the evidence. The Council should be provided with evidence, but it will then be a matter of planning judgement what weight to give to that evidence. The word ‘verifiable’ should be deleted.

15. The paragraph which states “It is unlikely that there will be scope......after 2021” contradicts paragraph 7.9.3 which refers to the Council looking for sites in the built-up area. This conflict should be removed by altering the wording of one or other of these sentences.

16. The final sentence of the policy which reads “The Council recognises the adverse impacts associated with unauthorised encampments......to deal with these”:– this sentence should be deleted. It does not reflect a fair and equitable approach when compared with policies relating to housing for the settled population. The Council has powers to take enforcement action for any unauthorised development. That does not need to be set out in the Local Plan and it is not set out elsewhere in relation to housing, or any other development, for the settled population.

Justification wording

17. Paragraph 7.9.4:– the last sentence suggests that planning applications will be required to provide a ‘detailed feasibility study’ as to the capability of the site to accommodate further units. This seems to go further than criterion ‘i’ of the policy which simply requires that the site has a suitable layout which can accommodate the number of pitches. This sentence in the justification should be altered to remove this inference. This could be achieved by stopping that sentence after “further units”.


18. Paragraph 7.9.4 also refers to a detailed Pitch Deliverability Assessment which accompanied the GTAA. Does the previous ‘Gypsy and Traveller Site Deliverability Assessment’ as at 20th Feb 2019 need updating to reflect the latest evidence in the GTAA? If so, I will need to see that updated version.

19. Paragraphs 7.9.6, 7.9.7, 7.9.8 and 7.9.23: the reference to ‘exceptional circumstances’ in paragraph 7.9.7 is correct as this is the consideration in terms of plan-making. However, the references in 7.9.6, 7.9.8 and 7.9.23 should be to ‘very special circumstances’ as those paragraphs are referring to planning applications for which the latter is the consideration.

20. Tables 4, 5, 6 & 7 should make clear that the figures within them refer to the number of pitches to be provided.

Appendix X table

21. The ‘Planning Status’ column should be removed as this will change once applications come forward.

22. The table should make clear that the figures within it relate to the number of pitches for which each site is allocated.

23. I note that the Appendix X table includes Haunted House Wood twice and the ‘planning permission’ part of the site is identified as 0 pitch need. As this table is identifying need, is it necessary to include the 0 figures in this table?

Policies Maps (in addition to paragraph 5 above)

24. The allocated Travelling Showpeople plot should be identified on the Policies Map and this site should also be inset within the Green Belt.

25. For clarity, the Policies Map allocations should make the full names of the sites clear as they are currently only partially displayed on the maps I have been sent.

I am happy to work with the Council, through the Programme Officer, to finalise the wording of the modifications to the policy. The consultation on the main modification to policy 11 will need to specifically include consultation on the proposed allocated sites and on the updated GTAA. You should be aware too that the Sustainability Appraisal will need to be updated to assess the proposed allocated sites, in addition to assessing all of the main modifications that I finally recommend. This would need to be consulted upon at the same time as the main modifications. The Council should consider the timescale for carrying out
this work and advise me of that please. I will, of course, need to take into account the consultation responses before finally concluding whether or not changes to the policy along the lines suggested above are required to make the plan sound.

I would welcome a response to this note by 21st August. Further comments on the Draft Schedule of Proposed Modifications in relation to other policies will follow.

Susan Heywood

INSPECTOR