

FURTHER SUBMISSIONS OF MURDOCH PLANNING LIMITED TO LPP2 AS IT RELATES TO TRAVELLER SITE PROVISION

At its meeting on 6th October 2015 WCC proposed to abandon all its previous commitments to meet the needs of Gypsies and Travellers and to effectively kick the matter off into the long grass by deleting the previous proposals to a) allocate sufficient land to meet Travellers needs and b) do that at the same time as it met every other group's accommodation needs in LPP2. Now WCC has resolved to not even try to accommodate Travellers accommodation needs until 2017 at the very earliest - a timescale that is itself frankly risible and cannot be relied upon to be realised, given the manifest failings of this LPA where Traveller site provision is concerned: in my previous submission I demonstrated that this LPA failed to meet every policy requirement since 1994 including:

- Circular 1/94 Gypsy sites and planning's requirement that the need for sites were quantified and sufficient sites identified to meet that need;
- Circular 1/2006 that need was met by a Site Allocations DP within 3-5 years of that publication being issued (ie by 2011 at the very latest)
- Planning Policy for Traveller Sites (PPTS 2012) that by 27th March 2013 and every year thereafter, unmet need would be replaced by a 5 year supply of sites going forward;
- PPTS 2015 maintained that requirement and continues to be breached by this LPA.

In these circumstances, the LPA is correct on one level, namely that:

“The main risk in taking forward LPP2 and the proposed Gypsy and Traveller DPD is of the examinations finding the plans unsound. Failure to address the needs of travellers would result in a very high risk of this...”

I urge the Local Plans Inspector to find the LPP2 unsound because it fails to address the needs of Travellers in a situation where the LPA has been in breach of national policy for 22 years and proposes to continue in breach for more years to come. Such an approach falls foul of the duty to facilitate the traditional Gypsy way of life which the PPTS 2012 and 2015 states is the government's overarching aim. It would also fall foul of the duty in Article 8 and the Public Sector Equality Duty.

At the meeting on 6th October 2015 the LPA continued:

“2. Key changes

2.1 This version of the LDS sets out the need for a separate development plan document (DPD) on Gypsy and Traveller Accommodation within the District. Originally the intention was that gypsy and traveller sites would be identified through the LPP2 process and could therefore be incorporated into LPP2.

2.2 Consultants were appointed by a consortium of eleven Hampshire authorities to undertake an assessment of travellers’ accommodation needs across most of the County. This was published in 2013 and identified a projected need for 26 additional pitches within the District up to 2027, with a further estimate of 9 travelling showperson’s yards. Projecting this forward to the end of the Local Plan period (2031) results in an estimated need for 33 gypsy/traveller pitches and 11 travelling showperson’s pitches. It was proposed that these ‘need’ figures would continue to be included in LPP2 (draft policy DM4), but that a separate DPD is needed to allocate the necessary sites.

2.3 Consultants were appointed to examine potential sites but the results of this study that have been delayed to the extent that it is now too late for the conclusions of this report to be incorporated into LPP2, without causing undue delay to LPP2. Also, at the end of August 2015 the Government published a revised ‘Planning Policy for Traveller Sites’, which is the key national guidance on traveller provision. The main change is to the definition of travellers, to exclude those that have permanently abandoned a nomadic way of life, and this is likely to have implications for the number of traveller pitches needed. Therefore, the assessment of travellers’ accommodation needs should be updated so as to inform the number of pitches that need to be identified and allocated.

The current evidence base establishes that there is a need for 44 pitches and this is the most up to date evidence available. The LPA may hope that Travellers accommodation needs can be wished away on an un-evidenced assertion that under the new definition the figure may be lower but that is speculation, not evidence. In any event the new definition is subject to Judicial Review challenges because it precludes those Travellers who become too old or too

ill to continue travelling to follow their traditional way of life. The Equality and Human Rights Commission, the Royal Town Planning Institute and the Planning Officer's Association are all opposed to this definition, as is the Association of Chief Constables.

I note that at 2.4 of paper proposed to the 6th October 2015 the LPA accept failing to have a 5 year supply raises the issue that the LPP2 as now proposed is not sound:

"2.4 Government guidance requires a 5-year supply of gypsy and traveller sites and for LPP2 to be silent on this matter will generate immediate concern and potential soundness issues from the LPP2 Inspector. The nature and sensitivity of this topic, and the work still needed before consulting on potential sites, is too major to be added to the site allocations of LPP2 at this late stage. Consequently, the most appropriate solution is to include in the LDS the need for a separate Gypsy and Traveller Accommodation DPD. The recommended programme for this is set out in the LDS at Appendix 1 and the cost implications are considered below.

...

5 RISK MANAGEMENT ISSUES

5.1. An up-to-date Local Development Scheme is a fundamental element of the Local Plan process, being part of the legal compliance tests under the examination procedure. The main risk in taking forward LPP2 and the proposed Gypsy and Traveller DPD is of the examinations finding the plans unsound. Failure to address the needs of travellers would result in a very high risk of this, hence the proposal to address this through a separate DPD. Otherwise, every attempt has been made

Gypsy and Traveller Site Allocations Development Plan Document

The Council is part of a consortium of local and National Park authorities that commissioned an assessment of the accommodation needs of gypsies and travellers in Hampshire, including Winchester District. The findings of this assessment and other related documents are included in LPP2 and available on the Council's website here.

The Government has recently revised the definition of travellers and this will require an updated assessment of traveller accommodation needs.

The Gypsy and Traveller development plan document will establish a target for the number of traveller pitches / plots needed and allocate the sites necessary to meet the needs identified, in accordance with the requirements of the NPPF and reflecting the development strategies and proposals already expressed in Local Plan Part 1 and 2. Gypsy and Traveller Development Plan document

<i>Role and content</i>	<i>The identification of traveller accommodation needs and allocation of sites required to meet the needs of the gypsy and traveller community.</i>
<i>Geographical coverage</i>	<i>Winchester District (excluding that part within the South Downs National Park)</i>
<i>Status</i>	<i>Development Plan Document</i>
<i>Chain of Conformity</i>	<i>Local Plan Part 1 – Joint Core Strategy, Local Plan Part 2 – Development Management and Site Allocations and the Hampshire Minerals and Waste Development Framework</i>

TIMETABLE OF KEY STAGES (Key Milestones in **bold** type)

Community involvement in Ongoing development of issues and options

Draft LDD and draft Sustainability November 2016

Appraisal (SA) for consultation (Reg. 18)

Consideration of representations and preparation of revised LDD January – June 2017

‘Publication’ (Pre-Submission) LDD and final SA (Regs. 19 & 20) July 2017

Consideration of representations and preparation of proposed Aug - Sept 2017

modifications.”

In a situation where the LPA has failed to comply with government policy on Traveller sites for 22 years, it is simply incredible (in the literal sense of that word) that this issue will be resolved in a DPD independently of LPP2 by next year. This is particularly so given the fact that consultation is not even due to commence until November 2016. The Inspector can have no confidence in this LPA meeting these needs in that timeframe if the matters is allowed to be divorced from the LPP2 process as currently proposed. On behalf of my Traveller clients in Wincehseter, I respectfully urge the Inspector to find that the LPP2 is unsound as it fails to address the accommodation needs of Travellers in a way that is in clear conflict with PPTS 2015 and the NPPF. Accordingly the LLP2 fails all 3 of the tests of soundness as raised in the Inspector’s Briefing Note, as it is **not**:

“1) positively prepared (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);

2) justified (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);

3) effective (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and

4) consistent with national policy (enabling the delivery of sustainable development in accordance with the policies in the Framework).

For all these reasons the LPP2 is unsound.

Murdoch Planning Limited, 20th June 2016.