

Winchester District Gypsy Traveller and Travelling Showpeople Development Plan Document

'Traveller DPD'

Submission

Background Paper

May 2018



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1. Introduction

- 1.1 This Background Paper provides a summary as to how the Council has prepared the Traveller DPD, and specifically covers issues raised through the pre-submission consultation, where a number of modifications are suggested to clarify or amend the DPD, in response to matters raised.

2. Planning Policy Background

National guidance

- 2.1 Matters relating to gypsies and travellers are specifically set out in the Government's [Planning Policy for Traveller Sites](#) dated August 2015. This guidance has informed this DPD and the approach taken in preparing the [Gypsy and Traveller Accommodation Assessment \(GTAA\)](#) in 2016.
- 2.2 The Government also published draft guidance to local housing authorities in March 2016, focussing on [Caravans and Houseboats](#), which included reference to Travellers and more specifically those that had stopped travelling. This guidance has not yet been finalised.
- 2.3 More recently (March 2018) the Government has published proposed revisions to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). There are references in the proposed changes to the NPPF to the PPTS seeking opinion as to whether the PPTS should be amended in light of proposed changes to the NPPF, advising that the NPPF needs to be read in conjunction with the PPTS. The proposed changes to the NPPF do not affect advice on travellers and no changes have yet been made to the PPTS 2015. Therefore, no modifications are proposed to the Traveller DPD in response to this consultation.
- 2.4 During April 2018, the Government published a further paper for consultation 'Powers for dealing with unauthorised development and encampments'. Whilst this focuses on the actions available to local authorities to deal with such occurrences, there is specific reference to travellers (paras 40 – 43), with the question asked '*are there any specific barriers to the provision of more authorised permanent and transit sites?*'. The Traveller DPD makes provision for sites and it is not expected that any changes resulting from the consultation paper will be implemented in time (or be of sufficient relevant) to warrant changes to the DPD.

Planning Policy in Winchester District

- 2.5 Preparation of Local Plan Part 1 Joint Core Strategy (LPP1) commenced in 2007, with its examination in 2012, where the issue of Gypsies and Travellers was set out in response to matters raised by the Inspector – [paper HDC Issue 4 \(iv\) refers](#)
- 2.6 This concluded that given the changes at both National and Regional planning levels, including the revocation of Regional Spatial Strategies in 2010 and publication of the PPTS in March 2012, that '*It was not possible within the*

timescale of this process to assess the quantity of pitches/plots needed. Instead, it recommended that a needs assessment should be carried out and the Core Strategy / Local Plan should give a commitment that this would be undertaken, but that a pitch target be included in Local Plan Part 2.' (para 6).

- 2.7 On this basis Policy CP5, was included as a criteria based policy against which to assess proposals as an interim measure, pending preparation of Local Plan Part 2 – Development Management and Site Allocations (LPP2).
- 2.8 LPP1 was adopted in March 2013, with the inclusion of Policy CP5 which was supported by the Local Plan Inspector and is set out in full in the Traveller DPD Appendix C.
- 2.9 LPP2 preparation commenced in late 2012 which included undertaking a Travellers Accommodation Assessment (TAA) which was completed by Forest Bus Limited (a charity appointed as consultants to undertake the assessment) in 2013. The Assessment was commissioned by a consortium of 11 local authorities in Hampshire, including Hampshire County Council. This established the level of need for Gypsy, Traveller and Travelling Showpeople's accommodation across these Hampshire authorities. This assessment was based on the definition of travellers as set out in the 2012 PPTS and quantified the need for 26 gypsy/traveller pitches and approximately 9 travelling showpersons pitches within the part of Winchester District (excluding the SDNP area) to the end date of the study period, 2027.
- 2.10 These figures were grossed up to provide an estimate of pitch requirements over the Local Plan period, which extends to 2031. This translated to 33 gypsy/traveller and 11 showpersons pitches for the Local Plan period to 2031. Draft LPP2 published in 2014, included draft Policy DM4 based on the 2013 GTAA, indicated that planning permission would be granted for pitches to meet identified traveller needs of about 33 pitches and 11 travelling showpeople's pitches over the plan period. As part of the site selection process for LPP2, suitable sites were sought for traveller use to meet the identified needs. Only one suitable and available site was identified and this was included as a site specific allocation for 8 pitches in Colden Common in the draft LPP2.
- 2.11 The site allocation that was included within the draft LPP2 was subject to a substantial level of public objections and was acquired by a new owner who withdrew it as a potential traveller site. Also, with the publication of the revised PPTS in August 2015, it was necessary to commission a further GTAA particularly with the change to the definition of travellers set out in the PPTS. Consequently, Opinion Research Services (ORS) were appointed in 2016 in partnership with a number of Hampshire authorities. However, to avoid delaying the preparation and subsequent publication and submission of LPP2, the Council concluded at that time that it was not possible to include up-to-date pitch requirements (reflecting the revised PPTS 2015 definition of travellers) and acknowledged the need to prepare a separate development plan document to address needs for and allocation of traveller sites.

- 2.12 Therefore, the Council's Local Development Scheme (October 2015), set out an intention and timescale for the preparation of a Gypsy and Traveller Site Allocations Development Plan Document:

Consultation draft November 2016
Pre-submission consultation July 2017
Submission October 2017
Adoption June 2018

- 2.13 LPP2 was published under Regulation 19 during December 2015, after publication of the revised PPTS. Two representations were received at that stage objecting to the lack of provision in LPP2 for gypsies and travellers (Heine Planning and Murdoch Planning Limited). LPP2 was then submitted for examination in March 2016 and, given the emerging matters in relation to travellers, the Council prepared a background paper, plus update '[Gypsy and Traveller Accommodation](#)' to set out the Council's position.
- 2.14 During the examination of LPP2 the Inspector advised that for the DPD to be found sound it needed to specify the number of pitches/plots for Travellers. The Inspector was aware that the updated GTAA was in preparation and could inform this requirement.
- 2.15 The inspector published a [note of his initial findings](#) at the end of the examination (July 2016), which included reference to gypsies and travellers accommodation :
- 'Paras 6.2.19 and 20 – reintroduce policy from draft LP2, including new numbers of both types of pitches required in the plan area to 2031, once known from new study to be published in September 2016. As LP1 policy CP5 provides the relevant criteria element, reintroducing the former policy should enable this part of the plan to be found sound, subject also to the inclusion of a firm commitment, including a clear timetable, to the separate development plan document to make the necessary site allocations that is now in the Council's latest Local Development Scheme'*
- 2.16 It was therefore necessary to await completion of the GTAA and for a consequential modification to be proposed to be included in LPP2.
- 2.17 Main Modification (MM31) was published in October 2016 stating:

'New Policy (DM4) following para.6.2.20

Policy DM4 – Gypsies, Travellers and Travelling Showpersons

Planning permission will be granted for pitches to meet the accommodation needs identified for the area covered by this Plan for people falling within the definition of 'travellers', of about 15 gypsy/traveller pitches and about 24 travelling showpeople's plots between 2016 and 2031.

Sites will be identified and consent granted as necessary to meet identified traveller needs in the Plan area which could not otherwise be met, subject to the criteria outlined in Policy CP5. Proposals for transit sites will be considered on an individual basis, following the criteria of CP5.'

2.18 Two representations were received to MM31, one from a local resident commenting on a site identified in the site assessment study and the other from the South Downs National Park Authority requesting 'about' should be replaced by 'at least'.

2.19 The Inspectors Report published in January 2017 states;

51. Regarding gypsy and traveller accommodation, discussions at the examination hearings confirmed the need for the former policy DM 4 of the consultation draft to be added back into the Plan, following the preparation of a new GTAA jointly with adjoining authorities that establishes up to date local needs. This now also takes into account the Government's recent (2015) Planning Policy for Traveller Sites and, together with policy CP 5 of WLP 1, provides clear guidance on the levels of need across the district over the plan period, as well as suitable and appropriate criteria for the consideration of proposals. As confirmed in the latest LDS (Oct 2016), this is to be followed by a Gypsy and Traveller Site Allocations Plan, to be adopted in 2018 and on which work has already commenced.

*52. Whilst less than ideal, in that the allocation of new sites has not been possible in this Plan and must wait for a new Site Allocations Plan, I am satisfied that, with these modifications, the overall policy framework will be sufficient to enable swift progress to be made on the new plan and for any relevant applications to appropriately processed in the interim in the light of the newly defined current local needs. Accordingly, subject to the necessary revisions to paras 6.2.19 and 6.2.20 of the supporting text (**MM 30**), the reintroduction of a suitably amended policy DM 4 (**MM 31**), containing the required details of local needs, enables this part of the Plan to be consistent with national policies/guidance and thus sound. Note - due to the re-introduction of policy DM 4 all subsequent policies in this section of the Plan will require renumbering in the adopted version, but I have retained the existing numbers in the remainder of this part of the report and in the Appendix.*

2.20 LPP2 was adopted by the Council on 7 April 2017 and includes Policy DM4, as set out above, without further amendment.

3 Evidence Base

3.1 Initial preparation of the Traveller DPD commenced in 2015, with the Council in partnership with neighbouring authorities commissioning Peter Brett

Associates to undertake an initial assessment of potential sites. This report used the pitch/plot requirements derived from the Travellers Accommodation Assessment (TAA) 2013 and was published in July 2016 and can be viewed at <http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document>. The publication of the Peter Brett Associates report resulted in a large number of objections being received to some of the sites that were assessed in the report, particularly some that were owned by Hampshire County Council. However, due to the need to update the GTAA (see below) and clarification by Hampshire County Council that its sites were not available for traveller use, these sites were not carried forward into the draft Traveller DPD.

- 3.2 The GTAA undertaken by ORS (as referred to above) was published in October 2016, and can be viewed at <http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document>
- 3.3 The updated GTAA identifies need in terms of those that comply with the definition of travellers as set out in the PPTS and includes an allowance (10%) for those that did not respond to the interviews but may in fact prove in due course to be travellers. The needs of non travellers are not specifically covered in the DPD, but para 2.9 acknowledges that these will be included through a review of the Strategic Housing Market Assessment, that will be commissioned to inform the local plan review to commence later this year. Nevertheless, in practice almost all of the current needs identified in the GTAA, whether for those meeting the definition of travellers or not, are accommodated by the DPD's various policies. Hence almost all existing sites are identified in the GTAA as either a safeguarded site (policy TR1), a site proposed for permanent consent (policy TR2), or specifically allocated (policies TR3 – TR4).

4 Duty to Co-operate

- 4.1 In addition to joint commissioning of the evidence base, the Council has had frequent communication with neighbouring authorities through both formal communication at key stages of DPD preparation, plus informal officer meetings, where broad discussions have taken place around issues arising.
- 4.2 Duty to Co-operate statements have been published on the Council's website <http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document>
- 4.3 Given the acknowledged shortfall in the provision of plots for travelling showpersons, the Council has specifically requested of its neighbours, whether they can assist with the identification of any sites that could serve Winchester's needs. These requests are all detailed in the [Submission Duty to Co-operate Statement](#), which includes a further request being made to neighbouring LAs in advance of submitting the DPD for examination, again this has not revealed any further sources of potential sites to meet the needs of travelling showpersons in the Winchester District, during the plan period.

- 4.4 South Downs National Park Planning Authority made specific comments under the Regulation 18 consultation relating to the unmet needs of travellers in the part of Winchester that falls within the National Park. The authorities worked together to examine these needs further and the sites identified have now been granted consents for alternative uses and consequently there is no longer an unmet identified need. During preparation of its submission local plan the SDNP has requested that a Statement of Common Ground is prepared to cover various matters including gypsy and traveller provision. This concludes that there is no unmet need, either current or future in the Winchester part of the SDNP. Therefore, there is no outstanding request from the SDNP Authority (or any other authority) for Winchester to meet any needs under the Duty to Cooperate. [The Statement of Common Ground](#) can be viewed on the traveller submission pages of the Council's website.

5 Consultation

- 5.1 Matters in relation to travellers have been considered through both the preparation of LP1 and LP2, consequently numerous opportunities to comment on emerging policy has been available to all statutory/general and wider consultees, through both formal and informal consultations.
- 5.2 The Council has published a [Consultation Statement](#) which has been updated to reflect how it consulted on the pre-submission version of the DPD.

6 WCC response to matters raised through Reg 19 consultation

General

- 6.1 The Pre-Submission Traveller DPD elicited a very small number of representations as to its soundness and, of those, several considered the DPD to be sound. The alleged soundness issues raised include a challenge to the GTAA on the basis that by following the traveller definition in the PPTS it has not appropriately assessed the needs for traveller accommodation and has therefore underestimated the identified need. The GTAA rightly assessed needs on the basis of the definition set out in the PPTS. The change of definition of travellers from the 2012 version of the PPTS to that in 2015 is a matter outside the control of the Council and it would not be sound for the Council or its consultants to ignore published Government policy. The Council has simply commissioned evidence on the basis of compliance with any statutory guidance such as national planning policy.
- 6.2 The Council does not therefore consider it has failed in any of its statutory duties, which through the preparation of this DPD have been reinforced.
- 6.3 The GTAA set out an identified need in the District for the period 1 September 2016 to 2031, for about 15 pitches for occupation by gypsies and travellers and 24 plots from travelling showpeople. These pitch/plot requirements are

now enshrined in the Local Plan Part 2 (policy DM4) which was subject to appropriate consultation and examination. The GTAA provided the evidence for these requirements and was not challenged through that process. Preparation of the DPD has explored all options for meeting these needs, which are expressed in various reports to the Council's Cabinet Committee.

Policy TR1

- 6.4 The Health and Safety Executive (HSE) has queried the location of sites near to hazardous installations. The Council has sought clarification from the HSE on the basis that the sites listed under Policy TR1 all exist, they are also generally small scale being 1- 2 plots for a family group of travellers and many of the sites received planning permission many years ago. The purpose of the policy is to ensure that the sites are retained for traveller occupation.
- 6.5 Having examined the HSE consultation zones, the Council can confirm none of the sites listed in the Traveller DPD lie within any of the defined zones, to warrant further assessment.
- 6.6 Historic England (HE) has queried the location of sites identified in the DPD with regard to impacts on heritage assets. The Council has advised HE that the sites are already in traveller use and that the purpose of the DPD is to regularise the planning status of sites. If planning permission is sought for a new site or expansion to an existing site, then impacts on heritage assets would be considered through Policy TR6 (already amended to reflect comments from Historic England and the Environment Agency).
- 6.7 The [adopted policies maps](#) have been updated to include all the sites identified in the DPD.
- 6.8 It has been requested that site W006 Barn Farm, The Lakes, Swanmore is identified for extension given an identified need on the site. Policy TR5 allows for consideration of additional pitches/plots on those sites listed under policies TR1 – TR4, where the need for additional provision can be demonstrated and consequently it is not necessary to highlight a particular site as being suitable (or not) for expansion in the DPD.
- 6.9 East Hampshire District Council has requested amendment of Policy TR1, as they have recently published their GTAA (August 2017) to inform their local plan review. This identifies a need for 25 pitches for gypsies and travellers and 31 travelling showpeople over the plan period of 2017 - 2036 and East Hants has requested that Policy TR1 is amended to refer to :
The existing gypsy and traveller and travelling showpersons sites listed below, and as shown on the Policies Map, will be safeguarded from alternative development, unless the site is no longer required to meet any identified traveller need across the District or from adjoining Planning Authorities.
- 6.10 The Council acknowledges the point being made by East Hants, particularly given its own position with a shortfall in travelling showpersons plots and requests under the Duty to Co-operate to neighbouring authorities.

- 6.11 On this basis amendments are proposed to both Policy TR1 and its supporting text at para 4.5, to acknowledge that safeguarded sites should be retained for identified needs within the Winchester District and any wider needs that may arise under the Duty to Co-operate. A [statement of common ground](#) has been prepared to reflect this, and the changes are set out in the [schedule of proposed modifications](#).
- 6.12 During the preparation of this DPD, many representations were received in relation to a specific site on the edge of Alresford (Site W008 Travellers Rest), which at the time was vacant. This site has had planning permission for occupation by travellers for many years and has since become occupied. At the Pre-Submission stage only one objection has been received, which states that the site is unsuitable due to its proximity to the A31 and that it is too far from facilities, also it is privately owned and the current occupiers are not travellers. The site has a planning consent for traveller use and the DPD seeks to retain the site for such purposes under Policy TR1, no changes are therefore proposed in relation to this comment.
- 6.13 Policy TR1 is supported by agents representing some of the sites listed.

Policy TR2

- 6.14 Historic England confirm they have no objection to Policy TR2, as none of the sites contain or are within any designated heritage assets.
- 6.15 Fareham Borough Council also support the policy.
- 6.16 Agents acting on behalf of the landowner for site W014 The Piggeries, Firgrove Lane, North Boarhunt have raised issue with the Council's change of position from the previous version of the DPD. Hampshire County Council's Countryside Officer has raised a specific issue in relation to the public right of way on the edge of this site, which is being used to access the site.
- 6.17 The Piggeries has a complex planning history, and it was originally the intention through this DPD (draft DPD Policy TR5 July 2017) to regularise the planning status of the site, whilst addressing the unmet needs of Travelling Showpeople through allocating part of the site for such occupation. It should be noted that the southern area of land (8 plots along the southern boundary (Site Ref W030) has a long standing history of travelling showpersons occupation (although it is not known if these are still travelling) and this is safeguarded by Policy TR1.
- 6.18 A number of detailed representations were received at draft plan stage to proposed policy TR5, including comments stating that the policy was not deliverable. Representations were received from the landowner and there were also concerns about the practicality of mixing gypsies and travelling showpeople on an allocated site, which led to a re-evaluation the policy in light of the tests of soundness.

- 6.19 Advice was sought from the Showmans Guild of Great Britain as to the deliverability of draft Policy TR5, which required a masterplan to be prepared for the whole site to demonstrate the provision of both gypsy/travellers pitches together with travelling showpersons' plots. The Guild's view was that *"showmen and the travelling community do not mix . There is no possibility of showmen taking up plots / positions alongside the travelling community. Our needs are different, as is our background"*.
- 6.20 Given this advice the Council considered that there was no option but to abandon the policy to allocate the site as it could not be delivered and may prevent the DPD from being found sound in due course. Hence, the submitted DPD proposes that part of the site is protected under Policy TR1 (site ref W030) and that part (site ref W014) with a temporary consent for 4 pitches is regularised to be consistent with how the Council has dealt with other temporary consents and in recognition that those occupants on sites with only a temporary permission contribute to the identified need as set out in the GTAA.
- 6.21 This position leaves the remainder of the site not covered by the DPD, which is occupied by a number of mobile homes, where the Council has been unable to establish the occupants' compliance with the definition of travellers. A planning application was received by the Council for 26 pitches and an appeal against non-determination was submitted in late 2017.
- 6.22 The HCC Countryside Officer has raised a concern in relation to use by vehicles of Firgrove Lane (Boarhunt Footpath No. 10) which runs along the eastern edge of the site.
- 6.23 Firgrove Lane has been used by vehicles to access the site for many years, it also provides vehicular access to land to the north of the site which was granted consent in 2010 by HCC as Minerals and Waste Planning Authority for a change of use from agricultural to green waste recycling (planning ref HCC 10/02304/HCS). The decision notice and accompanying advisory note refer to the right of way requiring signage for vehicles to give way to pedestrians, plus a limit of 15 vehicles carrying waste to enter the site on any day.
- 6.24 The site already has temporary consent (planning ref WCC 11/01875/FUL) for traveller use and the decision notice includes an informative advising that there is not a recorded public vehicular right over Firgrove Lane and that the applicant should be satisfied that they have the requisite authority to use the land for vehicular access.
- 6.25 Given the extensive and ongoing planning history of this locality there is a need to reconcile the planning position in relation to the DPD, whilst acknowledging there may also be wider matters that need a satisfactory resolution. In particular it will be necessary for a person seeking to use Footpath No 10 with vehicles to be able demonstrate that there exists a private right of way for vehicular use of Firgrove Lane or ownership of Firgrove Lane, to enable this allocation to be implemented.
- 6.26 The Council has proposed that an additional bullet point is added to Policy TR2 Site W104 to refer to the need to improve Firgrove Lane which states:-

- *Improve Firgrove Lane and its junction with the B2177 as necessary to provide an adequate access to the site to accommodate the proposed uses*

6.27 The City Council considers that the proposed change would improve the DPD, even if it does not overcome the County Council's concerns, and this change is set out in the [schedule of proposed modifications](#).

Policy TR3

6.28 No objections have been raised to this policy, which seeks to achieve a satisfactory outcome to a complex site, with extensive planning history. Indeed there is currently an Enforcement Inquiry underway which the Council had hoped would be concluded, and a decision issued, by the time of the examination (PINS references APP/L1765/C/10/2138144.

APP/L1765/C/10/2138149, APP/L1765/C/10/2138150, APP/L1765/C/10/2138152, APP/L1765/C/10/2138153, APP/L1765/C/10/2138155).

6.29 However, the inquiry has been subject to persistent delays, most lately caused by the appellant alleging bias by the Inspector and making a formal request for the Inspector to 'recuse' herself. This request has been rejected and the inquiry will resume on 28 June 2018, when it is expected a programme for the continuation of the inquiry will be established.

6.30 Given the inquiry participants various commitments, it is unlikely that the inquiry will be completed and a decision issued until the end of 2018 at the earliest. In the circumstances, the Council considers it important for the DPD to reaffirm the planning policy position relating to the site, which Policy TR3 seeks to retain for travelling showpersons' use given the level of unmet need for such sites. While the appellant's agent has made some criticisms of the Traveller DPD's policies in his evidence to the public inquiry, he has never made any representations on the DPD directly at the various consultation stages.

Policy TR4

6.31 This policy seeks to ensure that the site contributes to the provision of travelling showpeople and the Council has had conversations with one of the site owners who supports the policy and acknowledges that there is capacity on the site for more showpersons' plots. Historic England do not object as the site does not effect any designated heritage assets.

Policy TR5

6.32 This policy receives some support, but requests have been made to broaden its intention to sites beyond those identified through Policies TR1 – TR4, with deletion of reference in the policy to *'on sites covered by Policies TR1 – TR4*

above. To extend the policy to this extent would go beyond its intention which is to allow limited growth on existing sites to respond to individual accommodation needs, on sites that have already been accepted as suitable for traveller use.

- 6.33 Applications for new sites not listed in the DPD would be required to satisfy the requirements of adopted Local Plan policies CP5 and DM4. At this stage the Council is satisfied that it has met DM4 requirements for the provision of 15 gypsy and traveller pitches over the plan period 2016 – 2031 and there is no need to identify additional sites, in accordance with the GTAA.
- 6.34 Additional traveller sites have also been promoted for consideration by some of the respondents to the DPD:-
- The Big Muddy Farm, Alma Lane - it is requested that this site is allocated for traveller use. This site already has permission granted in 2013, which is recorded as 1 pitch but limited to 3 mobile homes and 1 touring caravan. This site is listed under Policy TR1 (site W012) to be safeguarded from alternative uses. Any proposals for expansions/intensification would be covered by Policy TR5.
 - Land opposite Big Muddy Farm – the respondent argues this site should be allocated for traveller use, as this is previously developed land and complies with the requirements of Policy CP5. The Council through the DPD has met its requirements established in Policy DM4 for 15 gypsy/traveller pitches over the period 2016 – 2031. Consequently, there is no requirement to identify further sites through this DPD. It will be necessary to update the GTAA as part of the Local Plan review to commence later this year. If this changes the identified need for the District, and consequently requires the identification of additional sites, any further available sites can be properly assessed through that process.
 - Land East of Maybank Cottage – the respondent argues this site should be allocated for traveller use. This site was refused planning permission (17/01831/FUL) on 1 January 2018, the application was for the change of use to a private gypsy and traveller caravan site for 1 mobile home and 1 touring caravan. As with other traveller sites, there is no requirement to identify additional sites through this DPD.
 - Nelson’s Site, Shedfield – the respondent argues this site should be allocated for traveller use, planning permission has been granted for a barn on the site (17/00508/FUL). The planning application for a new barn on the site was granted planning permission on 18 April 2018. The application does not include any reference to travellers, but is for the construction of a barn to support the grazing of the land through provision of a building for the storage of feed and machinery. As with other traveller sites, there is no requirement to identify additional sites through this DPD.
 - Berkeley Farm, Durley Street, Durley – the respondent argues this site should be allocated for traveller use. This site was refused planning

permission (16/03090/FUL), for *'the use of land as gypsy and traveller caravan site consisting of 4 pitches, each containing 1 mobile home, 1 touring caravan, 1 semi detached utility building; play area and associated development'* on 30 May 2017. This proposal is now proceeding through the appeal process with a hearing set for 13 June 2018. (references Enforcement Notice Reference: 17/00166/CARAVN; APP/L1765/C/17/3184051; APP/L1765/C/17/3184052; APP/L1765/C/17/3184053; APP/L1765/C/17/3184054; APP/L1765/C/17/3184059 (Lead Appeal). As with other traveller sites, there is no requirement to identify additional sites through this DPD.

- 6.35 The Council considers that it has complied with its requirements to meet the needs identified in Policy DM4 for 15 gypsy/traveller pitches through this DPD and that there is not a requirement at this time to identify and allocate additional sites. All of the sites promoted are in the defined countryside (Local Plan Part 1 policy MTRA4) where any type of housing is restricted unless there is an exceptional need demonstrated. The needs for traveller accommodation have been identified and met through the Traveller DPD and any further sites should accord with the Local Plan's general housing policies (i.e. be within defined settlements – policies MTRA2 or MTRA3). With regard to travelling showpeople, the Council acknowledges that it cannot identify sufficient sites to meet its identified needs of 24 plots. However, the sites promoted by respondents are not promoted for travelling showperson use and Policies CP5 and DM4 provide for showpersons' sites to be brought forward and considered as necessary, taking account of any unmet need.

Policy TR6

- 6.36 Support for the policy has been received from Fareham Borough Council. Historic England supports the changes included in this version of the DPD which include reference to heritage assets.
- 6.37 The Environment Agency, whilst supporting references in the policy to waste water infrastructure and surface water drainage, have requested that further detail is added particularly as sites coming forward for traveller use do not typically have access to a public sewer.
- 6.38 Whilst the Council recognises the importance of this matter, the detail requested is very specific to effluent discharge, position of soakaways etc. These matters are considered too detailed for the DPD and it is therefore suggested that the policy is amended to include reference to 'including a foul drainage assessment', to read:
- General
Provide details of wastewater infrastructure, *including a foul drainage assessment* and of surface water drainage including SUDS where possible
- 6.39 The Environment Agency has agreed with the proposed changes which are set out in the [schedule of proposed modifications](#).

- 6.40 Further requests have been made for references for the policy to be more positively worded under the 'environmental section'. The Council does not consider these are necessary, as typically traveller sites are located in open countryside and it is considered justified to request that sites are screened with appropriate landscaping. With regard to the use of the term 'detrimental', the Council does not consider it is necessary to change this term, as applications assessed will require a number of judgements to be made to determine the appropriateness of the proposal.
- 6.41 With regard to the request for references to access and parking and protecting of existing rights of way, the Council does not consider that it is necessary to make any further changes to the policy as these matters are covered by other policies in adopted Local Plans. (CP5, DM18, CP15 etc)

SA/SEA/HRA

- 6.42 The HRA has been amended to refer to the 2017 Conservation of Habitats and Species Regulations, at the request of Natural England.
- 6.43 Detailed assessment of sites through the SA/SEA process has been queried as to why such sites which appear to score well are not allocated in the DPD. The SA only provides advice to guide the site allocation process, it does not allocate sites. Also, as residential uses would not generally be permitted in the countryside, it is only necessary to identify sufficient sites to meet the objectively assessed needs. All sites included in the DPD have been assessed and where relevant the SA has informed policy expression by ensuring that where the SA/SEA has highlighted potential effects such matters are included in the policy. The proposed modifications to the DPD have been screened and it has been concluded that these are minor modifications to the Traveller DPD that do not significantly affect the findings of the SA/SEA as presented in the SA Report (November 2017). The [Note to Accompany Submission Traveller DPD & SA/SEA/HRA Report](#) also concludes that the minor additions set out site-specific requirements confirm the effectiveness of mitigation measures.

7 Conclusion

- 7.1 The Council considers that the Traveller DPD as submitted is sound, taking into account the modifications proposed. The Council acknowledges that it cannot meet its full identified need in terms of sites for travelling showpeople. It has explored a number of options as debated in various reports to its Cabinet (Local Plan) Committee but remains of the view that the adopted policies in both Local Plan Parts 1 and 2 would allow for the positive consideration of appropriate proposals.
- 7.2 It will also be noted that a review of Local Plan Parts 1 and 2 is about to commence, as recommended by the LPP2 Inspector's Report. This provides the opportunity to reassess any further sites that may be promoted and it may be necessary also to update/roll forward the GTAA to provide up to date evidence. As Government guidance deals separately with the needs of

travellers who are travelling or non-travelling (according to the definition in the PPTS), the Local Plan Review is the appropriate plan in which to assess the needs of those that are not travelling (through the strategic housing and employment market assessment) and to provide for any needs identified.