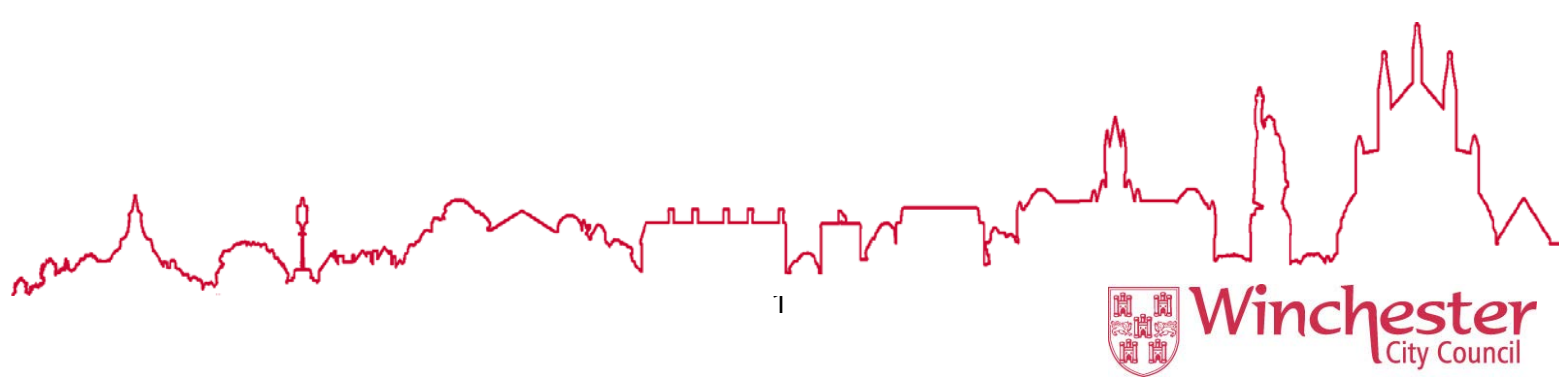


# Winchester District Gypsy Traveller and Travelling Showpeople Development Plan Document

## ‘Traveller DPD’

Examination 2018

Response to Representations on Proposed  
Modifications



**Winchester City Council**  
**Winchester District Gypsy and Traveller and  
Travelling Showpeople DPD**

**WCC Response to Representations by The Community Law  
Partnership on Proposed Modifications**

1. The Council notes that the representations by The Community Law Partnership appear to have been written by Dr Angus Murdoch who was a participant at the examination hearings. It therefore considers it preferable that the representations should be considered by the Inspector, despite being submitted late, but asks that the Council has the opportunity to respond briefly, as follows.

MM02 – Land adjacent to Gravel Hill, Shirrell Heath

2. There was discussion of access issues relating to this site at the hearing. The proposed modification seeks access improvements *'as required'*. If it is determined at the planning application stage that improvements are not required this is allowed for by the proposed policy wording.

MM04 – New 'Criteria Based;' Policy

3. The proposed first paragraph of explanatory text sets out the current policy position regarding residential development and relates to all residential development, not just *'bricks and mortar'*, and therefore includes gypsy and traveller accommodation. PPTS paragraph 25 is clear that planning authorities should *'very strictly limit new traveller site development in open countryside'* so it is right that the new criteria-based policy should apply such an approach, as with other residential development.
4. The PPTS advises that new criteria-based policies are needed to deal with situations *'where there is no identified need'* (PPTS, para 11). It is, therefore, appropriate that the proposed policy requires exceptional circumstances to be demonstrated before applications beyond the provisions made in the DPD are permitted. In these circumstances it is not disproportionate to expect policy-compliant sites to be sought initially and for evidence to be provided that this has been done.

5. The references to the GTAA are not relevant. If the Inspector concludes that additional needs should have been identified in the GTAA or LPP2 (Policy DM4 which sets out the needs in the District) she can recommend the allocation of sites to deal with these. Otherwise, the GTAA and the resulting LPP2 pitch requirements should be taken as a snapshot of the situation, but accepting that additional needs may have arisen since the GTAA which can be addressed by the proposed criteria-based policy. The shortcomings of the bi-annual caravan count (which relates to caravans, not pitches) were discussed at the hearings and the Inspector was provided with an update on temporary and unauthorised sites.
6. The Court case quoted relates to the specific circumstances of a particular appeal and the policies applying in that location. It is accepted that there is no general requirement in law for an applicant to prove that no other sites are available and that there was no such requirement in planning policy applying in South Cambridgeshire. Indeed, the proposed criteria-based policy does not introduce such a requirement, it simply asks for '*evidence of a lack of other suitable accommodation*'. This is not a requirement for the applicant to prove that no other sites are available, it is a requirement to provide evidence which will be a material consideration in the assessment of an application.
7. The Court judgement quotes from paragraph 74 of the appeal Inspector's decision letter which states that: '*the lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere, can undoubtedly weigh against the applicant where there are policy or other objections to a proposed development.*' The criteria-based policy would only apply where a proposed development is contrary to the normal provisions of the Development Plan. The proposed policy is fully justified and does not conflict either with planning law, case law or the PPTS.

#### AM11 – Updated Table of Supply

8. The Inspector will be able to take account of the evidence submitted by Dr Murdoch, the Council and others in determining whether the DPD meets gypsy and traveller needs. The table includes needs identified in the GTAA and '*other proven needs*', which relate to a site now permitted (raised by Dr Murdoch). Any subsequent needs which arise and are proven can be dealt with through the new criteria-based policy.