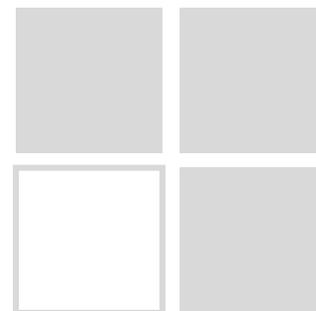


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Cambridge City and South Cambridgeshire Local Plans Examination Matter 10; Policies for Travellers / Caravan Dwellers and Travelling Showpeople

Hearing Statement by the Traveller Movement and Michael Hargreaves Planning

Introduction

1. As well as the original representations, 61525, 61526, 61533, 61537, this statement draws on our response of 26 May 2017 to the consultation on the Cambridgeshire Gypsy and Traveller Accommodation Assessment, 2016 and Proposed Modifications to the Cambridge City and South Cambridgeshire Local Plans, together with the appendices to that response, which are included as appendices to this statement. It should also be read with our input into the statement of common ground being produced by South Cambs.
2. Through an email exchange with the Programme Officer, it was agreed that we would be able to use our place at the table to hot desk with colleagues. I will be joined at the examination by Tom Buckley, who is a member of a prominent local Romany family with significant personal experience of planning decisions in South Cambridgeshire, and by Dr Tanya Blumenfeld who is senior partner at Cotenham Surgery, and Cambridge University medical student tutor with a particular interest in Gypsy and Traveller health issues. I trust this acceptable.

10.1a) Has the Local Plan addressed the requirements of Section 8 of the Housing Act (as amended). And to what extent does any evidence available meet the advice in *Draft guidance to local housing authorities on the periodical review of housing needs – Caravans and Houseboats (March 2016)*.

3. The South Cambridgeshire Local Plan ignores the needs of caravan dwelling households (apart from for the tiny numbers the GTAA deems to comply with

the August 2015 definition). The Draft guidance to local housing authorities on the periodical assessment of housing needs, Caravans and Houseboats, March 2016 is the corollary of the restricted Gypsy and Traveller definition introduced in August 2015. While the guidance is in draft, the legislation has been enacted. It cannot simply be ignored.

4. The sections of the Draft guidance headed, **Assessing the need for caravans and houseboats** on pages 4 and 5 makes clear the expectation that much of the requirement for caravan accommodation will come from the Gypsy and Traveller communities, including those in bricks and mortar accommodation, whose existing accommodation is overcrowded or unsuitable. The section headed, **Carrying out the Accommodation Needs Assessment** recommends close engagement with the community, and making effective use of existing data sources, both of which ORS and South Cambridgeshire have conspicuously failed to do, and which has then led to the inadequacies of the 2016 GTAA.
5. The May 2017 consultation focussed on those working with Gypsies and Travellers, it did not engage Travellers themselves. Nor did it engage houseboat dwellers.

10.1b) Does [the Local Plan] comply with the requirement in PPTS to ‘pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers’ accommodation needs with travellers themselves, their representative bodies and local support groups); and to co-operate with those communities to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of the area over the lifespan of the development plan?’

6. Central to our position is that these requirements have been completely, indeed wilfully ignored, see paras 4.1-4.5 and 4.8-4.10 of our Consultation Response. Para 4.9 makes the point about ignoring previous assessments. Para 7b) implies the need to monitor and review them, not just start again. My own experience, when I tried to find out about and engage in the 2011 and 2016 GTAA assessment work, was that engagement was unwelcome, and has consistently been resisted by South Cambridgeshire, see MH5 and the lack of any response to MH6.
7. The May 2017 consultation focussed on Gypsies and Travellers. We are not aware that it engaged Travelling Showpeople.

10.1c) Does the GTAA 2016 provide a robust evidence for the assessment of the needs of caravan dwellers (whether or not they meet the PPTS definition)?

8. No.

10.1d) Is there a robust assessment of the needs of travelling showpeople?

9. We are not in a position to comment.

10.1e) If the Councils cannot demonstrate that the Plans are based on a robust assessment of the needs of caravan dwellers, what is an appropriate and proportionate way to resolve this problem?

10. We address this below under issue 10.3b).

10.2a) If the Plans have made an adequate assessment of the needs of caravan and houseboat dwellers, will the relevant policies (as set out in the submission plans or as proposed to be amended) meet that need, in accordance with the requirements of the National Planning Policy Framework that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, other than in the circumstances specified; and for those meeting the PPTS definition of travellers, in accordance with Policy B of PPTS?

11. The needs have been ignored, and the policy framework completely fails to address the issues.

10.2a i) Current supply

Are the vacant pitches/unimplemented planning permission relied on as part of future supply actually available/suitable deliverable to meet existing and future needs? With regard to the 22 vacant pitches at Southgate Farm Milton, how is the site being managed/marketed? What is its planning status? Is it reasonable to assume these pitches are genuinely available to other travellers?

12. See para 4.13 of our consultation response. To simply assume that vacant sites will be occupied, or pitches currently let to non-Travellers made available to Travellers is naïve.

13. The Council's planning enforcement team has detailed knowledge of sites in Fen Road & Smithy Fen, and would be able to provide information about how far particular sites form part of the available supply.

ii) New provision

Is there any evidence to demonstrate (e.g. past performance) that there is a reasonable prospect that the needs of caravan dwellers will be met by windfall sites coming forward in accordance with policies restricting development in the rural areas and the criteria-based policies in the Plans?

14. Most of the existing supply has been through families securing planning permission. That will not be adequate of itself for at least four reasons:

- The provision has been secured by individual families appealing, in many cases a number of times, at substantial financial cost and personal stress against the Council's opposition;
- As indicated at paras 5.6 & 5.7 of the Consultation Response, it is increasingly difficult for Travellers to afford or get hold of sites;
- Many families cannot afford to acquire land, and are dependent on renting pitches;
- As we indicated in the original representations, Policies H/21 and H/22 are unnecessarily complicated, contrary to the central thrust of the NPPF of enabling sustainable development, and risk creating unnecessary obstacles to getting permission.

What should be the role of the strategic sites in helping to meet needs of caravan dwellers. Is there a reasonable prospect that these sites will deliver new pitches?

15. See paras 6.12 & 6.14 of the Consultation Response.

b) How will the identified need for additional plots for travelling showpeople be met, bearing in mind that no allocations are proposed? Is this approach consistent with PPTS?

16. No

10.3 Other matters

a) Have the Councils undertaken a robust assessment of the implications of the current policy approach for the Public Sector Equality Duty, and Human Rights considerations?

17. The South Cambs Local Plan Sustainability Appraisal Equality Impact Assessment indicates that the plan '*Sets Targets for the provision of accommodation for Gypsies and Travellers and travelling showpeople, and how they should be addressed*', and is assessed as 'Positive'. We fundamentally disagree with that assessment.
18. The plan raises profound human rights and equality issues. Because, it will disproportionately fail to meet needs for particular ethnic groups, it is discriminatory. It will also discriminate against the elderly, the long-term sick, single women, and single women with children. In terms of the impact on the children of the communities, it is likely to be contrary to the requirement under section 11 of the 2004 Children Act and the judgement in *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC4 to treat their interests as a primary consideration.
19. Dr Blumenfeld is particularly interested in the very poor health outcomes among Gypsies and Travellers, and the effect of poor accommodation on making it more difficult to address those health inequalities.

b) If I were to conclude that the Plans do not meet Legislative requirements and/or are not consistent with National Policy what would be an appropriate and proportionate way forward?

20. Our conclusions on the adequacy of the 2016 GTAA and South Cambridgeshire Plan are summarised at paras 6.1-6.4 of the Consultation Response. Our initial thoughts on what should be done are at paras 6.5-6.16.
21. On further reflection on how to go forward, we would suggest:
- The plan and the evidence base on which it is based are not sound and fail all four of the soundness tests at para 182 of the NPPF;
 - The failings go wider than purely Gypsy & Traveller issues. To meet Traveller needs may require provision to be sought from major strategic developments, and policy H/20 as currently drafted is not fit for purpose. It may also require sites to be excluded from the Green Belt;
 - As indicated at para 3.1 of the consultation response, because South Cambridgeshire is an important area and source of accommodation for Travellers, the Council's failure to acknowledge and address need has wider than local significance, and is particularly discriminatory in its impacts;
 - Those failings are so manifest that the plan cannot currently be found sound, and you are not in a position to recommend adoption;
 - However, and this draws on the Secretary of State's decision on the Maldon Local Plan, to find the whole plan unsound, would be disproportionate;
 - This leaves the option of making modifications to the plan to get it to a point where it can be found sound;
 - You do not have robust evidence on need in front of you, nor on sites, to allow you to suggest the modifications that are needed. This means further work is required, which would then allow the Councils to draft appropriate modifications.
22. To enable the drafting of appropriate modifications, we would suggest the following:
- An independent appraisal of ORS's approach from researchers or academics with expertise in Gypsy and Traveller issues, with the objective of preparing a 'good enough' estimate of needs, making full use of the available range of sources. We have in mind the kind of approach adopted in *Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies*, MH7. The standard of the GTAAs prepared for the East of England Regional review varied substantially & some were not fit for purpose. The study developed a methodology for getting the different GTAAs up to a reasonable standard and applied that methodology to the different GTAAs. This then meant the Strategy was robust enough to withstand examination;
 - We would not support ORS carrying out this work on the basis it is required precisely because of anxieties about ORS's methodology and

approach, and those anxieties are shared by Gypsies and Travellers and those working with them across the country. Doubts exist in regard to a range of issues, including but not limited to, household growth rates, determining Gypsy status, and how they take account of the needs of those they were unable to interview;

- A strand of work on site identification and appraisal, including a call for sites, with the objective of bringing forward a supply of readily developable sites. This should be carried out in parallel with strengthening the evidence base. It is absolutely clear now that there is unmet need and the need for a supply of sites. To delay getting going until we have the output from the GTAA review would cause unjustified delay;
- Work to develop a workable policy to achieve site delivery through major strategic sites. One starting point would be the work done on this issue for the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy examination;
- An inclusive, and properly resourced strand of work on engaging, consulting and drawing on the experience of the Traveller communities, those who work on their behalf, and public agencies such as health, education, and planning enforcement who work with them;
- Work in regard to the needs of Travelling Showpeople and Houseboat dwellers, including active engagement with those communities;
- All the above work should be subject to a proper equalities assessment.

23. We would also stress:

- Precise quantification of needs is challenging, and the methodological challenges much increased by the need to distinguish between non-travelling and travelling travellers;
- This means it would be more realistic to base the plan on a range of needs, which was then subject to monitoring and review;
- For the same reason, the plan should be based on assuming a range of numbers for the households who meet the 2015 definition;
- Sites should be suitable for both types of Travellers;
- Given such factors as the endemic severe accommodation stress among Travellers, the desirability of having space within sites for friends and relations to stay on a temporary basis, and the need to think ahead for the needs of subsequent generations, it is better to over than under provide, and any targets should be minima, rather than ceilings that should not be exceeded;
- The engagement work should establish what Travellers actually want. Solutions that are imposed on them are less likely to be popular or successful. We make a number of points about what Travellers do and don't want at paras 5.8, 5.9, 6.9, 6.11, 6.12 of the Consultation Response;
- It should not be assumed that sites can be delivered through major strategic developments, and such an approach must not be the only or principle mechanism. To translate intention into delivery will require significant technical work, commitment and resource input by the

Council. Delivery will not be achievable in early years and is more realistic later in the plan period.

Appendices

- MH1 Cambridge Sub-Region Traveller Needs Assessment, May 2006, Main Report, and South Cambridgeshire and Cambridge City District Assessments
- MH2 Planning for Gypsy and Traveller Accommodation in the East of England, Report of the Examination in Public Panel, December 2008, extract
- MH3 Appeal decision 2221703, Cambridge Road, Wimpole, February 2015, extract
- MH4 Appeal decision 3001030, The Oaks, Willingham, August 2016, extract
- MH5 Jonathan Dixon email, January 2016
- MH6 Letter to Councillor Robert Taylor, November 2016
- MH7 Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies, DCLG, March 2007