

M10/SCDC&CCC



Examination into the Soundness of the
Cambridge Local Plan and South Cambridgeshire
Local Plan

**Matter M10 – Policies for Travellers/Caravan
Dwellers and Travelling Showpeople**

Cambridge City Council and
South Cambridgeshire District Council

July 2017

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Introduction

1. This statement sets out both Councils' response in relation to the Inspectors' Matter M10 relating to Policies for Travellers/Caravan Dwellers and Travelling Showpeople.
2. All the documents referred to in this statement are listed in Appendix 1, and examination library document reference numbers are used throughout the statement for convenience.

Background

3. The Cambridge and South Cambridgeshire Local Plans submitted in 2014 both include policies related to Gypsies and Travellers and Travelling Showpeople. They were informed by a Needs Assessment completed in 2011.
4. The Government revised national planning policy through its 'Planning Policy For Travellers' (PPTS) in August 2015¹, which, following consultation by the Government, was published in its final form after the Local Plan had been submitted for examination. The Councils wrote to the Inspectors on 30 June 2015² seeking their agreement to the Councils securing the carrying out of a new Assessment, taking account of current guidance. The Inspectors replied on 28 July 2015³ agreeing that this would be beneficial and that a robust evidence base which complies with current guidance may well avoid further delays at a later stage in the Examinations.
5. In 2016 the Councils, in partnership with 6 other Local Authorities, commissioned a new Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment⁴ ("the GTAA") prepared by Opinion Research Services (ORS) and published in October 2016. The GTAA approach reflected the Government's revisions to national planning policy through the updated PPTS, and the draft guidance related to provisions set out in the Housing and Planning Act regarding assessments of the needs of caravan and houseboat dwellers being undertaken by Local Housing Authorities⁵.
6. At a meeting in November 2016⁶ South Cambridgeshire District Council agreed to propose a series of modifications to relevant policies of the Local Plan relating to Gypsy and Traveller provision. The modifications took account of the revised national definition of Gypsies and Travellers for the purposes of planning, updated draft government guidance, and considered the results of the new GTAA. The

¹ Planning Policy for Travellers 2015 (RD/NP/061)

² Letter from the Councils to the Inspectors dated 30 June 2015 regarding Joint Housing Trajectory and Gypsy and Traveller Accommodation Needs (RD/GEN/190)

³ Letter from the Inspectors to the Councils dated 28 July 2015 regarding the Cambridge and South Cambridgeshire Local Plans Examinations (RD/GEN/200)

⁴ Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (RD/Strat/221) (*the GTAA*)

⁵ Review of housing needs for caravans and houseboats: draft guidance March 2016

⁶ South Cambridgeshire District Council Meeting 17 November 2016 - South Cambridgeshire Local Plan Update (RD/CR/670)

Modifications were submitted to the Inspector in the document 'Further Modifications to the South Cambridgeshire Local Plan November 2016'⁷. This was accompanied by a Sustainability Appraisal Screening Report⁸.

7. The Cambridge City Council Development Plan Scrutiny Sub-Committee considered the GTAA and proposed modifications in January 2017⁹. Cambridge City Council submitted the document 'Further Modifications to the emerging Cambridge Local Plan – Student Accommodation, Gypsies and Travellers, and Accessible Homes' in January 2017¹⁰. This was also accompanied by a Sustainability Appraisal Screening¹¹.
8. This was followed by an exchange of letters between the Councils and the Inspectors between March and May 2017 on issues related to this hearing¹².
9. At the Inspectors' request the Councils undertook a targeted consultation in May 2017, to provide the opportunity to those individuals and organisations that made representations to the Gypsy and Traveller policies in the Proposed Submission Local Plans in 2013, together with any other organisations who represent the interests of Gypsies and Travellers, to provide their views and / or concerns in relation to the new evidence (the GTAA 2016) and the proposed policy response to that new evidence (the proposed modifications).
10. The responses were provided to the Inspectors¹³, together with a summary document outlining the process, and summarising the issues raised¹⁴.

Responding to Changes to the Government's Planning Policy for Travellers, and to the Housing and Planning Act 2016

11. The Councils consider that, at the outset, the Inspectors may be assisted by a general overview of the legislative and national planning policy context concerning planning for gypsy and traveller sites and how the policies of the submitted Local Plans (as proposed to be modified) have responded to that context. The overview set out below has been directed to the policies of the South Cambridgeshire Local Plan,

⁷ Further Modifications to the South Cambridgeshire Local Plan November 2016 (RD/FM/010)

⁸ Further Proposed Modifications to the South Cambridgeshire Local Plan – Sustainability Appraisal Screening (RD/FM/012)

⁹ Cambridge City Council Development Plan Scrutiny Sub Committee 25 January 2017: and Mitcham's Corner Development Framework and Cambridge Local Plan Examination Further Proposed Modifications for Student Accommodation, Gypsies and Travellers and Accessible Homes.(RD/CR/730)

¹⁰ Further Modifications to the emerging Cambridge Local Plan – Student Accommodation, Gypsies and Travellers, and Accessible Homes January 2017 (RD/CFM/010)

¹¹ Proposed Modifications to the Cambridge Local Plan – Sustainability Appraisal Screening January 2017 (RD/CFM/020)

¹² RD/Gen/430 to RD/Gen/490

¹³ Submissions to Gypsy and Traveller Consultation (RD/H/880)

¹⁴ Note for the Inspectors on Targeted Consultation Regarding Gypsy and Traveller Issues June 2017 (RD/H/881)

as it is towards that plan that the majority of representations concerning gypsy and traveller provision is directed. However, the matters addressed below apply equally to the approach taken by, and policies within, the Cambridge Local Plan.

12. The primary source of national policy guidance concerning planning for gypsies and travellers comprises the NPPF and the Government's PPTS, published in its revised form in August 2015. Both documents must be read consistently, and the general statements contained within the NPPF, for example at paragraph 50 concerning meeting housing needs, must be considered in the context of the specific advice set out in the PPTS as to meeting accommodation needs for gypsies and travellers, as is made clear within paragraph 5 of the PPTS itself. Indeed, in its Equalities Statement of September 2014¹⁵, published together with the consultation concerning proposed changes to PPTS, the Government confirmed that the "PPTS ... is designed to be read in conjunction with the National Planning Policy Framework". The PPTS is, of course, a material consideration in plan making (see PPTS paragraph 2)
13. Amongst the changes introduced by the PPTS in August 2015 was a modification to the definition of the term "gypsy and traveller" for the purposes of the PPTS, the effect of which is to exclude those who have ceased permanently to travel from the definition. It follows from this change that the Government expects that, for the purpose of plan making, the accommodation needs of those who may ethnically and/or culturally be gypsies or travellers but who have ceased permanently to pursue a travelling lifestyle are to be addressed in the same way as the "settled population". That this is the case is plain from the Equalities Statement that accompanied the consultation on changes to the PPTS¹⁶ (see page 3 and pages 5-6) and at para.3.7 of the Government's response to the consultation on the draft changes¹⁷ that subsequently included in the PPTS.
14. The Council considers that the Local Plan is consistent with national planning guidance in that, through policies H19, H20 and H21 (as proposed to be modified), appropriate provision is made, during the plan period, for the accommodation needs of those who are gypsies and travellers and the accommodation needs of those who may be able to demonstrate that they are gypsies and travellers, as defined in the PPTS. In conformity with the PPTS, the needs of those who have ceased to travel permanently is addressed through the policies of, and provisions made in, the submitted plan for the wider settled population, consistent with the NPPF. What would not be appropriate or consistent with national planning policy would be to introduce into a local plan what amounts to the same policy framework in terms of the supply of land for caravan pitches that is required to meet the accommodation needs of those who are, or may be, gypsies and travellers as defined in the PPTS for those who do not meet that definition; to do so, would give rise to conflict with the PPTS itself and the changes which the Government intended to introduce through the modifications introduced in August 2015.

¹⁵ Consultation: planning and travellers Equalities statement (September 2014) (RD/NP/230)

¹⁶ Consultation: planning and travellers Equalities statement (September 2014) (RD/NP/230)

¹⁷ Planning and travellers: proposed changes to planning policy and guidance Consultation response DCLG August 2015 (RD/NP/240)

15. So far as the legislative context is concerned, two particular matters arise from the list of matters and issues identified by the Inspectors.
16. First, there is section 8 of the Housing Act 1985 (as amended by the Housing and Planning Act 2016, which, amongst other matters, repealed s.225 of the Housing Act 1985)¹⁸. The duty within s.8 is a duty on “local housing authorities”. It is not a duty imposed on “local planning authorities”. The “draft guidance to local housing authorities on the periodic review of housing needs”¹⁹, published in March 2016 but not yet adopted, is also expressly directed to local authorities in their capacity as local housing authorities. The draft guidance does provide (on page 8) that “the local housing authority will need to disseminate the results of accommodation needs to all relevant people and departments within the local authority (including planning colleagues) and partner organisations (such as social landlords) and begin the process of facilitating or providing the necessary provision”. The Council, as local planning authority, has sought to assist by making provision, consistent with national policy, through introduction in the local plan (as modified) of policies which provide for the accommodation needs of gypsies and travellers who meet the PPTS definition as well as for the accommodation needs of the wider settled community (including gypsies and travellers who have ceased permanently to travel). The Council, as local planning authority, has a role to plan in assisting the local housing authority in responding to its obligations under s.8 of the Housing Act 1985, but it cannot justifiably introduce policies which would not be consistent with the national planning policy including, in particular, the PPTS. Other steps which the Council, as local housing authority, is to pursue in terms of addressing the accommodation needs of gypsies and travellers is addressed in response to matters 10.1(a) and 10.2.
17. Secondly, there is the range of equalities duties, including those arising under the Equalities Act 2010²⁰ and through Convention Rights. The Council’s approach accords with national planning policy in the PPTS, which introduced an amended definition of gypsies and travellers so as to exclude those who had ceased permanently to travel. In making that amendment, the Government were aware of the consequences, and, as it was required to do, it had regard to the obligations arising from the Equalities Act 2010 and the Convention, as is apparent from the Government’s response to the consultation on the proposed amendments (of August 2015) and the Equalities Statement of September 2014 (see e.g. pages 5 and 6). The Council, in formulating policies in the submitted Local Plan and the proposed modifications, has, it considers, conformed with national planning policy guidance which itself was formulated in recognition of equalities legislation and Convention Rights. Any challenge to the modification to the definition of the term “gypsy and traveller” introduced by the PPTS should have been directed to the adoption of the PPTS, rather than any local plan policy which has been prepared in conformity with the PPTS. It is not the role of a local plan or the function of a local plan examination to question national planning policy. As such, there is no basis to consider now that the approach within the Local Plan, which, it is considered conforms with the PPTS, conflicts with any equalities-related legal obligation on the Council.

¹⁸ Housing and Planning Act 2016 (RD/Gov/250)

¹⁹ Review of housing needs for caravans and houseboats: draft guidance March 2016 (RD/NP/220)

²⁰ Equalities Act 2010 (RD/Gov/330)

18. The Council considers that both its assessment of accommodation needs and its policies in the submitted local plan as proposed to be modified are sound. If the Inspectors disagree, the Council has set out what it considers would be an appropriate and proportionate way forward in response to the Inspectors' question 10.1(e) and 10.3(b).

10.1 Assessment of need

a) Following the enactment of section 124 of the Housing and Planning Act 2016, which amends Section 8 of the Housing Act 1985, the assessment of the needs of gypsies and travellers must be seen in the wider context of the provision of sites on which caravans can be stationed and houseboats moored. This requirement is not limited to those meeting the PPTS definition. 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)?

19. As set out above, Section 8 of Housing Act as amended requires “local housing authorities”, under their wider duty to consider needs with respect to the provision of housing, to consider the needs of people residing or resorting to their district with respect to sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. This therefore applies to gypsies and travellers that meet the PPTS definition and to those who do not.
20. A new Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned in 2015 to provide up to date and robust evidence of need and to respond to changes in Government guidance. The study was commissioned by a consortium of eight neighbouring local authorities, covering the administrative areas of Cambridge, South Cambridgeshire, East Cambridgeshire, Huntingdonshire, Peterborough, Kings Lynn & West Norfolk, Forest Heath and St Edmundsbury.
21. The Cambridgeshire, King’s Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (October 2016) was produced by Opinion Research Services (ORS), a professional consultancy which undertakes this type of work for local authorities across England and Wales. It is consistent with the guidance for preparing GTAA set out in the PPTS.
22. Draft guidance to local housing authorities on the periodical review of housing needs - Caravans and Houseboats was published in March 2016 and it remains in draft form. The Government has not provided any indication as to whether and, if so, in what form, any guidance will be adopted. The draft guidance sets out a series of recommendations regarding how assessments should be undertaken, potential data sources, and what results should be provided. The GTAA is also consistent with the draft guidance.
23. The Cambridgeshire GTAA has sought to establish the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in the study area through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites. A range of existing data sources were used, including caravan counts, site management information, planning application information, and information on unauthorised sites.
24. The GTAA followed the approach recommended in the draft guidance. In summary it:

- Engaged with a range of stakeholders (see GTAA chapter 5)
 - Used a range of existing data sources (GTAA paragraph 3.6)
 - Provided a specialist survey, and sought to survey all authorised and unauthorised sites (GTAA 3.9 to 3.13 and chapter 6)
 - Identified households that were in current need either immediately or in the foreseeable future (see GTAA 3.33, and chapter 7)
 - Considered future need (GTAA 3.34 to 3.36, and chapter 7).
25. The GTAA identifies the needs of those gypsies and travellers that meet the PPTS definition. As part of the process of doing so, it also identified needs of those who did not meet the new definition and those where it was not possible to conclude whether or not they met the definition. The GTAA therefore contributes to meeting the duty on the Councils as local housing authorities to consider needs of caravan dwellers, consistent with s.8 of the Housing Act 1985, as well as providing an up to date evidence base for the Local Plan.
26. The requirement to consider the need for houseboats was introduced by the Housing and Planning Act 2016. Cambridge City Council responded in detail to the Inspector's questions on the potential need for residential mooring spaces in their Matter CC6 statement (questions 6B.3 and 6B.4). The number of houseboats on long-term moorings in South Cambridgeshire is very low. The existing numbers of residential houseboats are reported as negligible in the Cambridgeshire insight data from Council tax records from 2015 and 2016 and from a web search for local marinas and moorings in the local area, undertaken in April 2017²¹. The Councils have included an allocation of land at Fen Road that straddles the administrative boundary (Cambridge Local Plan policy Site RM1: Fen Road and South Cambridgeshire Local Plan Policy H/6). This provides for the delivery of off-line moorings to address the ongoing need for moorings in Cambridge and South Cambridgeshire in advance of further work being undertaken on the needs of people residing or resorting to the district with respect to places on inland waterways where houseboats can be moored. Work on reviewing this aspect of the housing market has recently commenced by the Local Housing Authorities, with datasets launched in April 2017²².
27. The duty on local housing authorities under s.8 of the Housing Act to consider the needs identified and the draft guidance statement that 'Once the accommodation needs assessment has been completed, the local housing authority will need to begin considering how to meet the accommodation needs identified in the assessment.' relate to provision rather than needs, and are addressed at Question 10.2.

²¹ Cambridgeshire insight - data regarding House boats (RD/H/890)

²² Cambridgeshire insight - data regarding House boats (RD/H/890)

b) In respect of those meeting the Planning Policy for Traveller Sites (PPTS) definition of gypsies and travellers, does it 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?

28. One of the criticisms of the 2011 study was that it lacked engagement with the gypsy and traveller community and its representatives, as the assessment focused on reviewing existing sources of information. The 2015 assessment was commissioned to provide new primary evidence, and there was considerable effort to involve a range of stakeholders, and this is documented in the study.
29. The assessment paid particular attention in ensuring the approach drew on input from engagement with traveller communities, their representative bodies and local representatives in preparing an up-to-date understanding of the likely permanent and transit accommodation needs within the Cambridgeshire area, as well as other key stakeholders and neighbouring authorities where appropriate.
30. In order to assist the response to questions 10.1b and 10.1c, this statement includes a technical appendix prepared by ORS (Appendix 2). This seeks to respond to issues raised by respondents to the Informal Consultation which took place in May 2017. It further outlines the efforts that were made to engage with communities, reflecting the guidance in the PPTS.
31. At paragraphs 9 to 16 it further details how the baseline information was collated and reviewed, and the steps taken to identify the Gypsy and Traveller population that could be surveyed and to encourage participation (through advertising for example). The GTAA at chapter 5 details the stakeholder interview process. Paragraphs 17 to 19 of the appendix to this statement further details the efforts made to engage with the wider community representatives. A range of views were captured through this process which informed the study.
32. The approach to the specialist survey carried out through the GTAA is explained in chapter 3 and chapter 6 of the GTAA. Appendix 2 of this statement at paragraphs 20 to 24 further explains circumstances encountered in South Cambridgeshire. Surveying was carried out on every known site on a thorough and reasonable basis, with multiple attempts to survey when people were unavailable. It was also carried out in winter months when travelling was less likely to occur. Overall response rates (set out on page 65 and 66 of the GTAA) are high compared to typical housing need studies.
33. The assessment does comply with the requirements of the PPTS Policy A, regarding effective community engagement and cooperation with those communities to maintain an up to date understanding regarding need.

c) 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)? The Inspector understands that a Statement of Common/Uncommon Ground is being prepared to address technical criticisms of the study.

34. The Cambridgeshire GTAA does provide a robust assessment of need for caravan dwellers, whether or not they meet the PPTS definition (see also Question 10.1.a). The methodology applied is set out in chapter 3 of the GTAA. It sets out each of the stages undertaken, and the method that was applied. The methodology is also outlined in the Statement of Common / Uncommon Ground (SoCG) with participants²³.
35. ORS indicate that the methodology has been evolved over the last 10 years, and has been updated to reflect the changes to the PPTS, and the Housing and Planning Act in 2016²⁴. It has also been tested through appeals and examinations elsewhere in the country. Examples are provided within the GTAA (at paragraph 3.4), and in Appendix 2 of this statement (at paragraphs 54 to 65). The process includes a comprehensive assessment of all gypsy and traveller sites and the needs arising from them. It's focus is on identifying the needs of those that meet the PPTS definition but in doing so also considers all gypsies and travellers, including those who do not meet the PPTS definition. The wider needs of caravan dwellers that are not gypsies and travellers are considered as part of the wider assessment of objectively assessed needs.
36. Through the Informal Consultation undertaken in May 2017, a number of representors raised issues with elements of the GTAA methodology. Appendix 2 of this statement responds to the issues raised and demonstrates that the methodology followed by the GTAA is robust.

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

37. The GTAA provided a full assessment of need for Travelling Showpeople plots, following the same methodology it applied for Gypsies and Travellers. There are two existing sites in South Cambridgeshire, which were visited and surveyed.
38. For Travelling Showpeople who meet the current planning definition in the PPTS, the GTAA identified a need of 11 additional plots between 2016 and 2031 arising from concealed households and anticipated population growth. This includes a current need of 9 plots within the next 5 years. There is also a potential need of up to 3 more plots for those in the 'unknown' category. There were no Travelling Showpeople households identified in Cambridge.
39. There was also input from the Showmen's Guild, providing a regional perspective. The Guild are looking for a site in the wider Cambridgeshire area beyond South

²³ Statement of Common / Uncommon Ground (SoCG) with Matter 10 participants (RD/SCG/540)

²⁴ GTAA para 3.1

Cambridgeshire District, with a particular focus on a site with good access to the strategic road network²⁵.

e) 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?

40. The Councils consider that they have provided a robust assessment of need.
41. The GTAA process has made considerable efforts to provide a robust and reliable assessment of need, that includes both those that do and do not meet the PPTS definition, based on a recognised approach that has been endorsed through other Local Plan examinations and planning appeal decisions as set out in the ORS response document at Appendix 2 (paragraphs 54 to 65).
42. However, to respond directly to the Inspectors' question, if the Inspectors do not agree, in the Councils' view it would not be proportionate to delay the completion of the plan making process (and progress in the delivery of 33,500 homes and 44,000 jobs) to produce a refinement of the needs assessment now, where results may not be considerably different.
43. The provision of sites for caravan dwellers is addressed at Question 10.2 but in summary, criteria based policies in the Local Plans allow for suitable sites for gypsies and travellers that meet the PPTS definition to come forward if need is demonstrated during the plan period. Opportunities to provide additional pitches will also be sought at strategic sites under these circumstances. Therefore if there is need in addition to that currently identified, either currently or during the plan period, it can be appropriately considered and met within the policy framework already provided for within the Plan. Addressing the needs of those caravan dwellers that do not meet the PPTS definition are also covered in Question 10.2.
44. Furthermore, the Councils have already committed through the City Deal Agreement with Government to commence preparation of a joint Local Plan for Greater Cambridge in 2019. This will provide an opportunity to review evidence of need and to respond accordingly should any revision to the policy approach be required.

²⁵ GTAA para 5.138 to 5.141

10.2 Meeting needs

a) 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?

Households who meet the “Traveller” definition in the PPTS for the purposes of planning:

45. For South Cambridgeshire the GTAA identifies a current need of 8 pitches, and a future need of 12 pitches due to population growth from existing eligible households. This gives a need for a total of 20 new pitches over the period 2016 to 2036 (17 in the period to 2031)²⁶. The GTAA also considered the supply available to address identified needs. It identified an existing supply of 29 pitches, from 22 vacant and 7 new pitches, and considered this as available supply²⁷, giving a surplus of 12 pitches. The GTAA concludes that the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller could be met through available sites²⁸.
46. In Cambridge, there are currently no authorised Gypsy or Traveller sites and no authorised Travelling Showpeople yards. For Cambridge, there were only two Gypsy or Traveller households identified, both living on a mobile home park not conditioned for occupancy by Gypsies and Travellers. Neither household have any identified current or future accommodation needs.
47. The PPTS (policy B) requires the Councils to maintain a five year land supply of deliverable sites to meet the needs of those meeting the planning definition of Gypsies and Travellers and Travelling Showpeople, and identify sites for years 6 to 10, and where possible for years 11 to 15.
48. In South Cambridgeshire the identified need for Gypsies and Traveller sites when compared with the available supply means that identifying a supply of further Gypsy and Traveller sites is not required, and does not warrant additional land allocations in the Local Plan. Policy H/19 is proposed to be modified to reflect the findings, removing reference to the need figure related to the previous GTAA. In the Cambridge Local Plan, Policy 49 is proposed to be modified to reflect that there is no identified need, and that no specific provision is made.
49. Both plans include flexibility to respond to rapid change in two main ways:
50. The South Cambridgeshire Local Plan (as proposed to be modified) includes Policy H/21 that provides for windfall applications to be considered and determined where a

²⁶ GTAA figure 53.

²⁷ GTAA para 7.125 (page 103)

²⁸ GTAA paragraph 7.115 (page 102)

need is demonstrated by the applicant. Policy 49 provides a similar function in the Cambridge Local Plan.

51. Both Local Plans also include policies seeking opportunities to deliver sites through large scale new communities and significant major development sites if needs are identified (South Cambridgeshire Policy H/20, and Cambridge Policy 49, both as proposed to be modified).

Unknown Need:

52. The GTAA acknowledges that it was not possible to determine the travelling status of a number of households of both Gypsies and Travellers and Travelling Showpeople who did not, or refused to, participate in the survey process, and a proportion of these may be able to demonstrate during the plan period that they meet the definitions provided in the PPTS.
53. In South Cambridgeshire, a total of 194 “Unknown” households were identified where an interview was not completed, either due to refusal or because the household could not be contacted. The assessment identifies that a theoretical maximum of 68 pitches (between 2016 and 2036) could be needed from these households.
54. However, as an illustration, if the national average (in the experience of ORS) of 10% of those surveyed meeting the new definition were to be applied, this could be as few as 7 additional pitches for those who meet the PPTS definition²⁹. This is less than the surplus identified above. No unknown needs were identified in Cambridge³⁰.
55. The South Cambridgeshire Local Plan (as proposed to be modified) includes Policy H/21 that provides for windfall applications to be considered and determined where a need is demonstrated by the applicant. Cambridge Local Plan (as proposed to be modified) Policy 49 provides a criteria based policy for considering any development proposals to meet potential unidentified need during the plan period. This approach reflects the recommendations of the GTAA (para 1.32).
56. A similar approach was recently found sound in Maldon. The Inspector’s Report³¹ states (at paragraph 150), *‘The Council’s stance is that any need arising from ‘unknowns’ should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist’.*
57. Both Local Plans also include policies seeking opportunities to deliver sites through large scale new communities and significant major development sites if needs are

²⁹ GTAA paragraph 7.131 (page 105)

³⁰ GTAA Appendix B (page 116)

³¹ Inspector’s Report on the Examination of the Maldon District Local Development Plan 2014 - 2029 (RD/H/910)

identified (South Cambridgeshire Policy H/20, and Cambridge Policy 49, both as proposed to be modified).

Households which do not meet the planning definition:

58. The GTAA indicates that in South Cambridgeshire there is a need for 61 pitches to meet current and future need to 2036 (49 pitches to 2031) for households that did not meet the planning definition. None were identified in Cambridge.
59. The modifications to the Local Plan policies respond to the Assessment and to the Government's policy concerning gypsy and traveller site provision as set out in the PPTS, including the position in relation to those that do not meet the PPTS definition.
60. The NPPF and PPTS together make clear Government's intention that those who do not meet the definition of gypsies and travellers should be treated in the same way as the settlement population and it would not be appropriate for the Local Plan to include policies that make exceptions to planning policy for those who do not meet the definition.
61. A recent Inspector's Report on the Newham Gypsy and Traveller Accommodation Development Plan Document³² stated (at paragraph 19) that, '*It will be for the Council to respond in due course to the Government's Housing White Paper published on 7 February 2017 and to review its plans in the light of the changes to the NPPF and any regulatory changes that come into effect. In the meantime, any proposals to meet the accommodation needs of gypsy, traveller and travelling showpeople who do not lead a nomadic lifestyle would be assessed against LPCS Policy H3³³ and formulated in light of overall housing need and awareness of the need to provide for a variety of housing types.*'
62. Those who do not meet the definition but wish to live in a caravan are able to look for opportunities to do so in locations which are consistent with national and local planning policies, as envisaged by the NPPF and PPTS, in the same way as the non-gypsy and traveller settled population. They could also look for accommodation on the number of existing park home sites in South Cambridgeshire and other park home sites could come forward under and consistent with existing planning policies. If it becomes necessary to do so they could seek to demonstrate that their circumstances justify a departure to normal planning policies through the development management process, relying on material planning considerations, if appropriate accommodation cannot be secured through the existing development plan policy framework. Such material considerations could, for example, include seeking to demonstrate a right under Equalities legislation to culturally appropriate accommodation (see Question 10.3) and in inability to find deliverable sites within the existing policy framework.

³² Inspector's Report on the Examination of the London Borough of Newham Local Plan, Gypsy and Traveller Accommodation Development Plan Document June 2017 (RD/H/900)

³³ Newham Core Strategy Policy H3 deals with specialist accommodation needs, and refers to implementation through the development management process.

63. In the Newnham Inspector's Report³⁴, the Inspector states (at paragraph 20), 'The Council proposes that any considerations in relation to culturally-specific housing needs, equalities and human rights, and their relevant weight in planning decisions, would be dealt with as part of the development management process.' The Inspector goes on to conclude that they are satisfied that the GTADPD would not result in an adverse impact on protected groups for the purposes of the Public Sector Equality Duty and the Equality Act 2010.
64. Furthermore, a number of other measures are being pursued by, and open to, the local housing authority. The local housing authority may receive enquiries about the availability of sites suitable for caravan dwellers that do not meet the PPTS definition, including those that may seek to demonstrate a right under Equalities legislation, and can monitor this and keep it under review. Monitoring enforcement action may also provide information of needs, and similarly planning applications and section 78 appeals.
65. The Council as local housing authority manages the day to day running of two public affordable gypsy and traveller sites consisting of 32 pitches for rent. Over the last five years, both sites have been refurbished providing a day room building which consists of a lounge and a separate kitchen and bathroom for each pitch. Two additional pitches have been provided as part of the refurbishment. The allocation policy for the public sites will be reviewed to align with the changes in definition in the PPTS and to take account of the findings of the GTAA. There will be a cascade provision within the allocation process to enable those that no longer meet the definition, to be considered when pitches become available.
66. Gypsies and travellers who do not meet the definition and other caravan dwellers also have the opportunity to go onto the Council's waiting list for affordable housing accommodation for brick and mortar housing. Whilst some gypsies and travellers will choose to move into a house, it is recognised that some will prefer to remain in caravan accommodation. The accommodation needs survey indicated that most households would prefer to find a private site rather than on a publicly provided site. Under national planning policy, those that do not meet the PPTS definition will need to comply with planning policies as anticipated by Government in reviewing the definition or demonstrate material planning considerations that justify a departure from policy. The local housing authority can support households prior to the planning application stage where private caravan sites are brought forward – a specialist officer is already employed in this role. The Council will deal with the needs of households that make applications to the local housing authority on an individual basis. Data gathered in the process will inform future policy development. Regard will need to be given to the potential for identifying a specific need for culturally appropriate accommodation under the Equalities Act (see question 10.3). The options above can also be applied if a specific need is demonstrated.
67. It is still relatively early after the GTAA process identified those gypsies and travellers that do not meet the PPTS definition. However, the local housing authority, through

³⁴ Inspector's Report on the Examination of the London Borough of Newham Local Plan, Gypsy and Traveller Accommodation Development Plan Document June 2017 (RD/H/900)

its recently establish development company, is investigating public sector land opportunities for sites to meet accommodation needs, which could be for wider affordable housing or those that live in caravans, including land owned by the District Council and also County Council land holdings. The Council also intends preparing a review of its Housing Strategy which will include consideration of how it will meet its duties under s.8 of the Housing Act. It will keep the needs of those who live in caravans under review as set out above, including of those who do not meet the planning definition, some of whom may be able to demonstrate a cultural need under the Equalities Act. There is also potential if necessary and appropriate to liaise with other local planning authorities.

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?

68. The GTAA identifies there is supply from 22 vacant pitches on a private rental site and an additional 7 unimplemented pitches on another new site³⁵. These are both new sites, and at the time of the study the pitches had not been occupied or taken up.
69. The Southgate Farm Milton site has planning permission for 26 pitches (S/1653/07) for Gypsies and Travellers. The site is privately owned and managed. South Cambridgeshire reviewed the evidence of site availability in 2016, the Council's Gypsy & Traveller Sites Project Officer visited the site in August 2016 and confirmed that 9 of the plots were now in use and believed these were now slowly being occupied, and being made available for rent.
70. Enforcement action has been commenced in June 2017 for breach of condition regarding the exceedance of the conditioned number of caravans stationed on the site. A breach of condition notice has been issued, giving a period of 28 days for compliance. The Council has adopted a sequential approach to breaches of planning control on this site and will move on to investigate any possible breach of occupancy restrictions in due course and after the current enforcement action has been resolved.
71. The Old Coal Yard, Chesterton Fen Road was granted planning permission in 2014 (S/2150/11) for 7 pitches. This is also a private site, conditioned for occupancy by Gypsies and Travellers.
72. Investigations are taking place into whether the site has been developed other than in accordance with the approved plans which form part of the conditions. The Council has also received reports of site occupation that may not be in accordance

³⁵ GTAA paragraph 7.125 (page 103)

with the conditions of the sites i.e. non-travellers. The planning agent in November confirmed it was being occupied by some who would not meet the occupancy condition but only on a temporary basis, and that the breach was to be resolved. The Council will continue to take appropriate action to ensure that sites are available for Gypsies and Travellers reflecting the conditions of the consents.

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?

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?

73. The criteria based policies are capable of enabling delivery of sites. They provide certainty by being clear on the issues the Councils will consider when determining applications. They provide locally specific criteria to assess applications, as required by PPTS paragraph 11. The criteria will help ensure sites are appropriately located, and provide a suitable living environment for their residents where they have access to appropriate services, facilities and infrastructure to meet their needs. The South Cambridgeshire Local Plan also includes a policy on site design (policy H/22), to ensure sites delivered are of an appropriate quality and will meet the needs of future residents.
74. In South Cambridgeshire 127 permanent Gypsy and Traveller pitches have come forward since 2011. Of these only 17 were granted on appeal. Apart from Southgate Farm Fen Road (26 pitches), which was in an area identified as suitable in the Local Plan 2004 (Policy CNF6), all of these sites were windfalls rather than allocations. In terms of planning applications since 2011, there have been 42 applications determined, 20 were approved (4 of which then successfully appealed conditions, to make them permanent instead of temporary), 11 refused, 9 of those were subject to appeals, 6 were successful. 1 appeal for non-determination was dismissed.
75. The number of caravans on unauthorised sites in South Cambridgeshire has dropped significantly in recent years. The national caravan count includes data for unauthorised sites (without planning permission) number of caravans on sites on Travellers own land, and from regularly exceeding 150 caravans in the middle of the last decade, it had reduced to 0 in 2016. This is as a result of a combination of factors, but primarily relates to the authorising of additional sites.
76. The number of applications for Travelling Showpeople sites is much lower. An application was approved 2014, enabling an increase on one of the two existing sites from 11 to 21 plots.

77. There is considered to be, at least, a “reasonable prospect” that proposals for suitably located pitches, where a need is demonstrated, will be capable of gaining planning permission.

Delivery at Strategic Sites

78. Development of Gypsy and Traveller sites through major developments offers an opportunity to secure delivery of provision if a need is identified during the life of the plans.
79. Designing Gypsy and Traveller Sites - Good Practice Guide (CLG 2008)³⁶ (discontinued in 2015) states (at paragraph 3.7), *‘Where possible, sites should be developed near to housing for the settled community as part of mainstream residential developments.’* There are examples of sites developed in urban areas, and some are referenced in the Designing Gypsy and Traveller Sites guidance document³⁷.
80. Making provision at new communities offers a mechanism to assist delivery, due to the ability of the scale of the development to overcome viability issues. It will also assist in mainstreaming provision for this part of the community, and the provision of sites where there is good access to services and facilities. By providing sites with good access to services, facilities and public transport this will minimise the need for car journeys.
81. The East of England Plan³⁸ Policy H3 stated that opportunities should be taken to secure provision of Gypsy and Traveller sites through major developments. Whilst this policy is no longer applicable, the Panel Report that resulted from the Examination in Public addressed many of the criticisms now being raised by Barratt Eastern counties and North West Cambridge Consortium of Land Owners in their representations and response to the Informal consultation.
82. The East of England Plan Panel Report 2008³⁹ at paragraph 7.30 states *‘...it was argued that such sites may not accord with the preference of many Gypsies and Travellers for privately owned sites in rural locations. In so far as some Gypsies and Travellers have a preference for some detachment and rural locations, we do not agree that this precludes suitably designed provision as part of major developments.’* This accords with evidence gathered through earlier stages of plan making in South Cambridgeshire⁴⁰.
83. Barratt Eastern Counties and North West Cambridge Consortium of Land Owners consider that the policy should be more specific regarding the scale of developments

³⁶ Designing Gypsy and Traveller Sites – Good Practice Guide May 2008 (RD/NP/070)

³⁷ RD/NP/070 Appendix B Site Design Examples

³⁸ Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England: A Revision to the Regional Spatial Strategy for the East of England 2009 (RD/H/240)

³⁹ Regional Spatial Strategy Single Issue Review Planning For Gypsy And Traveller Accommodation In The East Of England Examination in Public Report of the Panel 2008 (RD/NP/210)

⁴⁰ Draft Final Sustainability Report (RD/Sub/SC/060) Annex A Audit Trail Chapter 7 page A653

that could include provision. The Local Plan Issues and Options (2012) consultation proposed a more general approach of requiring provision from developments over 500 dwellings. On balance a more general policy has been included, where sites would be sought where there are opportunities through significant developments or new communities. This would allow provision to be tailored by need, and be negotiated to reflect specific opportunities. The East of England Plan Panel also considered that, '*Keeping the policy flexible in terms of the type of development that should be looking to provide pitches will allow local authorities to negotiate on the basis of the attributes of a particular site...*'⁴¹

84. Sites could be delivered as part of the affordable housing provision within a major development. There are many examples nationally of Gypsy and Traveller sites being developed and managed by affordable housing providers⁴². Sites could also be delivered as private provision, and sold or leased to Gypsies and Travellers. There are various mechanisms that could be explored at a site specific level. This would allow provision to be tailored by need, and be negotiated to reflect specific opportunities. It is not unreasonable for an LPA to seek a development mix which meets identified needs.
85. It is unlikely that provision would have any significant impact on land available for housing, as the scale of provision indicated is small compared with the overall scale of planned developments. In any case, pitches delivered would also count towards meeting housing needs in the district, and the housing requirement established by South Cambridgeshire Policy S/5 or Cambridge Policy 3.
86. In terms of impact on viability, there is no reason why an appropriate scale of provision could not be secured. Policies in the Local Plan allow for viability to be appropriately considered. The East of England Plan Panel Report also addressed this issue (see paragraphs 7.32, 7.34, and 7.41). Whilst no provision has been sought up to this point, it does not mean that provision could not be sought on sites in the future.
87. Given the range of significant development sites coming forward in the area, if a need was identified, there is a reasonable prospect that the council could secure provision.

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

88. The GTAA identifies a need for 9 additional Travelling Showpeople plots in the next 5 years plus an additional 2 by the end of the plan period. This is beyond current levels of supply. The new need for Travelling Showpeople plots has arisen well into the plan

⁴¹ RD/NP/210 para 7.36, 7.37 and 7.38

⁴² Examples include: Hastoe Group developed a site in Wisbech <http://www.hastoe.com/page/507/Gypsy-and-Traveller-Site-Success.aspx> , other examples include Elim Housing developing several site sin the south west <http://www.elimhousing.co.uk/gypsy-and-traveller->

making process and there was no need identified in the previous study. The Showmen's Guild has indicated in the new study that it has been trying to find a yard in the Cambridgeshire area around the A1 or the A14. This reflects a recognition that this particular need could be met across a wider area than South Cambridgeshire and that access to the strategic highway network is a key factor.

89. The submitted plan includes Policy H/21 that provides for windfall applications to be considered and determined where a need is demonstrated by the applicant. Policy H/22 sets out design requirements of any proposals. It is considered that the criteria based policy approach is a reasonable, pragmatic and proportionate response to the current situation for the Local Plan, the stage it has reached and the emergence of the need late in the plan examination process. It can provide an appropriate response to any proposals received to address the modest level of identified need.
90. Notwithstanding the approach set out in the submitted Local Plan, discussions are currently taking place with the Showmen's Guild regarding need and how it could best be addressed, including with neighbouring authorities to identify a site close to the strategic highway network, as the Guild prefer, that is sufficient to meet this modest need together potentially with any need of neighbouring authorities.

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? NB The Council's own evidence (GTAA para 3.20) recognises that Romany Gypsies and Irish and Scottish Travellers may be able to claim culturally appropriate accommodation under the Equalities Act.

As indicated in the Introduction of this statement, the Councils have sought to follow requirements of government policy as provided in the NPPF and the PPTS.

91. The Councils' approach accords with national planning policy in the PPTS, which introduced an amended definition of gypsies and travellers which excludes those who had ceased permanently to travel. In making that amendment, the Government was aware of the consequences, and, as it was required to do, it had regard to the obligations arising from the Equalities Act 2010 and the Convention, as is apparent from the Government's response to the consultation on the proposed amendments (of August 2015) and the Equalities Statement of September 2014 (see e.g. pages 5 and 6). The Councils in formulating policies in the submitted Local Plans and the proposed modifications have, they consider, conformed with national planning policy guidance which itself was formulated in recognition of equalities legislation and Convention Rights. Any challenge to the modification to the definition of the term "gypsy and traveller" introduced by the PPTS should have been directed to the adoption of the PPTS, rather than any local plan policy which has been prepared in conformity with the PPTS. It is not the role of a local plan or the function of a local plan examination to question national planning policy. As such, there is no basis to consider now that the approach within the Local Plan, which, it is considered conforms with the PPTS, conflicts with any equalities-related legal obligation on the Councils.
92. The Sustainability Appraisal process identified beneficial impacts to Equalities objectives of policies H/19 and H/20. It also identified positive cumulative impacts by seeking to deliver housing to meet the objectively assessed needs of the area, including for Gypsies and Travellers⁴³. The proposed modifications in November 2016 were subject to SA screening⁴⁴, which identified that the revised policies retained these impacts. The plan was also subject to an Equalities Impact Assessment⁴⁵, which was updated and included in the SA screening⁴⁶. They identified the positive impacts of seeking to meet identified needs.
93. The Sustainability Appraisal process was also applied to the modifications proposed to policy 49 of the Cambridge Local Plan. The SA found that this policy should result

⁴³ South Cambridgeshire Local Plan Draft Final Sustainability Report (RD/Sub/SC/060) Part 3 table 4.5 (page 3-64)

⁴⁴ Further Proposed Modifications to the South Cambridgeshire Local Plan – Sustainability Appraisal Screening (RD/FM/012) page 8

⁴⁵ South Cambridgeshire Local Plan Draft Final Sustainability Report (RD/Sub/SC/060) Part 2: Appendix 14

⁴⁶ Further Proposed Modifications to the South Cambridgeshire Local Plan – Sustainability Appraisal Screening (RD/FM/012) Appendix 2

in positive effects on the health and wellbeing of gypsies and travellers. The modifications do not change these conclusions as the provision and the policy is based on the latest data on need and the latest national policy requirements and the policy is clear regarding what action is needed if a need is identified⁴⁷.

94. The expectation is that the accommodation needs of those gypsies and travellers who do not meet the PPTS definition will be met as part of the housing provision for the settled population which will be delivered through the plan. This approach accords with the expectations of national planning policy. There may of course be some potential, during the plan period, for some Romany Gypsies and Irish Travellers who do not meet the planning definition of traveller for the purposes of the PPTS to be able to demonstrate a need for culturally appropriate accommodation which cannot be met consistent with the policies of the local plan. However, this would be under Equalities legislation and would need to be assessed based on the individual needs of an applicant,, including whether the applicant can demonstrate that delivery of a site to meet their needs consistent with the policy framework in the plan cannot be achieved. Should this arise, this is most appropriately, and is capable of being, addressed through the development management process as a material planning consideration in the normal way, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. It does not require an amendment to the policies in the plan and indeed it would not be appropriate to include an exception to national planning policy in the Local Plan.

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?

95. The Councils consider that legislative requirements have been met, and their approach is consistent with national policy (as summarised in the introduction to this statement, and in response to the previous questions).
96. As stated above, there is some potential, during the plan period, for Romany Gypsies and Irish Travellers who do not meet the planning definition of traveller for the purposes of the PPTS to be able to demonstrate a need for culturally appropriate accommodation under Equalities legislation which is not being met through the policies of the Local Plan. This would be an exception to planning policy that is most appropriately and capable of being considered through the planning application process.
97. Whilst the Councils do not consider it necessary, in response to the specific question asked by the Inspectors, if the Inspectors were to conclude that specific provision does need to be made in the plan for Romany Gypsies and Irish Travellers that did not meet the definition of “gypsy and traveller” for the purposes of the PPTS who can demonstrate a need for culturally appropriate accommodation under the Equalities Act, this could potentially be delivered through a modification to policy H/20.

⁴⁷ Proposed Modifications to the Cambridge Local Plan – Sustainability Appraisal Screening January 2017 (RD/CFM/020) page 12

98. Policy H/20 (as proposed to be modified) states that if need is identified opportunities to deliver Gypsy and Traveller sites will be sought as part of large scale new communities and significant major development sites. This would apply if a need arises during the plan period for those who meet the planning definition. As these large scale sites have already been identified as being suitable for housing it would not be contrary to national planning policy or the policies of the Local Plans to include provision that extend the scope of the policy to include that where a need is identified during the plan period for those that can demonstrate a need for culturally appropriate accommodation under the Equalities Act, opportunities will be sought for provision to meet that need.

Appendix 1: List of Reference Documents

The Councils' evidence in relation to Matter 10 is set out in the following documents:

General Documents

- Letter from the Councils to the Inspectors dated 30 June 2015 regarding Joint Housing Trajectory and Gypsy and Traveller Accommodation Needs (RD/GEN/190)
- Letter from the Inspectors to the Councils dated 28 July 2015 regarding the Cambridge and South Cambridgeshire Local Plans Examinations (RD/GEN/200)
- Letter from the Inspectors to the Councils dated 30 March 2017 regarding Gypsy and Traveller Accommodation Assessment (RD/Gen/430)
- Letter from South Cambridgeshire District Council to the Inspectors dated 10 April 2017 regarding Gypsy and Traveller Accommodation Assessment (RD/Gen/440)
- Letter from Cambridge City Council to the Inspectors dated 10 April 2017 regarding Gypsy and Traveller Accommodation Assessment (RD/Gen/450)
- Letter from the Inspectors to Cambridge City Council regarding Gypsy and Traveller Accommodation Assessment (24 April 2017) (RD/Gen/460)
- Letter from the Inspectors to South Cambridgeshire District Council regarding Gypsy and Traveller Accommodation Assessment (24 April 2017) (RD/Gen/470)
- Letter to the Inspectors from South Cambridgeshire District Council regarding Gypsy and Traveller Accommodation Assessment (3 May 2017) (RD/Gen/480)
- Letter from the Inspectors to South Cambridgeshire District Council regarding Gypsy and Traveller Accommodation Assessment (3 May 2017) (RD/Gen/490)

National Policy

- Planning Policy for Travellers 2015 (RD/NP/061)
- Designing Gypsy and Traveller Sites – Good Practice Guide May 2008 (RD/NP/070)
- Regional Spatial Strategy Single Issue Review Planning For Gypsy And Traveller Accommodation In The East Of England Examination in Public Report of the Panel 2008 (RD/NP/210)
- Review of housing needs for caravans and houseboats: draft guidance March 2016 (RD/NP/220)
- Consultation: planning and travellers Equalities statement (September 2014) (RD/NP/230)
- Planning and travellers: proposed changes to planning policy and guidance Consultation response DCLG August 2015 (RD/NP/240)

Government Regulations and Acts

- Housing and Planning Act 2016 (RD/Gov/250)
- Equalities Act 2010 (RD/Gov/330)

South Cambridgeshire District Council Submission Documents

- South Cambridgeshire Local Plan Draft Final Sustainability Report (RD/Sub/SC/060)

Committee Reports and Minutes

- South Cambridgeshire District Council Meeting 17 November 2016 - South Cambridgeshire Local Plan Update (RD/CR/670)

- Cambridge City Council Development Plan Scrutiny Sub Committee 25 January 2017: and Mitcham's Corner Development Framework and Cambridge Local Plan Examination Further Proposed Modifications for Student Accommodation, Gypsies and Travellers and Accessible Homes.(RD/CR/730)

Development Strategy

- Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (RD/Strat/221)

Housing

- Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England: A Revision to the Regional Spatial Strategy for the East of England 2009 (RD/H/240)
- Submissions to Gypsy and Traveller Consultation (RD/H/880)
- Note for the Inspectors on Targeted Consultation Regarding Gypsy and Traveller Issues June 2017 (RD/H/881)
- Cambridgeshire insight - data regarding House boats (RD/H/890)
- Inspector's Report on the Examination of the London Borough of Newham Local Plan, Gypsy and Traveller Accommodation Development Plan Document June 2017 (RD/H/900)
- Inspector's Report on the Examination of the Maldon District Local Development Plan 2014 - 2029 (RD/H/910)

Statements of Common Ground

- Statement of Common / Uncommon Ground (SoCG) with Matter 10 participants (RD/SCG/540)

South Cambridgeshire Further Modifications

- Further Modifications to the South Cambridgeshire Local Plan November 2016 (RD/FM/010)
- Further Proposed Modifications to the South Cambridgeshire Local Plan – Sustainability Appraisal Screening (RD/FM/012)

Cambridge Further Modifications

- Further Modifications to the emerging Cambridge Local Plan – Student Accommodation, Gypsies and Travellers, and Accessible Homes January 2017 (RD/CFM/010)
- Proposed Modifications to the Cambridge Local Plan – Sustainability Appraisal Screening January 2017 (RD/CFM/020)

Appendix 2: Response to GTAA Methodology Issues by ORS



**Cambridge City and South Cambridgeshire
Local Plan Examination**

**Response from Opinion Research Services (ORS) to
the Matters and Issues Joint Hearing Sessions -
Matter 10: Policies for Travellers/Caravan Dwellers
and Travelling Showpeople**

July 2017

Background

1. My name is Steve Jarman and I have been a Senior Research Executive for Opinion Research Services (ORS) since May 2013. Previous to that I had over eighteen years' experience in Local Government at both a senior and managerial level. This covered all aspects of consultation, engagement, research and information, and policy development, across the full range of local government and other public sector services. Formerly as manager of Cardiff Council's own in-house research consultancy I had responsibility for developing and implementing a wide range of consultation and community engagement initiatives. I have extensive experience of project managing large-scale strategic and sensitive consultation exercises, the implementation of qualitative and quantitative research methods, evidence based policy development, and data analysis and interpretation.
2. I have a BSc in City and Regional Planning from Cardiff University (1994), a Post Graduate Diploma in Town Planning from Cardiff University (1996), and a Post Graduate Certificate in Sustainable Leadership from the University of Wales Institute Cardiff (2010).
3. I now lead on the Gypsy and Traveller Accommodation Assessment Portfolio for ORS since 2013. Since changes to PPTS in 2015 I have been responsible for GTAA studies covering a large number of local authorities including Cambridgeshire Region (7 local authorities), the majority (9) of local authorities in Hampshire, Surrey (5 local authorities), Dorset (7 local authorities), Buckinghamshire (4 local authorities), Oxfordshire (5 local authorities), Gloucestershire (6 local authorities), Leicestershire (8 local authorities), West Northamptonshire (3 local authorities), Essex (14 local authorities), Cheshire (4 local authorities) and 12 London Boroughs. We have also completed or are currently working on approximately 20 single local authority GTAAs, making ORS the largest provider of such studies in the country. All of these studies have been completed using the same methodological approach.
4. I am instructed by Cambridge City and South Cambridgeshire Councils to assist the Councils at the Local Plan Examination. This response deals specifically with the Matter 10 for the Joint Hearing Sessions in relation to Policies for Travellers/Caravan Dwellers and Travelling Showpeople, as well as responding to specific representations made by 3rd Parties during a consultation period on the outcomes of the Gypsy and Traveller Accommodation Assessment (GTAA) that was published in October 2016.
5. The Cambridgeshire (excluding Fenland), King's Lynn & West Norfolk, Peterborough and West Suffolk GTAA was published in October 2016. The GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showpeople population in Cambridgeshire, King's Lynn & West Norfolk, Peterborough and West Suffolk through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites and yards. A total of 264 interviews were completed with Gypsies and Travellers and a further 26 were completed with Travelling Showpeople. In addition a total of 34 telephone interviews were completed with Officers from Cambridgeshire, West Suffolk, Peterborough and King's Lynn & West Norfolk; officers from neighbouring local authorities; and other local stakeholders.

6. This assessment is a robust and comprehensive evidence-based assessment of the current and future need for accommodation for Travellers in the study area who meet the current planning definition of a Gypsy, Traveller or Travelling Showperson. It also includes an estimate of current and future accommodation need for those Gypsies, Travellers and Travelling Showpeople who were not able to be interviewed who *may* meet the current planning definition.
7. It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the current planning definition. However this assessment was completed for completeness and to provide the Council with information on levels of need that will have to be addressed through a variety of means by the local housing authority with the assistance of other parts of the Council.

Key Issues to Address

8. The 'Matters and Issues' for the Joint Hearing Sessions in relation to 'Matter 10 – Policies for Travellers/Caravan Dwellers and Travelling Showpeople' set out a number of issues that the Councils need to address in their statement. The main purpose of this response is to demonstrate that the GTAA is a robust and credible evidence base that can be used to support the Local Plan policies that address the needs of Gypsies, Travellers and Travelling Showpeople, assisting the response to the Inspectors' questions 10.1b and 10.1c. It will address the following points in relation to the methodological approach that was taken, and in doing so will also respond to issues raised by 3rd Parties during a recent consultation on the GTAA:
 - » Identifying a robust baseline of sites and yards.
 - » Stakeholder engagement.
 - » Interviews with Gypsies, Travellers and Travelling Showpeople.
 - » Applying the revised planning definition.
 - » Completing the assessment of need.
 - » Comparison with GTAA's in other local authorities.

Identifying a Robust Baseline of Sites

9. The first stage of the GTAA was to undertake a desk-based review to collate a range of secondary data to support the study by identifying sites and yards to visit to complete household interviews, as well as identifying households living in bricks and mortar to interview. This included a review of the following information, as well as the outcomes of interviews that were completed with local and national stakeholders:
 - » Site records.
 - » The Traveller Caravan Count.
 - » Records of unauthorised sites/encampments.
 - » Information on planning applications/appeals.
 - » Information on enforcement actions.
 - » Previous Needs Assessments and other relevant local studies.
 10. Through this process it was possible to identify that at the baseline date for the GTAA (1st February 2016) in Cambridge City there were no authorised Gypsy or Traveller sites and no authorised Travelling Showpeople yards. However there were 2 Gypsy households identified as living on a mobile home site.
 11. In South Cambridgeshire, at the baseline date for the GTAA, there were 2 public sites with 32 pitches; 51 private sites with permanent planning permission with 323 pitches; 2 sites with temporary planning permission with 3 pitches; no sites that were tolerated for planning purposes; 3 unauthorised sites with 3 pitches; and 2 Travelling Showpeople yards with 32 plots. There was no transit provision.
 12. A full list of these sites can be found in Appendix C of the GTAA Report.
 13. Prior to the site interviews commencing the site lists were reviewed for completeness and confirmed by the South Cambridgeshire Gypsy and Traveller Site Project/Liaison Officer.
 14. ORS also applied a rigorous approach to making contact with bricks and mortar households, as this is a common issue raised at Local Plan examinations and planning appeals. Contacts were sought through a range of sources including:
 - » Interviews with people on existing sites and yards.
 - » Contacting 38 Housing Associations which operate across the study area. However, only two responded.
 - » Intelligence from the stakeholder interviews, including interviews with 2 Traveller representatives (a planning agent and a member of the Travelling community) who were unable to provide contact details of anyone in bricks and mortar.
 - » Adverts on Social media, Twitter and Council websites (see the GTAA Report for further details).
 - » Cambridge City Council phoned and wrote to 4 Council tenants identifying as Gypsies or Travellers. No responses were received.
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- » The South Cambridgeshire Housing Department wrote to everyone on the Housing Register (Home-Link) within the Cambridge sub region who have identified themselves as a Gypsy & Traveller to invite them to participate in the study; wrote to all 55 elected members in South Cambridgeshire to ask for any local knowledge on those living in bricks & mortar – this resulted in a further four identified that we have subsequently written to.
- » ORS wrote to six housed Travellers provided by the Traveller Liaison Officer.

15. Through this approach the GTAA endeavoured to do everything possible to give households living in bricks and mortar the opportunity to make their views known.

16. In the case of this GTAA, no households in bricks and mortar were identified to be interviewed in Cambridge City or South Cambridgeshire during the fieldwork, none are known to have approached the Council during the GTAA study period seeking a site and none have declared themselves homeless. Given that no one came forward during the study period, it is fair to conclude that no allowance should be made for bricks and mortar households because none have identified themselves as being in need.

Stakeholder Interviews

17. The second stage of the GTAA was to engage with key Council Officers and with wider stakeholders through telephone interviews. Council stakeholders included Officers from departments including Housing, Planning, Gypsy and Traveller Liaison, Education, Environmental Health and Highways. Engagement with wider stakeholders involved contacting the following organisations by email, letter or telephone. Only 3 of these responded to the request to be interviewed – Michael Hargreaves Planning, the Showman's Guild and the Smithy Fen Residents Association.

- » Advisory Council for the Education of Gypsy and other Travellers (ACERT)
- » British Romany Union
- » Cambridgeshire County Council Traveller Education Service
- » Cambridgeshire County Council Traveller Liaison
- » Cambridgeshire Race Equality & Diversity Service
- » Cambridgeshire Strategic Travellers Coordination Group
- » Friends, Families and Travellers
- » GATE - Gypsy and Traveller Empowerment (Hertfordshire)
- » Leeds GATE - Gypsy and Traveller Exchange
- » Michael Hargreaves Planning
- » National Association of Health Workers with Travellers
- » National Association of Teachers of Travellers
- » National Travellers Action Group
- » Ormiston Academies Trust
- » Ormiston Children's and Family Trust
- » Ormiston Trust
- » Romany Institute
- » Smithy Fen Residents Association
- » The Amusement Catering Equip. Society (ACES)
- » The Association of Circus Proprietors
- » The Association of Independent Showmen (AIS)
- » The Gypsy and Traveller Law Reform Coalition
- » The Gypsy Council
- » The National Romany Rights Association
- » The Showman's Guild of Great Britain
- » The Society of Independent Roundabout Proprietors
- » The Traveller Law Reform Project

» The Traveller Movement

18. Detailed Topic Guides were agreed with the Councils for the telephone interviews and included questions on the following topics:

- » What dealings or relationships people have with Gypsies and Travellers and Travelling Showpeople?
- » Experiences of any particular issues in relation to Gypsies and Travellers and Travelling Showpeople.
- » Awareness of any Gypsy and Traveller sites and Travelling Showpeople Yards either with or without planning permission and whether this varies over the course of a year.
- » Any trends people may be experiencing with regard to Gypsies and Travellers and Travelling Showpeople (e.g. increase in privately owned sites or temporary sites).
- » What attracts Gypsies & Travellers and Travelling Showpeople to an area?
- » Identification of any seasonal fluctuations that may occur.
- » Awareness of any occurrences of temporary stopping by Gypsies and Travellers and Travelling Showpeople.
- » Identifying the relationship between the settled and travelling communities including any positive or negative local circumstances.
- » Awareness of any Gypsies and Travellers and Travelling Showpeople currently residing in bricks and mortar accommodation.
- » Awareness of any cross boundary issues, including travelling routes.
- » Any other comments.

19. To help support the duty to cooperate and provide background information for the study, telephone interviews were also conducted with Planning Officers in neighbouring planning authorities. These interviews helped to ensure that wider issues that may impact on this project were fully understood.

Interviews with Gypsies, Travellers and Travelling Showpeople

20. The next stage of the GTAA was to attempt to complete an interview with the residents on all occupied pitches and plots that were identified during the desk-based review. ORS worked closely with the Councils to ensure that the interviews collected all the necessary information to support the study. The Site Record Form that was used has been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the current planning definition. All pitches and plots were visited by experienced ORS interviewers who are accredited under the Interviewer Quality Control Scheme (IQCS) and the Market Research Society (MRS) Code of Conduct. Where it was felt to be appropriate the South Cambridgeshire Traveller Liaison Officer accompanied ORS staff. They attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any overcrowding or the presence of concealed households or adults and their travelling characteristics. Interviewers also sought to identify contacts living in bricks and mortar to interview, completed an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs, and sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
21. Up to 3 attempts were made to conduct an interview on each pitch where households were not present.
22. Where it was not possible to undertake an interview, staff sought to capture as much information as possible about each pitch using a Pitch Outcome Form from sources including neighbouring residents and site management (if present).
23. A total of 92 interviews were completed with Gypsies and Travellers and a total of 15 interviews were completed with Travelling Showpeople. Whilst this does not represent a high response rate based on the total number of pitches that were identified, there were a number of reasons why it was not possible to complete interviews and these are set out in the Table 1 below. These included vacant pitches, an outright refusal to be interviewed, and pitches that were not occupied by Travellers. These households have been removed to form an adjusted baseline against which to calculate the percentage interviewed. It is believed that many of the pitches where an interview was not completed are not occupied by Travellers.

Table 1 – Household Interview Responses

Gypsies and Travellers	Pitches	Vacant ⁴⁸	Refusals	Not Travellers	Adjusted Baseline	Interviews	% Interviewed
Cambridge	2	0	2	0	2	0	0.0
South Cambridgeshire	360	67	24	28	241	92	38.2
GTAA TOTAL	923	100	114	40	669	264	39.5

⁴⁸ Including unimplemented pitches or pitches under development.

Travelling Showpeople	Plots	Vacant ₁	Refusals	Not Showpeople	Adjusted Baseline	Interviews	% Interviewed
Cambridge	0	0	0	0	0	0	0.0
South Cambridgeshire	31	0	0	0	31	15	48.4
GTAA TOTAL	61	4	0	0	61	26	42.6

24. ORS are aware from GTAA's completed in other parts of England that many within the Gypsy and Traveller community have been advised not to participate in any interviews and surveys which are being carried on the basis (wrongly) that this may affect their planning status as a Traveller. This has been experienced by ORS in GTAA studies in Buckinghamshire, Essex, Harrogate and Surrey where the Gypsy Council have a strong presence. Moreover, ORS has seen publications on social media through which the Gypsy Council discourages participation with surveys. An example, directed at survey carried out at Tandridge, is set out below. A concern that engagement with the survey may compromise travellers status (whether on the basis of advice from any organisation or not) may well account for the relatively low response rate by gypsies and travellers in South Cambridgeshire.

Need A Pitch in Tandrige ?

Tandrige District Council is doing a survey of Gypsies and Travellers and Showpeople They are looking at how many new Gypsy sites the area needs.



Does Your Family Need A Pitch?

How many new plots does your family need?
Not just now but in 5, 10, 15 or 20 year's time?

The Council has asked a company called Opinion Research Services (ORS) to do the survey.

People need to BE **Careful of ORS**

They are not helpful to Gypsies & Travellers. If you wish you can send information directly to the Council you can, but the Council will probably tell you to speak to ORS.

TAKE CARE!

ORS often use these consultations to ask people:

- If they still travel
- If they have plans to travel
- How often they travel
- If they still travel for work.

If you don't travel then you lose your Gypsy status
In West Berkshire ORS said upto 100% of the Gypsies and Travellers don't have Gypsy Status.

Don't Lose Your Gypsy Status

Tandrige Council
Tel: 01883 722000.



Applying the revised Planning Definition

25. The next stage of the GTAA was to use the information gathered during the household interviews to apply the revised planning definition.
26. The new version of Planning Policy for Traveller Sites (PPTS) that was published in August 2015 contained a revised definition of a Gypsy, Traveller and Travelling Showperson for planning purposes. In addition, the previous housing definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016) through the removal of paragraphs 225 and 226 of the 2004 Act.
27. Therefore, the only current definition of Gypsies, Travellers and Travelling Showpeople for the purposes of the planning system and the assessment of housing need is that which is found in Annex 1 of PPTS (2015). Only those households that meet the planning definition and those households who may meet the planning definition (households where an interview was not possible) now have to have their housing needs assessed through the GTAA process. Whilst in April 2017 permission was given for a Judicial Review of the change in definition, this has not yet been heard so the current planning definition is still in place.
28. In summary, a GTAA now needs to formally assess the needs of households that meet, or may meet, the planning definition. However, ORS acknowledge that there are still current and future housing needs arising from those households that do not meet the planning definition so our GTAA's still include an assessment of need for these households in order to provide our clients with the overall levels of need. This will assist authorities to meet their duties under the Housing Act.
29. The GTAA clearly sets out (in para 2.13 to 2.21) the case law and key sections in Decision Notices from the Planning Inspectorate that have led to the approach ORS have taken to applying for the purposes of assessment the planning definition to Gypsy, Traveller and Travelling Showperson households.
30. The implication of these rulings in terms of applying the planning definition is that it will **only include those households who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but it will not include those who travel for purposes other than work – such as visiting horse fairs, holidays and visiting friends or relatives. It will also **not cover** those who commute to work daily from a permanent place of residence.
31. This approach was endorsed by a Planning Inspector in a recent Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267). This made it very clear that household members have to be able to demonstrate a link between their travelling and economic purpose – i.e. that they travel for work purposes. A summary can be seen below.

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic

purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

32. It has been contended at recent planning appeals that ORS are not appropriately qualified to make any assessment of Traveller households against the planning definition. It has also been claimed that a lower number of households meeting the planning definition has led to a lower figure of need.
33. ORS contend that we are probably the most experienced consultancy in the country to apply the planning definition. Over the past 6 years we have completed interviews with approximately 5,000 Gypsy, Traveller, and Travelling Showperson households, and have asked a consistent set of questions about travelling patterns. Incidentally, before the changes to PPTS in 2015, the majority of households that were interviewed were happy to talk in much depth about their travelling patterns as it was seen as a very important part of their culture and heritage. Not surprisingly, since the changes to the planning definition and removal of the housing definition, many households are not now willing to share information about their travelling patterns.
34. The household survey included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:
- » Whether any household members have travelled in the past 12 months.
 - » Whether household members have ever travelled.
 - » The main reasons for travelling.
 - » Where household members travelled to.
 - » The times of the year that household members travelled.
 - » Where household members stay when they are away travelling.
 - » When household members stopped travelling.
 - » The reasons why household members stopped travelling.
 - » Whether household members intend to travel again in the future.
 - » When and the reasons why household members plan to travel again in the future.
35. When the household survey was completed the outcomes from these questions on travelling were used to determine the status of each household against the planning definition in PPTS (2015). Through a combination of responses to these questions, households need to provide
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sufficient information to demonstrate that household members travel for work purposes and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily due to education, ill health or old age, and plan to travel again for work purposes in the future. The same definition applies to Travelling Showpeople as to Gypsies and Travellers.

36. Households that need to be considered in the GTAA fall under one of 3 classifications that will determine whether their housing needs will need to be assessed in the GTAA. Only those households that meet, or may meet, the planning definition will form the components of need to be included in the GTAA:

- » Households that travel under the planning definition.
- » Households that have ceased to travel temporarily under the planning definition.
- » Households where an interview was not possible who *may* fall under the planning definition.

Unknown Households

37. As well as calculating need for interviewed households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) were assessed as part of the GTAA where they were believed to be ethnic Gypsies and Travellers who may meet the planning definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed, an approach was taken that sought an estimate of potential need from these households. This is a maximum additional need figure over and above the need identified for interviewed households where it could be determined that they do meet the planning definition.
38. The estimate sought to identify potential current and future need from any pitches known to be temporary or unauthorised, and through new household formation. For the latter, the ORS national rate of 1.50% was used as the demographics of residents are unknown. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).
39. ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.
40. However, data that has been collected from over 2,000 household interviews that have been completed by ORS across England since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition – and in some local authorities, particularly London Boroughs, no households meet the planning definition. The figure from Travelling Showpeople is 70% that meet the planning definition based on over 300 interviews.
41. This would suggest that it is likely that only a small proportion of the potential need identified from households where no interview was possible will need Gypsy and Traveller pitches under the PPTS.

Households that do not meet the Planning Definition

42. Households who do not travel for work purposes or who have ceased to travel permanently now fall outside of the planning definition of a Traveller. Provisions set out in the Housing and Planning Act (2016) include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local housing authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance related to this section of the Act was published in March 2016 setting out how the government advise local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet

the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the settled population within an area and will form a subset of the wider need arising from households residing in caravans.

Completing the Assessment of Need

43. To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a specific methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population. The key factors in each of these elements are set out below.

Supply of Pitches/Plots

44. The first stage of the assessment will be to determine the number of vacant pitches/plots and potentially available supply in the study area:

- » Current vacant pitches/plots.
- » Pitches/plots currently with planning consent due to be developed within the study period.
- » Pitches/plots to be vacated by people moving to housing.
- » Pitches/plots to be vacated by households moving to other sites in the study area.
- » Pitches/plots to be vacated by people moving from the study area (out-migration).

Current Need

45. Total current need, which is not necessarily the need for additional pitches/plots because they may be able to be addressed by space already available in the study area, is made up of the following. It is important to address issues of double counting:

- » Households on unauthorised developments for which planning permission is not expected.
- » Households on unauthorised encampments for which planning permission is not expected.
- » Concealed, doubled-up or over-crowded households (including single adults).
- » Households in bricks and mortar wishing to move to sites/yards.
- » Households in need on waiting lists for public sites.

Concealed and Doubled-Up Households

46. Failure to properly identify of concealed or doubled-up households is often a criticism of GTAA's at local plan examinations and planning appeals. ORS have revised our methodology in recent years to seek to address these issues.
47. ORS use the data from the household interviews to identify any concealed or doubled-up households or single adults. This is done through a series of questions (A12, C1 and C2 in the household interview form that can be found as an appendix to the GTAA Report) that ask directly how many households are living on a pitch or plot; ask how many of these adult households are in need of a pitch or their own; and ask how many teenage children will be in need of a pitch of their own in the next 5 years. This also allows us to identify situations where several generations of an extended family are occupying a single pitch or plot through choice. We do not make any assumptions based solely on the demographics of households living on a pitch or plot about additional pitch needs as there are many instances where none are needed.

Future Need

48. Total future need is the sum of the following four components:
- » Older teenage children in need of a pitch/plots of their own.
 - » Households living on sites/yards with temporary planning permissions.
 - » New household formation.
 - » In-migration.

New Household Formation

49. Rates of new household formation are also the subject of objections to a GTAA at local plan examinations and planning appeals.
50. The approach applied in Cambridgeshire is described in paragraphs 7.6 to 7.13 of the GTAA. Overall, the household growth rate used for the assessment of future needs has been informed by local evidence for each local authority. This local demographic evidence has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 in each local authority (by travelling status). A rate of 1.00% has been adjusted for Travelling Showpeople.
51. Nationally, a household formation and growth rate of 3.0% net per annum has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically. In this context, ORS has prepared a Technical Note on Household Formation and Growth Rates (2015). This was reviewed in 2015 by a leading demographer, Professor Ludi Simpson from the University of Manchester, who provided further data sources which support its overall findings. The note provides evidence that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.50% per annum – much less than the 3.00% per annum often assumed, but still far greater than in the settled community. Even using

extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.0% per annum nationally.

52. This view has been supported by Planning Inspectors in a number of Decision Notices. The most recent was in relation to an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used. The Inspector concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.5% but that a 2.5% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.5% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.5% figure is justified in the case of Doncaster.

53. In addition the Technical Note has recently been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit. It aims to encourage methodological development by giving practitioners the space and the incentive to share their knowledge - see link below.

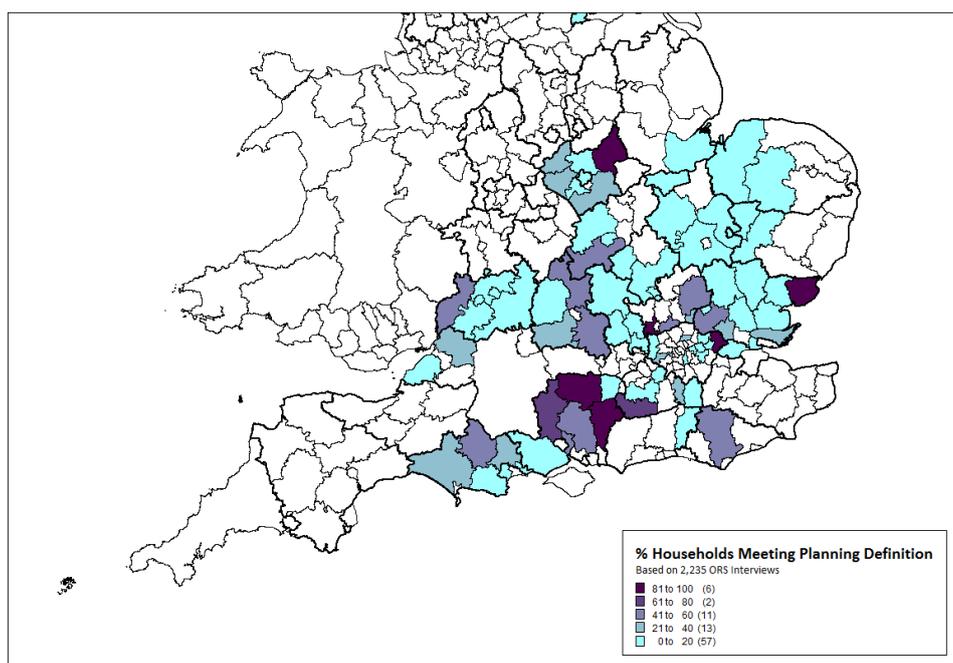
<http://the-sra.org.uk/journal-social-research-practice/>

Comparison with other GTAA Studies

54. ORS have completed GTAAs covering over 100 local planning authorities since the revised PPTS was published in 2015. Many of these have been large scale assessments similar to the work in Cambridgeshire, including studies completed in Essex (14 local authorities), Hampshire (9 local authorities), Leicestershire (8 local authorities), Gloucestershire (6 local authorities), Oxfordshire (5 local authorities) and Buckinghamshire (4 local authorities), as well as a number of single authority studies. With specific reference to issues raised about the recent GTAA completed in York – this was completed using the same methodology as the Cambridgeshire GTAA and responded to a number of points raised by the York Travellers Trust.
55. As you would expect there are differences between the outcomes of each GTAA and differences between the composition of the local Travelling communities and the provision of

sites. This has led to different rates of interview completions, and different levels of households that meet and do not meet the planning definition.

56. Response rates to GTAA's completed by ORS vary across the country. As already set out in this evidence this is due to a number of reasons including refusals to complete interviews, site owners refusing access to sites, pitches and plots being occupied by non-Travellers, sites and yards that are inaccessible, and households that are not present during the fieldwork period. In South Cambridgeshire there were large numbers of non-Travellers and refusals to be interviewed, potentially for the reasons set out above. Similar problems were encountered in Buckinghamshire and Essex. Lower response rates are also consistent with other assessments carried out in local authorities with large numbers of sites.
57. The proportion of households that meet the planning definition also differs widely in different local authorities. In some areas no households meet the planning definition (Newham and Lambeth for example). These tend to be inner-city areas with long established public sites. In other areas much higher numbers of households meet the planning definition (East Hampshire, Waverley and Winchester for example). These areas tend to have no large sites and consist mainly of small family sites. The map below shows the variation in the proportion of households that meet the planning definition in studies completed by ORS in southern areas of England.



58. ORS GTAA assessments have also been the subject of Local Plan Examinations in other areas including Cheltenham, Gloucester, Tewkesbury, Luton, Maldon and Newham. None of these have found the methodology used by ORS flawed.
59. The approach used by ORS was considered in April 2016 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy who concluded:

'The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households,

including those living in bricks and mortar accommodation, and considering the implications of the new Government policy. On the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'

60. The approach used by ORS was considered at a Local Plan Examination in Maldon, Essex, in January 2017 and the Inspectors Report published on 29 June 2017 included the following comments:

143. The methodology of the new GTAA incorporates both a desk-based review and a survey of travelling communities. The former has drawn on a range of data including from the census, site records and caravan counts. The survey has been undertaken through face-to-face interviews with travellers. Rather than sample interviews, the general approach has been to attempt to interview all travellers in the district – those occupying pitches and those living in bricks-and-mortar accommodation. To that end, visits were made between January and September 2016, during the ‘non-travelling season’, avoiding July and August and days of known national or local events. Those undertaking the fieldwork have re-visited households multiple times when householders were either not present or not available to be interviewed at the time of calling. All of this is appropriate and, on the face of it, it appears that all reasonable endeavours have been undertaken to capture fully the views of the travelling community in the district.

148. However, rather than assessing the need for ‘unknowns’ on that footing, the GTAA applies a 1.5% household formation rate. The basis for this is set out in detail in a Technical Note, which forms Appendix B of the GTAA. In summary, the methodology considers migration, population data and takes into account birth, fertility and death rates. Household dissolution rates are also analysed. It notes that the growth of the national gypsy and traveller population may be as low as 1.25% per annum. It concludes, however, that the best available evidence suggests this figure to be 1.5%, but that some local authorities might allow for a growth rate of up to 2.5% to provide a margin if the local traveller population is relatively youthful. In my view, the methodology used in the Technical Note is suitably robust. It draws on appropriate sources of information, such as the 2011 census and DCLG’s caravan count figures. This adds to the degree of confidence one may place in its conclusions.

150. The Council’s stance is that any need arising from ‘unknowns’ should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist. That being said, **MM242h** is nonetheless necessary in this regard. It commits the Council to a review of the Plan if future reviews of the GTAA reveal the necessity for land allocations to provide for presently ‘unknown’ needs. For effectiveness, I have altered this modification from the version put forward by the Council by replacing the word “may” with “will” in relation to undertaking the review committed to. I have also replaced “the Plan” with “Policy H6” – the whole Plan need not be reviewed.

157. Considering the above, with the main modifications put forward by the Council and as discussed above, I conclude that the policies relating to provision for gypsies and travellers are justified, effective, consistent with national policy and positively prepared.

61. The approach used by ORS was considered at an examination of the Gypsy and Traveller Development Plan Document from the London Borough of Newham. The Inspectors Report published on 28 June 2017 included the following comments:

12. Twelve months is a reasonable reflection of recent travel activity as it covers the working season and the school year. Whilst some individuals interviewed as part of the study indicated that they had travelled in the past for work purposes, this was many years prior to assuming a settled lifestyle, and none planned to do so in the future beyond trips to visit friends and family. All of the households resident at the Borough's single, existing gypsy/traveller site were interviewed as part of this process.
 14. In preparing the GTADPD, the Council has followed the advice in the PPTS in respect of those gypsy, traveller and travelling showpeople who meet the PPTS Annex 1 definition. The GTAA finding that no planning need for gypsy, traveller or travelling showpeople accommodation exists within the Borough, in terms of the PPTS Annex 1 definition, informed the preparation of the GTADPD. In response, a criteria based policy has been formulated to be utilised in the event that an application(s) comes forward in the future for a pitch(es) or a plot(s) from those who meet the PPTS Annex 1 definition.
 15. Those from a gypsy, traveller or travelling showpeople tradition who do not lead a nomadic lifestyle, but are regarded as being part of a protected group for the purposes of the Equality Act (2010) such as Romany Gypsies and Irish Travellers, or fall to be considered under the assessment of caravan and boat-dwelling need as set out in the Housing and Planning Act (2016), are not within the scope of this GTADPD.
62. The approach used by ORS has also been considered during a number of appeals. These also support the approach taken by ORS. A summary can be found below.
63. The Planning Inspector in a Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267) that was issued in December 2016 agreed with the approach taken by ORS in applying the revised planning definition. A summary can be seen below:

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life

64. The Planning Inspector in a Decision Notice in relation to an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) agreed with the approach used by ORS to identify new household formation rates. The Inspector concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.5% but that a 2.5% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.5% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.5% figure is justified in the case of Doncaster.

65. The Planning Inspector for an appeal in Chelmsford (APP/W1525/A/14/2226970) agreed with the approach taken by ORS when identifying concealed or doubled-up households. The Inspector concluded:

The appellant disputes the Council's approach, particularly with regard to its assessment of need. He considers that there are errors in the GTAA with regard to concealed households, doubling up, hidden need, household formation rates and unauthorised sites. He contends that these errors combine to result in need being considerably underestimated. More realistic figures would, in his view, be 33 pitches to 2018, a further 18 from 2018 to 2023 and another 44 from 2023 to 2033. Mr Jarman, of Opinion Research Services (ORS), explains that the methodology used by ORS takes into account relevant legislation and guidance and has been evolved over a lengthy period of preparing GTAA for over 100 authorities. It includes interviews with gypsy and traveller families and gathering of evidence from other sources including through advertisements and dialogue with a wide range of stakeholders.

The terms "doubling-up" and "concealed households" both refer to actual or potential households which are currently living on other gypsy and traveller sites. The GTAA does not count a household as needing another pitch if it is found during interviewing that there is not a wish for another pitch. I find this approach to be reasonable and consistent with that of engagement with the traveller community in assessing need.

Conclusion on the GTAA

66. The GTAA methodology has already been the subject of a number of Local Plan Examinations and none have found the methodology to be flawed. The Planning Inspector for the Local Plan Examination Session for the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy concluded that *'on the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'*
67. Significant effort was put into identifying all known occupied Gypsy and Traveller sites and Travelling Showpeople yards, and these were checked on a number of occasions by the South Cambridgeshire Gypsy and Traveller Site Project/Liaison Officer.
68. Significant effort was put into identifying households living in bricks and mortar to interview, however none came forward in Cambridge City or South Cambridgeshire as a result of these efforts.
69. The GTAA process sought to engage with a wide range of community groups and local and national stakeholders. However only 3 chose to respond to the request to be interviewed.
70. The household interview process sought to be inclusive and up to 3 attempts were made to interview every household. The household interview questions are considered robust to capture information about current and future household need and to collect information to assess households against the revised planning definition of a Traveller.
71. Whilst relatively low, the response rate to the household interviews in South Cambridgeshire is comparable to response rates in some other parts of the country – especially with areas where there are large numbers of Gypsy and Traveller sites and where some Travellers have been advised not to participate in household interviews. This may give rise to a reluctance to participate in surveys based on a misplaced concern that to do so may jeopardise gypsy status in the planning process.
72. ORS have provided evidence to show that the revised planning definition of a Gypsy, Traveller and Travelling Showperson has been properly applied, including how the needs of unknown households that were not interviewed have been assessed.
73. Whilst GTAAs do not now need to include an assessment of need for households that do not meet the definition, ORS do complete this assessment to provide our clients with an overall picture of need thereby assisting the local housing authority in the discharge of its duties.
74. ORS have significant experience in completing GTAAs and are probably the best placed consultancy in the country to assess households against the current planning definition of a Traveller based on the outcomes of robust household interviews.
75. The work to identify concealed or doubled-up households and adults is robust and has been endorsed by a number of Planning Inspectors in Appeal Decision Notices.

76. Issues relating to rates of new household formation have been properly addressed in the GTAA and the approach has been endorsed by a number of Planning Inspectors in Appeal Decision Notices.
77. Overall, taking all of these points into consideration the overall need for Gypsies, Travellers and Travelling Showpeople in Cambridge City and South Cambridgeshire that has been identified by the GTAA are seen to be accurate and robust.