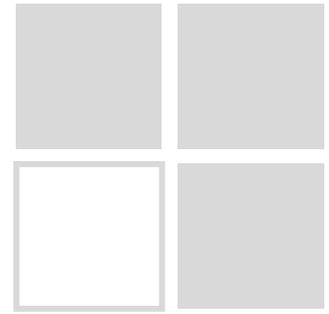


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Councillor Robert Turner  
Planning Portfolio Holder  
South Cambridgeshire District Council

2 November 2016

Dear Councillor Turner,

**Planning Portfolio Holder's Meeting, 8 November 2016: South Cambridgeshire Local Plan Update, and Gypsy and Traveller Accommodation Assessment**

1. I write as an independent planning consultant specialising in Gypsy and Traveller issues with many Romany Gypsy and Irish Traveller clients in South Cambridgeshire.
2. There are huge flaws in the new Cambridgeshire, King's Lynn, Peterborough, and West Suffolk Gypsy and Traveller Accommodation Assessment. The conclusion that there is no need for more pitches in South Cambridgeshire, indeed that there is a surplus of 9 pitches to 2036, is simply not credible. The study does not provide the robust evidence base required for preparing the Local Plan<sup>1</sup>, and there is a major risk the Local Plan Inspector will not find it robust.
3. The study's findings do not reflect the lived experience of South Cambridgeshire's Traveller communities. It is methodologically flawed, and significantly underestimates needs. It attempts to differentiate between Travellers who come within the revised definition of Gypsy and Traveller for planning, and those who do not. In a crucial aspect, it ignores emerging Government policy. It is inconsistent with other evidence. The recommended modifications to the Local Plan are discriminatory, and, if adopted at the end of the Local Plan examination process, would be potentially illegal. The following paragraphs expand on these concerns.

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<sup>1</sup> Planning policy for traveller sites paragraph 7

## **Does not reflect Gypsy and Traveller residents lived experience**

4. Gypsies and Travellers are the most disadvantaged ethnic minority in Britain. The chronic shortage of accommodation is central to that disadvantage. The experience of all Gypsies and Travellers, Romany and Irish, is of overcrowding, insecurity, and anxiety over accommodation. Major improvements in health, education, literacy etc. will not be achieved without addressing the accommodation crisis.
5. South Cambridgeshire has significant, long established Romany Gypsy and Irish Traveller communities. Despite high levels of need, and twenty-two years of Government policy requiring the Council to make planned provision,<sup>2</sup> the Council has failed to do so. The proposed further modifications would continue that failure for another generation. Apart from in Fen Road, Chesterton, nearly all sites have been won on appeal after refusal by the Council, and at significant expense to the appellants.

## **The 2015 Traveller definition**

6. A key objective of the study is to determine whether families come within the August 2015 Gypsy and Traveller definition for planning purposes. This raises considerable methodological problems.
7. The study implies meeting the definition is a once and forever matter, but some households will move in and out of Gypsy status. Question F3 at Appendix D to the report asked What was the main reason for travelling, and, only those who answer work were counted. While case law requires work to be a reason for travelling, planning inspectors also take account of other travelling.
8. There is then the issue of whether the responses are accurate:
  - Travellers have varying levels of literacy. Many are nervous of forms and paperwork;
  - For many, their experience of bureaucracy is negative, and they may fear answering questions;
  - My personal experience, as a non-Gypsy, is that you have to earn trust. As people gain confidence, they are more willing to share;
  - Men and women play different roles, the men away working, women looking after children, site, and elderly. This means visiting a site, you are more likely to interview the women, but they may be unwilling or not well enough informed about their husband's and son's work.
9. We are sceptical whether the interviews could enter into enough detail to determine whether a family has Gypsy status. This may be why when

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<sup>2</sup> Circular 1/94, Circular 1/06, Planning policy for traveler sites, March 2013 and August 2015.

Inspectors look in detail in planning appeals not as many Travellers are losing status as ORS studies suggest.

### **Emerging Government policy**

10. The study appears to assume the needs of Gypsies and Travellers who fall outside the August 2015 definition will simply disappear. This is discriminatory and contrary to emerging Government policy, which suggests Gypsies and Travellers with needs for caravan accommodation who fall outside the August 2015 definition should be accommodated on other caravan sites.
11. The Draft Guidance to Local Housing Authorities on the assessment of housing needs, Caravans and Houseboats, March 2016 deals with those who need to live in a caravan. If confirmed, it will require local authorities to assess the needs of residents in a range of circumstances, including , Gypsies and Traveller caravan dwellers with no authorised site, or whose accommodation is overcrowded, and suppressed households. Once those needs are assessed, the authority will have to consider how they will be met.
12. While this guidance is not yet finalised, to ignore it in a plan which lasts until 2036 is unacceptable. And whereas, the Cambridgeshire study ignores this issue, ORS have explicitly addressed it in a more recent accommodation needs study elsewhere.<sup>3</sup>

### **Other methodological flaws**

13. Figure 38 of the report indicates that in South Cambridgeshire ORS failed to complete interviews on 50 out of 55 sites because they could not contact the residents or they refused to be interviewed. Figure 52 shows they did interview 11 households who came within the new definition, 81 that did not, but they completely failed to interview a further 194.
14. One of the reasons for this failure may be that the consultants ignored the requirement to engage with Traveller communities, their representative bodies and local support groups.<sup>4</sup> It is difficult to get good results if you don't build relationships with Travellers first.
15. The estimate of need is based only on the 11 households that came within the new definition, Figure 52, paragraphs 7.118, 7.123 – 7.126. The estimate completely ignores the needs from the two-thirds of households they could not interview. This invalidates the study.

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<sup>3</sup> The City of York Gypsy and Traveller Accommodation Assessment, ORS September 2016. Although not available until later, the Cambridgeshire study was based on earlier fieldwork and appears to have been drafted before the York study.

<sup>4</sup> Planning policy for traveller sites paragraph 7

16. At paragraphs 7.127 – 7.137 and Appendix B, they comment on the potential need from the 194 households they could not interview, and those households might require 68 pitches, or as few as 7. For reasons including ignoring overcrowding within these households, the need may actually exceed 68.
17. There are further methodological problems. There is likely to be some need from the following, all of whom can be difficult to identify:
  - Gypsies and Travellers in bricks and mortar housing;
  - Substantially nomadic Travellers. This then raises the risk the survey is biased in favour of the most easily identified Travellers on authorised sites, and excludes those with the highest needs, who by their nature are more likely to come within the definition;
  - Travellers who may want to move into an area; and
  - Travellers who do not admit their identity for reasons such as fear of planning enforcement, racism and of their children being bullied at school.
  - The study acknowledges that a number of the authorised sites in Fen Road are occupied by non-Travellers, but does not suggest any provision to make good that loss of supply;
  - It assumes a zero vacancy rate. There are a number of reasons why plots are empty, including because families are away working. It is no more reasonable to assume zero vacancy among Travellers than the house dwellers.
18. The study ignores other sources of evidence, including the waiting list, which stood at 60 for the 30 pitches on the two public sites in November 2015, and the findings by a sequence of planning appeal inspectors of high levels of need in South Cambridgeshire and that the Council does not have a 5-year supply of deliverable sites.

### **Discriminatory and Potentially Unlawful**

19. Local Plan policy based on the ORS needs assessment, without provision for those who fall outside the definition, or that they could not interview, would be discriminatory. It risks encouraging unauthorised encampment and tensions between communities over planning applications and enforcement.
20. It will lead to a succession of cases, which would engage families' rights under Article 8 of the Human Rights Act, 1998, and case law on the best interests of the children.
21. It is difficult to imagine how a decision to promote and adopt such a plan would be compatible with the Council's responsibilities in the Public Sector Equalities Duty in s.149 of the Equalities Act 2010, which requires the Council to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic (which includes Romany Gypsies and Irish Travellers) and those who do not; and

- Foster good relations between people who share a protected characteristic and those who do not.

## **Conclusions**

22. The ORS assessment will not stand up to examination. If it is to provide a robust evidence base for the Local Plan, it needs to make allowance for provision for the Travellers they failed to interview, and to consider the needs of Travellers who fall outside the 2015 definition.
23. Given the high level of need and accommodation stress among the Traveller communities in South Cambridgeshire, a significant number of pitches will be required, provided through a combination of, but not limited to, major strategic development, and sites in the ownership of individual Gypsies and Travellers.

I hope very much this is helpful.

Yours sincerely,

Michael Hargreaves BA BTP MRTPI

Copies to:

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Councillor Anna Bradnam

Councillor Graham Cone

Councillor Philippa Hart

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