

GRAVESHAM
LOCAL
PLAN

Regulation 18 Stage 2 Consultation

GRAVESHAM
Gypsy and Traveller
Background paper

OCTOBER 2020



Delivering a Gravesham to be proud of

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1. INTRODUCTION

- 1.1.1. The Council is in the process of updating its Local Plan to cover the period to 2036/7. As part of this work it needs to consider how to meet the housing needs of all households in the Borough, this includes gypsies and travellers and travelling show people.
- 1.1.2. At the previous consultation stage (Regulation 18 Stage 1), the council consulted on a development management policy for gypsy and traveller sites and commissioned work on the needs of this group in terms of housing needs.
- 1.1.3. The proposed development management policy has been updated following a consideration of responses and further research. This revised policy will be consulted upon as part of the emerging Local Plan Regulation 18 Stage 2 consultation and responses will be taken into account when considering further revisions prior to the submission of the Local Plan for examination.
- 1.1.4. This Background Paper seeks to set out the position the Council has reached to date. The Council would welcome information on potential sites that might be allocated for gypsy and traveller accommodation in the borough through the Local Plan process, with evidence on their suitability, availability, deliverability and details of ownership where possible.

1.2. National Government Policy and Guidance

- 1.2.1. National planning policy is contained in the National Planning Policy Framework (February 2019), with supplementary advice on how it should be applied contained in Planning Practice Guidance (PPG) .
- 1.2.2. At the heart of national policy is the achievement of sustainable development, which has a range of economic, social and environmental objectives through which net gains should be sought in interdependent and mutually supportive ways, having regard to local context.
- 1.2.3. A presumption in favour of sustainable development applies, which for plan-making means that the Council should positively seek opportunities to meet the development needs of its area whilst being sufficiently flexible to adapt to rapid change. Strategic policies should (as a minimum) provide for objectively assessed needs for housing and other uses (including employment), as well as taking into consideration the development needs of other local authority areas that have not or cannot be met
- 1.2.4. Strategic policies in Local Plans should set out an overall strategy for the pattern, scale and quality of development, making sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development. Whilst, in general, strategic policies should look forward a minimum of 15 years.
- 1.2.5. National policy supplementing the NPPF (2019) is set out in Planning Policy for Traveller Sites (PPTS, August 2015) at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf .

- 1.2.6. The PPTS introduced an updated definition of gypsies and travellers. This effectively distinguished between those who travelled for work or who had only ceased travelling for work on a temporary basis, from those who had ceased travelling permanently. For the purposes of planning policy, the term 'gypsies and travellers' is restricted by the PPTS to:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 1.2.7. This does not mean that the Council does not need to meet the needs of those gypsies and travellers who have permanently ceased travelling when exercising its planning functions. Section 124 the Housing and Planning Act 2016 removes the Housing Act 2004 duty on local authorities to assess the accommodation needs of Gypsies and travellers in their area as a distinct category. Instead, it specifies that local housing authorities should 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".

- 1.2.8. The Council is also under a public sector duty imposed by the Equalities Act 2010, whereby it must have due regard to the desirability of exercising its functions in a way that is designed to reduce inequalities of outcome from social-economic disadvantage. In so doing, it must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 1.2.9. Race is a protected characteristic under the Act, to which the above duties apply. Romany gypsies and Irish and Scottish Travellers have been held to be racial groups covered by the Act, as would those of Roma as a distinct ethnic group. Showpeople and New (or New Age) Travellers would not.

2. IMPLICATIONS FOR THE LOCAL PLAN PROCESS

- 2.1.1. In progressing the Local Plan toward submission, the Council needs to clearly identify what the housing needs of gypsies and travellers are and to meet these needs, regardless of the PPTS definition.
- 2.1.2. The housing needs of those who meet the PPTS definition can be specifically dealt with via a gypsy and traveller policy. Whereas those who do not are dealt with under general housing

policy, with their needs identified via either a Gypsy and Traveller Accommodation assessment and/or Strategic Housing Market Assessment.

- 2.1.3. Subject to a willingness to participate, it is easier to identify the needs of Travellers who live in caravans, when compared to those who live in 'brick and mortar' but have a cultural preference to do the former. The question then arises as to how the latter's needs can be identified and therefore met.
- 2.1.4. Irrespective of whether the definition of gypsy or traveller is met or not, what is required to be delivered is largely the same – a site which is suitable for the stationing of caravans, having regard to the individual circumstances of the family involved.
- 2.1.5. Properly addressing the needs of gypsies and travellers is an essential component part of a Local Plan on examination – without this and an identification of the first 5 year's deliverable supply on adoption, a Local Planning Authority such as Gravesham, runs the risk of the entire plan being found 'unsound'. In some instances plans have been found sound without an initial five year deliverable supply of gypsy and traveller sites, however an immediate review has generally been required to ensure the needs of travellers are met.
- 2.1.6. Thereafter, the PPTS requires the plan to identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11- 15.
- 2.1.7. As with meeting any other development needs over the plan period, the starting point is that such needs should be met within the urban area or rural settlements inset from the Green Belt in the first instance.
- 2.1.8. However, should it not be possible to do this and it is deemed necessary to meet those needs through Green Belt release through the demonstration of 'exceptional circumstances', the same principles would apply as for any other development.

3. ASSESSING NEEDS OF GYPSY AND TRAVELLERS IN GRAVESHAM

- 3.1.1. The Council is required to assess the needs of gypsies and travellers, distinguishing between those that meet the definition and those that do not. In so doing, it is necessary to establish those that still travel for economic reasons or have only ceased to do so temporarily from those that have ceased to travel permanently.
- 3.1.2. It is also necessary to establish when those needs are likely to arise and the nature of those needs. This includes those who already live in caravans in Gravesham and (where possible) those who live in bricks and mortar but have a cultural preference to live in caravans. As well as the impact of any unmet need from neighbouring districts as a strategic issue under the Duty to Cooperate.
- 3.1.3. The Council also has to take into consideration as to whether there is any need for transit sites in its area, to cater for the needs of gypsy and travellers passing through exercising their right

to a nomadic lifestyle. The needs of Travelling Showpeople (defined separately under the PPTS) are assessed separately.

3.1.4. The Council engaged consultants (Opinion Research Services - ORS) to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) for the borough in 2017, with the draft report being issued in March 2018. The key conclusions from this work were:

- No travelling showpeople were identified and Gravesham. As a result, there was no identified need for accommodation of this group over the plan period.
- In terms of transit provision of gypsies and travellers, there had only been a small number of unauthorised encampments at that time. It was recommended therefore that no provision be made but that the situation be kept under review and discussed with KCC and neighbouring districts.
- Although the 2011 Census shows a number of Gypsy/Irish Traveller households in Gravesham living in bricks and mortar housing, despite trying ORS was unable to contact any of these. In addition, no responses were received as a result of publicity and other attempts to contact this group. In the absence of evidence, no recommendation was made in respect of need.
- In terms of supply and need for permanent pitches for gypsies and travellers, survey work was undertaken to establish those that met the PPTS definition, those that did not, and those where it could not be established. This was then used to establish levels of need by particular category over time based on immediate need, need over years 1 – 5, and need over the full plan period.

3.1.5. Some of the tables from the report are reproduced below:

Table 1: Additional need for those meeting the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	22	4	1	3	4	34

Table 2: Additional need for pitches where it is unknown whether they meet the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	4	1	0	2	2	9

Table 3: Additional need for those not meeting the PPTS definition by year

Years	0-5	5-10	11	11-15	15-20	Total
	2017-22	2022-27	2028	2028-32	2032-37	
	5	2	0	2	2	11

Table 4: Total need for gypsy and traveller household plots over plan period

Status	Total
Meet Planning Definition	34
Unknown	0-9 (10%=1)
Do not meet Planning Definition	11

- 3.1.6. This area of work is extremely specialist and the Council has to rely on external consultants to provide an assessment of need to feed into the Local Plan. The gypsy and traveller community is also a hard to reach group, often suspicious and wary of outsiders and this requires skill and experience to obtain meaningful outputs from survey work.
- 3.1.7. Unfortunately, due to the current Covid -19 pandemic it has not been possible to update the 'needs' assessment to fully understand what these are and the level of provision that needs to be made. The Council will endeavour to do this when conditions allow to ensure there is equality of treatment between the settled and travelling community.
- 3.1.8. It is recognised that the need for pitches is heavily front-loaded within the GTAA, with those in immediate need due to pitches being unauthorised/subject to temporary permissions/ with concealed households, doubling-up or overcrowding/ meeting needs of teenage children etc. all being prioritised within the first 5 years (2017 – 22). 82% of those meeting the PPTS definition fall within this group over this period.

4. IDENTIFYING NEW SITES FOR GYPSIES AND TRAVELLERS

- 4.1.1. Whilst there are a number of existing sites in Gravesham, no new sites have been put forward by landowners/travellers themselves through the 'call for sites' process. Neither has it yet been ascertained whether existing sites could accommodate more pitches or whether the gypsy and traveller community itself could identify sites that might meet its future needs.
- 4.1.2. As part of the emerging Local Plan, stakeholders can put forward sites for the Council to consider anywhere within the Borough and this includes within the Green Belt. Whether or not they should be allocated for a particular use would be dealt with through the emerging Local Plan process, including independent examination by a Planning Inspector appointed by the Secretary of State.

- 4.1.3. As such, if you would like to submit a site for the Council to consider, please see the Regulation 18 Stage 2 consultation.

5. NEXT STEPS

- 5.1.1. The Council will have regard to any responses received in relation to this area as a result of the Regulation 18 Stage 2 consultation in developing its policy position in respect of the gypsy and traveller community. Subject to constraints, it will also update its evidence base to have a better understanding of the needs of the community. In so doing, any strategic cross-boundary issues that arise will be discussed with neighbouring authorities under the duty to co-operate. In determining how and where sites might be delivered, national planning policy will be applied and sites assessed on an individual basis in terms of their suitability. Any sites identified will be consulted on at the Regulation 19 stage prior to the submission of the Local Plan for independent examination.