



# **Dacorum Borough Council**

## **Local Planning Framework**

### **DACORUM SITE ALLOCATIONS DPD EXAMINATION IN PUBLIC**

**Statement by Dacorum Borough Council**

**Matter 3: Gypsies & Travellers**

**September 2016**

## **Purpose of this statement**

The purpose of this statement is to summarise the Council's position regarding the following matters, issues and questions raised by the Inspector in advance of their discussion at the public hearing sessions.

To avoid repetition this statement includes cross references to appropriate technical work and includes relevant extracts as appendices.

## Matters raised by Inspector and the Council's response

### 1. Does the Council's approach in relation to traveller sites generally conform with the expectations of the CS and Planning Policy for Traveller Sites (August 2015)? If not, why not?

- 1.1 The Council is satisfied that its approach to traveller sites is in general conformity with the expectations of the Core Strategy as sought through Policy CS22: New Accommodation for Gypsies and Travellers (Examination Document CS4). Through the Site Allocations DPD (Examination Document SUB1) the Council has sought to explain how it has delivered on the requirements of the policy in terms of what the identified need is (as set out in the Council's Traveller Needs Assessment (Examination Document HG9)) and how and where it will be met i.e. through the three Local Allocations LA1, LA3 and LA5. Furthermore, this delivery of sites is reinforced under Policies LA1, LA3 and LA5 (and in the associated master plans).
- 1.2 The latest Planning Policy for Traveller Sites (PPTS) (Examination Document REG4) came into effect in August 2015, so post-dates the adopted Core Strategy and original Pre-Submission Site Allocations document (Examination Document SUB17). The Council's position on compliance with this revised PPTS is set out in paragraphs 4.6-4.13 of the Providing Homes and Community Background Issues Paper (Examination Document SA4). In summary, the Council is content that, despite the revised PPTS being published part way through the preparation of the Site Allocations DPD, its approach to traveller sites is in broad conformity with this advice in respect of identifying and meeting need through suitable provision in appropriate locations.
- 1.3 Before submitting the Site Allocations DPD, legal advice on the changes to the PPTS, particularly that relating to changes to the definition of travellers, was sought from Attwaters Jameson Hill, as the Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) (Examination Document HG8) does not use the revised definition. This legal advice concludes that the only sound way forward is to continue with the current approach, as set out in the submitted Site Allocation DPD. This is due to a number of reasons:
- a) The role of the Site Allocations DPD is to allocate sites in accordance with the targets and policies set out in the adopted Core Strategy. It is not the role of the Site Allocations DPD to reconsider or revise these numbers. This is consistent with the approach the Council is taking (that has been accepted by Inspectors), regarding further Green Belt releases for housing.
  - b) The appropriate time to update our Gypsy and Traveller Accommodation Assessment (GTAA) is as part of a suite of technical work to inform the new Local Plan (incorporating the early partial review of the Core Strategy) i.e. in 2016/17. If the target of 17 pitches comes down following this review, then the Council can de-allocate sites, or reduce the number of pitches they contain, in the new single Local Plan.

- c) It is understood that processes are underway for a legal challenge by representatives of the travelling community to the new PPTS. This challenge is expected to seek the quashing of the new definition, or if this is unsuccessful, some clarity regarding the meaning of key words within it. It is unwise to change the current approach on the basis of a definition that will be subject to such challenge. It is better in both planning and legal terms to allow for discussion of the issues as part of the Site Allocations examination process, with the Inspector advising the Council to modify its plan if necessary.
  - d) It is too early for the Gypsy and Traveller Unit at Hertfordshire County Council to assess the likely impact of the new PPTS upon the availability of pitches at the two existing sites within the Borough. They are therefore not yet in a position to advise upon the new PPTS's likely impact upon overall levels of need and pitch availability in the Borough.
  - e) It is not known how the change in definition will affect the Gypsy and Traveller community themselves – for example, it is quite likely that they may modify their travelling behaviour to ensure they fall within the new definition.
- 1.4 It is the Council's intention to update its current GTAA (Examination Document HG8) as part of work to inform its new single Local Plan (incorporating the early partial review of the Core Strategy). The requirement for, and allocation of, sites to meet future needs will therefore be reassessed as part of this review process.
- 1.5 In the meantime, the target of 17 additional pitches by 2031 is an appropriate level to plan for. This target has always been expressed as a minimum and it is noted that where GTAAs have been updated in the light of the new definition, the general trend has been for the need for pitches to reduce rather than increase. (see also response to Question 3 below).

**2. Paragraph 6.2 of the Dacorum Borough Council and Three Rivers District Council Traveller Needs Assessment - January 2013 (GTAA), says that the owner of the Timber Yard, Water Lane, Bovingdon wishes to convert the site which currently contains Showmen plots to residential use. Can you provide any more up to date information on this situation?**

- 2.1 In February 2004 the owner of the Timber Yard, Water Lane, Bovingdon successfully appealed against an enforcement notice served (4/0930/03/ENA) in relation to *"the stationing and residential use of two caravans and the storage of a goods vehicle in connection with travelling showpersons uses"* on land adjacent to the yard. Since then there has been no further planning applications to convert the existing site to residential use. Whilst this may indeed have been a long term aspiration of the landowner at the time the GTAA was prepared, this has not currently been borne out through any recent planning applications.
- 2.2 The site therefore remains in use for Showmen plots and the Council has no definitive evidence that this will not remain the case for the duration of the Site Allocations plan (or at least until this plan is superseded by the new Local Plan).

**3. Figure 13 on page 32 of the GTAA shows that in Dacorum Borough there is a need for 7 extra pitches in the period 2012-2017, 8 pitches between 2017 and**

**2022 and then one pitch in each of the following 5 year periods. The Plan seeks to provide 5 pitches on site LA5, which is available for immediate development and 12 pitches on 2 other new 'local allocation' sites that will be permitted to come forward from 2021 (unless they are needed earlier to secure a 5 year supply of deliverable housing land). The likely development/release of the traveller sites allocated under policies LA1, LA3 and LA5 does not correlate with figure 13 of the GTAA. It would appear that there is likely to be a lag in their provision compared to when they are likely to be required. Is it expected that some other private sites will come forward and be approved to fill this void? Could, if necessary, the traveller site element of these allocated sites come forward early (in advance of the rest of the development) or would the whole of the allocation be required to be developed comprehensively?**

- 3.1 With the regard to its approach to Gypsy and Traveller pitches the Council would draw the Inspector's attention to the following key facts, which are elaborated below:
- a) The submitted Site Allocations DPD (Examination Document SUB1) takes a pragmatic approach to provision and provides sufficient pitches to meet overall assessed need (Examination Document HG18) of 17 additional pitches to 2031 and can also demonstrate a 5 year supply based on overall provision (see Procedural Correspondence document PC2a);
  - b) The very small scale (2 pitches) of the discrepancy between the phasing of pitch provision recommended in the Council's Traveller Needs Assessment (Examination Document HG8) and that set out in the submitted Site Allocations DPD (Examination Document SUB1);
  - c) The recent Maldon Local Plan examination, where the Secretary of State concluded it was disproportionate for the Inspector to find the Local Plan 'unsound' due to a small undersupply of Gypsy and Traveller pitches (Examination Document OT9);
  - d) The fact that Dacorum's Gypsy and Traveller Needs Assessment uses the broader definition of Gypsies and Travellers contained in the March 2012 Planning Policy for Travellers (PPTs) (Examination Document REG19), rather than the revised definition in the August 2015 document (Examination Document REG4), and that there is emerging evidence that when the new definition is applied, assessed need will decrease; and
  - e) The Council clear intention to commission a new Gypsy and Traveller Needs Assessment as part of the early partial review (new Local Plan) process to fully reassess need;
- 3.2 The Council's Gypsy and Traveller Accommodation Assessment (GTAA) (Examination Document HG8) identifies the need for 17 new pitches to address natural growth of Gypsy and Travellers already resident in the Borough over the lifetime of the plan (i.e. to 2031). This would approximate to a rate of just under 1 pitch per annum. With the earlier planned release of Local Allocation LA5 West of Tring, this will provide for a site of 5 pitches. As stated in the Council's response to Procedural Document PC2a, this would be sufficient to secure a 5 year supply of traveller pitches.

- 3.3 The Council acknowledges that there is a potential lag between the suggested timing in the GTAA and actual provision of pitches through the Local Allocations. However, in reality the difference in provision in the period 2012-17 is very small (only 2 pitches). This shortfall can readily be made up in the following 2017-22 period through the pitches on LA1 and LA3. The overall recommended target of 17 new pitches will therefore be met.
- 3.4 The Council has endeavoured to broadly reflect the recommended phasing set out within its GTAA whilst also taking into account practical on-site delivery issues for large development sites such as LA1 and LA3 (e.g. the timing of local infrastructure) and its overall desirability to control the release of Local Allocations LA1-LA4 and LA6 (see response to this under Matters 7-12 inclusive). However, it has sought to be proactive and pragmatic in meeting the supply of new pitches in bringing forward the delivery of LA5 in advance of its original proposed release date set out in the Core Strategy (i.e. post 2021). See paragraphs 2.77-2.78 in the Providing Homes and Community Background Issues Paper (Examination Document SA4) for further explanation.
- 3.5 The Council will not be relying on the supply of private sites to make up any shortfall in short term supply given the practical difficulties of securing approval for pitches through the Development Management process. That is not to say that sites could not ultimately come forward, but rather that they would be an unpredictable source of supply.
- 3.6 For information, an application has been re-submitted and refused for 8 pitches at land west of The Bobsleigh Hotel, Hempstead Road, Bovingdon (application 4/2187/15/FUL). This was refused on Green Belt grounds and due to its impact on local character. The applicant has appealed against the refusal and a public hearing into the application has been set for January 2017. If the appeal is successful, then in theory this could more than address the shortfall to which the Inspector refers.
- 3.7 Paragraph 4.61 of the Providing Homes and Community Background Issues Paper explains that the Council would consider the need to bring forward the pitches on either LA1: Marchmont Farm or LA3: West Hemel Hempstead earlier than currently programmed (i.e. before 2021), should this be necessary to secure a 5 year supply of pitches. Decisions on such action will be informed by the Annual Monitoring Report process.
- 3.8 If the pitch element was brought forward the Council's preference would be for it to be developed in advance of the rest of the development given the Council's commitment in the Core Strategy to hold back the Local Allocations to 2021. It considers its approach remains justified (see the Council's response to Matter 4, Question 3).
- 3.9 However, there are other practical considerations. Bringing the pitches forward earlier is a more realistic option in the case of LA3 than LA1, as the proposed location of the traveller site can be served by a dedicated access from Chaulden Lane. While a comprehensive approach is preferred, the Council does not consider that bringing forward the traveller site earlier would significantly

undermine this objective. The sites are small and do not require substantial levels of infrastructure relative to traditional housing, and the local impact would be limited as a result.

- 3.10 The Council would want any early provision to be done with the support of the relevant developer / landowner and to understand from them the practical implications of this. It has not yet had the opportunity to gauge their views on this matter (or with the County Council's Gypsy Liaison team) given that the focus to-date has been to ensure the development as a whole can be delivered alongside associated local infrastructure.
- 3.11 The Council would anticipate that there would be a strong likelihood that the landowner/developer(s) would want their development to come forward at the same time as the traveller site. It could accept this approach subject to:
- wider considerations over the earlier release of the local allocations;
  - the practical ability of a site to be delivered earlier;
  - the timing of delivery of LA5 and how the Inspector chooses to respond to objections to the inclusion of 5 traveller pitches as part of this development (see responses to Matter 11);
  - the views of the County Council's Gypsy Liaison team; and
  - the outcome of the appeal decision in Bovingdon.
- 3.12 Policy CS3: Managing Selected Development Sites of the Core Strategy is considered to provide sufficient flexibility without the need to amend the submitted Site Allocations DPD.
- 3.13 The recent decision of the Secretary of State with regard to Maldon District Council's Local Plan (Examination Document OT9) is also pertinent. This case is not directly comparable to the Dacorum position, as Maldon's plan did not make provision for the full assessed level of need. However, it is relevant to note whilst accepting that Maldon's approach was not consistent with national policy, the Secretary of State did not agree with the Planning Inspector's conclusion that the whole plans was unsound as a result. This decision was deemed disproportionate in the context of the overall plan. This issue of proportionality applies to the issue highlighted by the Inspector with regard to Dacorum's Site Allocation DPD.
- 3.14 It is noted that the Inspector appointed to oversee the examination of Hertsmere's Site Allocations and Development Management (SADM) DPD has recently issued his interim findings on the plan and, subject to inclusion of a number of Main Modifications, is expected to find the plan 'sound.' None of these modifications relate to Gypsy and Traveller provision. This is despite the fact that the SADM makes no provision for pitches beyond the 2017/18 period i.e. they cannot demonstrate a 5 year supply and have not fully considered need for the whole plan period. This decision would appear to reflect the Maldon proportionality case.
- 3.15 The fact that Dacorum's assessment of need is based upon the 2012 PPTS definition of Gypsies and Travellers is also a relevant consideration. Since Dacorum submitted its Site Allocations DPD, there has been a growing body of

evidence to suggest that when the revised definition (set out in the 2015 PPTS) is applied, assessed needs decrease. This has been recognised by the Inspector carrying out the examination of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury. The Inspector's Interim Findings (May 2016) (OT12) refer to a decrease in need from 82 to 28 pitches as direct result of the definition change, which excludes non-travelling households.

- 3.16 As stated with regard to wider housing need, the need for Gypsy and Traveller pitches will however be reassessed as part of the Council's work on its new Local Plan (see Response to Matter 2, Question 18). This study will use the latest definition of Gypsies and Travellers, and it is appropriate that any changes to the overall target and/or phasing over the plan period are made at this time.