

Heine Planning Consultancy

Alison T Heine B.Sc, M.sc, MRTPI

Tel: 01606 77775 e-mail: heineplanning@btinternet.com

CHESHIRE EAST EIP HEARING POSITION STATEMENT

MATTER 3 HOUSING QUESTIONS 42-46

FRIDAY 15TH OCTOBER

Heine Planning representation reference 1170734

1. Whilst this topic covers Gypsies, Travellers and Travelling Showpeople my evidence is confined to Gypsies/ Travellers as I have no first hand knowledge of Showpeople needs in this district.

Q42 DOES THE August 2018 GTAA PROVIDE A ROBUST EVIDENCE BASE?

2. The 2018 GTAA is not considered credible or robust for the following reasons

1. Out of date and the method of assessing unknown households has changed

3. The baseline date for the study was May 2017. By the time the Cheshire East SADPD is adopted the evidence for Traveller need will be 5 years old and out of date. The methodology relied on has already been changed/ refined following the outcome of other EIPs and appeal/ planning decisions.

4. At the 2018 Blaby EIP ORS were asked to justify their assumption that nationally 10% of unknown households meet the revised definition in PPTS (2015). In a reply dated 14th August 2018 ORS stated that it was based on their own survey work but acknowledged that this assumption was an underestimate and should be increased to 25%. It has since been increased to 30%.

5. ORS have refined their own approach to determining PPTS status as discussed below.

2. Low interview rate

6. The interview rate was low. Only 40 out of a total of 120 implemented pitches/ yards listed at Fig 15 were interviewed (33%). The field work was done between April and October when many households go travelling. The status of a high number of households (69) was undetermined.

7. Few need assessments are reviewed to find out whether assumptions relied on were justified. Most studies fail to assess the outcome of earlier reports. Due to criticism of the 2017 GTAA prepared by ORS for Havering, at the Havering EIP ORS were asked to carry out more

interviews. An updated study in 2018/19 identified an additional 86 pitches/ yards (136 compared with just 50 surveyed in the 2017 study). The number of interviews carried out increased from 22 to 127 which was attributed in part to the fact the 2017 study was done in the summer months whilst interviews for the March 2019 update were carried out December-February 2018/19 (when most families are not away travelling) and to fact inclusion of additional pitches omitted from the first study. The 2019 study achieved 99% contact with occupied pitches. Whilst the 2017 study found that only 38% households complied with the PPTS definition this rose to 70% when more households were interviewed and other sources of information (appeal decisions/ planning agent information for applications) were taken into consideration. The overall need for pitches rose from 38-64 to 219 of which 180 was for those assumed to meet the PPTS definition. The results are summarised below:

	February 2017	March 2019
PPTS need	33	174
Unknown/ undetermined	3-29	0-6
Not meeting PPTS definition	2	39
TOTAL	38-64	219

8.The experience in Havering confirms that not all ORS studies are robust or credible and studies with low interview rates/ poor base date from Councils may be unreliable.

3. Omission sites

9.ORS rely on accurate information from Councils. The list of sites provided by Cheshire East omitted the unauthorised site at Spinks Lane Pickmere - still occupied by at least two household. It omitted households living in caravans at residential dwellings. This occurs in the Booth Lane area of Middlewich. The 2019 application for Waldons Lane, off Warmingham Ln Crewe noted that one mobile home had been stationed in the garden area of No 5 Waldons Close Crewe for at least 6 years and the second since June 2018. Yet this site was not included in the GTAA.

4. Methodology changed with respect to interpretation of PPTS definition and failure to reconsider the outcome of the report now that further information is available.

10.There is no national explanation how the definition in Annex 1 PPTS is to be interpreted. The interpretation by ORS is not shared by others. Since 2018 ORS has refined its interpretation of relevant legal judgments. The 2018 GTAA states at para 2.17 that the planning definition 'only includes those who travel (or have ceased to travel temporarily) for work purposes and in doing

so stay away from their usual place of residence...it will not include those who travel for purposes other than work-such as visiting horse fairs..'

11.In more recent studies such (eg 2020 reports for Basildon / Wiltshire) ORS no longer state that this definition will not include visits to horse fairs as these can have an economic purpose. This now accords more closely with the approach taken by Planning Inspectors who accept that travelling to the traditional horse fairs counts towards a nomadic habit of life.

12.The 2018 study for Cheshire East found that of the 37 Gypsy Travellers households interviewed only 21 Gypsy Traveller households met the planning definition and 12 households did not . 69 households were undetermined. If trips to horse fairs were included, the 'pass' rate might have been much higher. At para 7.28 ORS state that 67% of those interviewed met the planning definition. The figure for Gypsy-Travellers is just 57% (21 of 37 interviews). Yet they advise at para 7.26 that it is likely only a small proportion of the 69 undetermined households will require 'conditioned Gypsy and Traveller pitches' and that the majority will need to be considered as part of the wider housing needs of the area and through separate Local Plan policies. Applying their assumed 10% compliance (since increased to 30%) they suggest a need for just 2 pitches for undetermined households but crucially state at para 7.27 that:

'Should further information be made available to the Council that will allow for the planning definition to be applied to unknown households, the overall level of need could rise...'

by a further 22 pitches plus any concealed adult households or 5 year need arising from teenagers living in these households. This is based on a 1.5% household formation rate which is lower than the 2.10% rate applied in Fig 19 for Cheshire East. No explanation is provided for applying a lower household formation rate to undetermined households. It is the same population base.

13.It is clear from more recent ORS studies and the additional information submitted by the council in response to the Inspector's Initial Question 7 (CE01), that further information is now available to the Council. The assumptions relied on by ORS in 2018 are no longer valid and given the outcome of planning appeals and applications, the Council should have reviewed the likely status of the 69 undetermined households as recommended by ORS.

14.Since the baseline date of the GTAA (May 2017) permissions for additional residential pitches have been granted for those meeting the PPTS definition on for sites at

James Acre, Cledford Lane (Appeal) +1

Thimswarra Farm (Appeal) +2

Meadowview (Appeal) +4

Cemetery Rd Weston +1

5 Waldons Ln Crewe +2

Land south of Dragons Ln (2 appeals for Quinn family) +2

Baddington Ln, Nantwich +6

Land adjoining Meadowview Park Dragons Lane (Appeal) +1

New Start Park Wettenhall (Appeal) +8

None of these decisions challenged the Gypsy Traveller status of the applicants/ Appellants/ future occupiers.

15. The sites at Meadowview, New Start Park and Thimswarra Farm have added 17 pitches. They were all occupied when the GTAA was undertaken and according to Figure 15 of the GTAA the status of the occupants was considered unknown/ undetermined.

16. The site at 5 Waldons Road was omitted from the GTAA. No issue was taken with the Gypsy status of the site occupants when the application was resubmitted.

17. There are appeals pending for further sites at Meadowview Park Dragon Lane and Broadoak Lane Mobberley (6 pitches). Permission was refused for a site at Nantwich Rd Middlewich (5 pitches) but in none of these was the Gypsy Traveller status of the intended occupiers questioned.

18. Further information since the 2018 study was published confirms that the assumption by ORS that only 10% of undetermined/ unknown households would meet the PPTS definition clearly does not reflect the situation in Cheshire East where the number of households who comply with the PPTS definition is significantly greater than the 10% assumed by ORS in 2018 or indeed the figure of 30% used in the most recent GTAAs.

5. Low allowance for in migration

19. Fig 21 of the 2018 GTAA confirms that an allowance of 3 pitches was included for in migration and this was for future need. It is clear from studying planning applications and appeals current/ recent that this underestimates the real need from in migration. I am aware that the following sites have all been occupied by households moving into the district

-Spinks Lane Pickmere (Doran family)

-Broadoak Lane Mobberley (Maloney family)

-New Start Park (Gwyn Hamilton and his extended family)

-Several plots on Dragons Lane, Middlewich including Sharpe family

There could be others.

Summary

20. Having regard to further information now available, it is considered the assessment made in 2018 has seriously underestimated the real need for pitches in this district in its

- interpretation of the PPTS definition
- low interview rate and assumptions for undetermined households
- low estimate for in migration

Q43 Will the committed supply of sites and proposed allocations provide a supply of specific deliverable sites sufficient to meet a 5 years' worth of sites against the identified annual need from adoption of the plan.

21. There are issues with the information provided by the Council at Appendix 1 CE/01.

The 2 sites at Dragons Lane and site at Baddington Lane were granted permanent permission on appeal, not a temporary 3 year permission as listed. No conditions application has been submitted for Baddington Lane to discharge pre-commencement conditions.

22. The 2018 GTAA anticipated an immediate 5 year need for 6 pitches 2017-2022 and 32 pitches 2017-30 to meet the PPTS need. The immediate need has already been exceeded with 27 permanent pitches granted since May 2017. If the conditions are all discharged and these permissions are implemented the Council will have a supply of sites sufficient to meet more than a 5 years' need from adoption of the plan. However these pitches have been granted for existing sites where the status of occupants was not determined by ORS. They meet a need not identified in the GTAA.

Q44 – Selection of sites

23. Previous permissions at Three Oakes, Booth Lane granted in 2005 and 2015 (Ipa 14/5108c) have lapsed. No application has been made to seek permission to extend this existing site. I question if it is realistic to assume this site will deliver 24 additional pitches. The 2015 permission was for 24 pitches but the site layout plan and decision letter confirm that consent was only granted for single pitches with room for a touring caravan, a very small utility block with space for a bathroom only and no day room facility (ie much smaller than that sought by most applicants for private family sites), and room for probably no more than one parking space. The layout previously approved would not provide sufficient space for a pitch with two caravans as required by Site G&T4. It is unclear how the Council think this site would have capacity for 24 pitches. As the Council rely on this site to deliver 24 of 32 pitches needed to meet the PPTS need it is

important that the site is capable of doing so. I consider this allocation unrealistic and undeliverable.

24.I also question whether the Council has the finances and is committed to providing a Transit site at Cledford Hall given that they allowed a previous permission to lapse. There is an application pending (still not granted) which relies on shared amenity facilities contrary to CLG Good Practice Guide published 2008. The suitability of the proposed site layout is questionable.

Q45 Does Policy HOU5a provide for cultural need

25.Criteria 1 (i) states that 32 additional permanent residential pitches will be provided for Gypsy and Travellers 2017-2030. This is the total shown in Fig 22 of the GTAA for those found to meet the PPTS definition. Par 8.29 makes clear that occupation of any development for consented sites will be restricted by condition to persons complying with the national definition of Gypsies and Travellers.

26.Policy HOU5 fails to include any allowance for :

-69 undetermined households whose status was not established

-4 pitches for those with a cultural need but were not found to meet the PPTS definition (as applied by ORS).

It is unclear how this need is to be met through other policies in the Local Plan. In particular it is far from clear how the needs of those on the waiting list for the socially provided site at Congleton are to be met if no new socially provided sites are delivered. The GTAA found no person complying with the PPTS definition on this site which would suggest that site occupants would be barred from occupying allocated sites/ windfall sites with PPTS occupancy conditions. Para 7.21 records that there were up to 15 households on the waiting list all of whom were residing on the site-one presumes doubling up on existing plots and not complying with the PPTS definition. ORS appear to presume that the children of households will adopt the Travelling status of their parents. I can find no justification for this approach.

27.The figure in HOU5a is far lower than the 69 additional permanent pitches agreed in Local Plan policy SC7 adopted July 2017. The SADPD is the second part of the Local Plan. It is supposed to provide further detailed planning policy and site allocations to support the strategic policies contained in the Local Plan Strategy 2017.

28.Due to concerns with the 2018 GTAA there is no justification to waive the need identified in SC7 and reduce this from 69 pitches to just 32 pitches for Gypsy Travellers. The figure of 69 pitches was agreed as part of the Local Plan examination process. The 2018 GTAA failed to

interview most households and is therefore not credible and does not provide an robust update of the previous need assessment.

Is there a requirement to demonstrate a Local Connection?

29. There is no policy justification for applicants to demonstrate a local connection to Cheshire East. This is contrary to para 24 (e) PPTS. Any person can make a planning application and councils should determine applications for sites from any travellers and not just those with local connections. There is no reason why an exception should be made for Cheshire East especially as the GTAA anticipates a small amount of in migration (3 pitches).

30. Local Plan Policy SC7 requires at 2(vii) a mix of accommodation types and tenure. No new socially provided sites are proposed so I do not consider the proposed allocations comply with this requirement.

31. The Council has no nomination rights over who occupies private sites. Private sites owners can offer pitches to who ever they want. Private site owners could sell their sites to who ever they want and this could be to families from outside the district. When Council's rely on private sites to meet need they can never guarantee that this will succeed. The requirement to prove a local connection would be unworkable and unenforceable unless the Council were to impose personal conditions on all applications approved.

Q46 Are the principles in Policy HOU5 for determining proposals for GT/ Showperson sites consistent with SC7 of the LPS and national policy in PPTS?

32. Policy HOU5 proposes 7 additional planning criteria/ considerations in addition to those listed in adopted policy SC7. I doubt whether any of these are particularly helpful or necessary for the following reasons:

i- There is no nationally agreed definition of what a pitch is. The SADPD states in relation to the allocated sites as follows

'for the purposes of policy, a pitch includes one chalet/ mobile home and one touring caravan and is generally home to one household'. There is no mention of the need for a utility/.day room, parking for at least 2 vehicles to include space for a commercial/ works vehicle and room for non mains drainage/ servicing/ turning areas and amenity space.

33. Not all applications seek consent for pitches. Many sites are occupied by extended families who share facilities and the sites are not laid out as individual pitches. Whilst I have sympathy with local authorities and those carrying out need assessments and are required to identify the number of existing pitches and need for new pitches, I do not believe you can require applicants

to submit applications for new pitches when, as is often the case, they are seeking permission for additional caravans on existing pitches ie intensification but not necessarily additional pitches.

ii-As for (i) above, not all applications will be seeking new pitch/plots which clearly marked boundaries

iii-In the absence of any agreed/ approved design standards for Traveller sites it is unclear who will decide what is adequate in terms of on site facilities. Small private sites are often designed to meet the individual and personal preferences of the applicant/ intended occupier and may differ to larger/ socially provided sites.

iv- duplicates criteria (iii) and (v) of SC7 and is unnecessary

v-it is not clear what materials the Council consider will be appropriate for roads, gateways and footpaths (or indeed, inappropriate). This is a matter that can be left to conditions as it can depend on whether a site is granted permission on a permanent or temporary basis and existing surface water drainage conditions.

vi-Policy fails to make clear what is considered appropriate. This is a matter for site licencing and individual preferences.

vii-This is a matter for site licencing and planning conditions but most, if not all, sites will have room for waste storage and collection and criteria (v) of SC7 requires adequate provision for servicing sites which will include safe access for refuse vehicles where necessary.

Changes needed to make Plan sound or legally compliant (see response to Q3 rep 1170734)

In addition

1-Update and review GTAA to provide a robust evidence base/ alternatively require an early review of Policy.

2-Ensure allocated sites (eg Three Oaks, Booths Ln) can deliver the number of pitches shown.