

Report to: Strategic Planning Committee



Date of Meeting Wednesday 23 October 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Gypsy and Traveller Provision

Report summary:

This report explains how the need for accommodation for Gypsies and Travellers in the emerging Local Plan has been assessed and how it is proposed to meet that need.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Strategic Planning Committee:

1. Agree that the Gypsy and Traveller Accommodation Assessment (September 2024) be used as the basis for calculating need in the Publication Draft Local Plan and note the findings of the study;
2. Note that the identified need will be met through the previously agreed allocations as set out in section 3 of the report.

Reason for recommendation:

The Gypsy and Traveller Accommodation Assessment provides robust and proportionate evidence to ensure that the Council is able to make appropriate provision for the needs of Gypsies and Travellers in the Local Plan

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

The impact of the assessment is low as it will provide evidence to ensure that the needs of Gypsies and Travellers are met. As a Group with a protected characteristic under the Equalities legislation there is potential for a High Impact if the particular needs of Gypsies and Travellers is not appropriately assessed or planned for, however the whole Local Plan will be subject to an Equalities Impact Assessment to ensure that the Council meets its duty.

Climate change Low Impact

Risk: High Risk; The local plan needs to progress in a timely manner if it is to meet potential Government deadlines for plan preparation. That said there are unknowns over final deadlines that may be set by the Government and as of when they may issue new policy. The government had previously indicated that plans may proceed under the existing NPPF and what are comparatively lower housing numbers if they reach Regulation 19 stage of plan making (plan consultation) within one month of a new NPPF being published. It is unknown if this timing ruling may stay in place, or not, or when a new NPPF may be published.

Links to background information [East Devon Gypsy and Traveller Accommodation Assessment September 2024](#)

Link to [Council Plan](#)

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

Report in full

1. Introduction

- 1.1 National planning policy requires us to assess the accommodation needs of Gypsies, Travellers and Travelling Showpeople and to set pitch and plot targets for them that address their likely permanent and transit site accommodation needs.
- 1.2 Work to assess the housing needs of Gypsies, Travellers and Travelling Showpeople was commissioned by the partner authorities of East Devon, Exeter, Mid Devon and Teignbridge. The consultants, Opinion Research Services (ORS), completed a Gypsy and Traveller Accommodation Needs Assessment (referred to as a GTAA) in September 2024 [East Devon Gypsy and Traveller Accommodation Assessment September 2024](#). This forecasts need for the period 2024-2045 and is the main source of evidence for this topic.
- 1.3 The purpose of the GTAA is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in East Devon. The GTAA forms part of the evidence base used to inform the preparation of the Publication version of the new local plan for the district and also as a technical document that can be used to help inform planning applications for gypsy, traveller and travelling showpeople sites that are submitted to the Council for determination and the decisions made on these. This GTAA replaces a previous GTAA completed in 2015 and the findings of that study. It should be noted that much of the need identified in that earlier study remained unmet when the new study was undertaken despite extensive efforts to identify, purchase or otherwise bring sites forward by the Council. Just one household in that study was financially able to purchase their own pitch, all other need would need to be met through a registered social landlord. This unmet need has been taken into account in calculating the current need figure but the latest GTAA does not take account of affordability and it is very

likely that many of the households will still not be able to purchase their own pitches. Our previous experience demonstrates how difficult it is to identify and bring sites forward unless they are allocated in a Local Plan.

1.4 Evidence in the GTAA 2024¹ establishes that there are existing pitches distributed throughout East Devon, mainly concentrated in western areas, close to main travel routes, particularly the A30. Most of the immediate need arises from overcrowding of, and newly formed families (usually children reaching maturity and having their own children), on existing sites who wish to stay close to their extended family.

2.0 Assessed needs for Gypsy and Traveller pitches

2.1 The GTAA has found that:

2.2 Transit Provision- The GTAA does not identify a specific need for a transit site, or indicate a preferred scale of provision or location within the 4 Districts. Instead, it recommends making temporary or 'negotiated' stopping places available at times of increased demand such as fairs or cultural festivals. It is recommended that the authorities jointly monitor and manage unauthorised encampments and work collectively to consider a joint protocol for addressing transit need, and the potential for permanent public transit provision.

2.3 Permanent Provision- The GTAA shows that in the period up to 2045 there is a need for :

- **20 pitches for households that met the planning definition**. This is made up of 1 household on an unauthorised development; 8 concealed or doubled-up households or single adults; 3 pitches from a 5-year need from teenage children; and 8 from new household formation, using a rate of 1.20% derived from the household demographics.
- **Up to 8 pitches for undetermined households**. This is made up of 4 households on unauthorised developments; and 4 from new household formation, derived from the household demographics using the ORS national formation rate of 1.50%.
- **4 pitches for households that do not meet the planning definition (but are recognised as 'cultural' Gypsies or Travellers)**. This is made up of 1 household on an unauthorised development; 1 concealed or doubled-up household or single adult; and 2 from a 5-year need for teenage children. There is no need from new household formation as there are no children under the age of 13.
- **0 (new) plots for Travelling Showpeople**

2.4 In general terms the need identified in a GTAA is seen as a need for pitches. The now withdrawn Government Guidance on Designing Gypsy and Traveller Sites recommended that, as a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, parking space for two vehicles and a small garden area.

2.5 Households who do not travel or do not travel for work now fall outside of the planning definition of a Traveller. However Romany Gypsies, Irish and Scottish Travellers may have a right to culturally appropriate accommodation under the Equality Act (2010) as a result of their protected characteristics. In addition, provisions set out in the Housing and Planning Act (2016) now include a duty for local authorities to consider the needs of people living in, or

¹ [East Devon Gypsy and Traveller Accommodation Assessment September 2024](#)

wishing to live in, caravans. Draft Guidance related to this section of the Act has been published setting out how the government want 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 be assessed as part of the wider housing needs of the area and will form a subset of the wider need arising from households residing in caravans. This is echoed in the NPPF (2023).

- 2.6 The drawback of this approach is that, whilst the assessment process is the same, experience suggests that including Traveller needs as part of the wider housing need for those living in caravans is unlikely to satisfactorily deliver sufficient pitches to meet the cultural housing needs of Gypsy and Traveller households who do not meet the planning definition of a Traveller. S149 of the Equalities Act 2010 requires public authority decision makers to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with a protected characteristic and other parts of the community. This is commonly called the “public sector equality duty” (PSED). This may involve treating some persons more favourably than others, for example by permitting them to live in areas, or in accommodation types, which would not usually be allowed. Previous experience of delivering pitches identified through the GTAA shows that very few pitches are delivered through private enterprise, without local authority support and intervention the Council may fail in its legal duty if insufficient pitches are made available to meet the cultural need.
- 2.7 There is also a duty of inquiry inherent in the PSED. Decision makers cannot simply ignore information which they do not possess; they must take reasonable steps to acquire that information. In producing the GTAA, the consultants visited pitches, or attempted interviews, 3 times before recording the occupants as undetermined households. This is considered to be a reasonable approach, however by their nature many Travellers are away for periods of time and so it can be more difficult to achieve a high response rate especially if visits are close together. Decision makers may therefore feel it is appropriate to err on the side of caution when considering the needs of these undetermined households.
- 2.8 It is therefore proposed to allocate sufficient pitches in the emerging Local Plan to meet all of the potential need- from those who meet the definition, those who are undetermined and those who don't meet the definition- and include a small amount of headroom to allow for unforeseen delays in delivery. This approach to allocating pitches recognises that, whilst some Gypsies and Travellers do not meet the planning definition (for example because they have ceased to travel), they have the right to live in a way which is culturally appropriate. Sufficient pitches have therefore been proposed for allocation to ensure that all of the potential need for pitches is met. Planning conditions will be imposed to restrict occupancy to Gypsies and Travellers only to ensure that pitches are occupied and retained in perpetuity for such use and do not become part of the general housing supply. This will also ensure that, if any undetermined households cannot provide satisfactory evidence that they are culturally Gypsies/Travellers, they will not qualify for a pitch.

3.0 Meeting the Need

- 3.1 Allocations - Sites providing pitches for gypsy and traveller and travelling show people use are allocated in the development plan. The **Cranbrook local plan provides for 15 pitches** on the Cobdens and Treasbeare Expansion Areas in 2 site allocations. These sites will contribute to supply in the plan period and enable families on the overcrowded Sowton and Broadclyst sites (as well as others) to remain living locally as family groups. The legal

agreement provides evidence that there is a realistic prospect of delivery in the next 5 years so the Council will count them as deliverable for the purposes of the 5 year supply assessment required by NPPF.

- 3.2 **An allocation at the new community (proposed in the Local Plan) will provide 15 pitches**, although delivery is unlikely to commence until the middle of the Plan period. Land for a further 15 pitches will be safeguarded beyond the plan period to meet all/some of the likely future need beyond that period but this future supply doesn't count towards the need identified in the GTAA.
- 3.3 **A further site, east of the M5 and south of the Exeter-Waterloo line is allocated for at least 5 pitches.** These could be delivered in the short to medium term and will ensure that there is sufficient supply if provision at the new community is delayed.
- 3.4 A site at Musbury was previously considered as a potential location for a site for New Travellers and was being considered through a development brief for the site. This site is subject to landscape, heritage and ecological constraints and is no longer considered to be appropriate or necessary.
- 3.5 Bricks and Mortar housing - As well as a need for sites providing pitches and plots for Gypsies, Travellers and Travelling Showpeople, there could be some requirement for bricks and mortar housing to meet their needs. The new GTAA has not identified any such need but the need will be met by the provision requirement for general housing in any case.
- 3.6 Travelling Showpeople sites supply - Prior to 2009 there was one established Travelling Showpeople site in East Devon which predates the planning system. A further site in East Devon close to Exeter and the M5, was granted planning permission for 9 plots in 2011 (09/1486/MFUL at Clyst St Mary). This accommodated three displaced plots in Teignbridge and a further 6 plots for extended family members on other, overcrowded, sites in south west England. To date, 4 of the 9 plots have been developed and the new GTAA considers that the supply of consented but as yet undeveloped plots would meet the needs of Travelling Showpeople during this plan period. In any case, the GTAA has not identified any likely additional need to 2045.
- 3.7 Windfall proposals- In addition to allocated sites the plan allows some flexibility for sites to come forward in addition to those that are allocated (ie as 'windfalls'). These will be considered against policy criteria to ensure that they are in appropriate locations and that applicants are Gypsies or Travellers and have a local connection.
- 3.8 Safeguarding Sites- Existing authorised sites, sites with planning permission, and allocations for Gypsy and Traveller or Travelling Showpeople use will be safeguarded to ensure that the supply is maintained for their accommodation needs. If, in exceptional circumstances (such as long term vacancy and a demonstrable lack of need), changes to other uses are permitted, then, if need still exists in the District, suitably located and laid out alternative provision must be provided prior to the loss of the pitches.

4.0 Conclusion

- 4.1 The GTAA provides a robust assessment of Gypsy and Traveller needs which will underpin the associated policies in the Local Plan.
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Financial implications:

Officer time associated in producing this report have been covered within existing budgets. There are no other specific financial implications regarding the Council's finances on which to comment.

Legal implications:

There are no specific legal implications requiring comment (002533/23 October 2024/DH).