

# Maidstone Borough Council

## Maidstone Borough Local Plan Gypsy & Traveller and Travelling Showpeople Topic Paper 2016





Affordable housing,  
Armstrong Road, Maidstone



Scania Depot, Brooklyn Yard



Lenham Village Square



Kent Institute of Medicine  
and Surgery, Maidstone



Langley Park, Maidstone



Sandling Lane, Penenden  
Heath, Maidstone



Captain Nolan Sculpture,  
Old Ophthalmic Hospital



Mote Park, Maidstone



Marden



Fremlin Walk

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## **INTRODUCTION**

1. This topic paper covers the Local Plan's approach to planning for Gypsy and Travellers and Travelling Showpeople. It is relevant to policies GT1 – site allocations for Gypsy & Traveller accommodation and Policy DM16 which is the development management policy for Gypsy, Traveller and Travelling Showpeople Accommodation.
2. The principal evidential document supporting these policies are as follows;
  - Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012), University of Salford (HOU 001)
  - Gypsy & Traveller and Travelling Showpeople Sites' Assessment: Report of Findings (February 2016) (HOU 006),

## **EVIDENCE OF NEED**

3. The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) (HOU 001) ("the Assessment") provides evidence of the need for Gypsy & Traveller and Travelling Showpeople pitches and plots in the borough to 2031.
4. In August 2011 the University of Salford was jointly commissioned by Maidstone Borough and Sevenoaks District councils to undertake assessments for each authority area using a common methodology. Subsequently the University was commissioned by the other Kent and Medway authorities, with the exception of Tunbridge Wells Borough Council, to undertake assessments in their areas using the same overall approach. This has enabled a high degree of consistency in the assessment and understanding of Traveller needs across Kent and Medway.
5. The Assessment methodology took account of national planning policy extant at the time, namely Circular 01/2006 'Planning for Gypsy & Traveller Caravan Sites' and 04/2007 'Planning for Travelling Showpeople' and importantly also anticipated the emerging changes published in the consultation document 'Planning for Traveller

Sites' (CLG, 2011) which directed that local planning authorities should make their own assessment of the need for additional pitches/plots.

6. The finalised guidance 'Planning for Traveller Sites' (PTS) was published in March 2012, after the Assessment had been completed. The guidance confirmed that local planning authorities should prepare robust evidence to determine the scale of need in their area<sup>1</sup>. No specific guidance was published at the time, or has been published since, about how such evidence should be prepared.
7. The Assessment drew on existing information about sites in the borough (including caravan count data, information from stakeholders and council information about the planning status of sites) and used the results of face to face interviews with Travellers residing in the borough. To help encourage participation, the interview team included two members of the Traveller community. Interviews were undertaken with 37% of the estimated resident population in the borough, considered to be sufficient as a sample of the total Traveller population across all the accommodation types<sup>2</sup>.
8. The Assessment specifically tested the frequency of, and reasons for, households' travelling and used this information to conclude on the number of pitches which would be required to the end of the Plan period. Table 10.1 on page 50 of the Assessment sets out the need for accommodation/pitches in 5 year cohorts between 2011 and 2026. The accommodation need (Column 1 of Table 10.1) quantifies the number of households in need, or who will become in need, of lawful accommodation in the period to 2026. The pitch need (Column 2 of Table 10.1) refines the 'accommodation need' findings by applying the 'planning' definition of Gypsies and Travellers from Circular 01/2006 in place at the time which more narrowly focuses on people who still travel, or who don't travel for the specific

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<sup>1</sup> Planning for Traveller Sites paragraphs 4 and 6c

<sup>2</sup> Page 65 of the Assessment.

reasons of old age, health or education. It is these households which can demonstrate the specific justification for pitch-based accommodation. The number of households identified as requiring pitches by 2026 is some 28 less than the number who require ‘accommodation’<sup>3</sup>.

9. The caravan to pitch ratio of 1:7 which was applied in the Assessment was directly derived from the survey results.<sup>4</sup>
10. In 2013 the Council decided to extend the end of the Local Plan period from 2026 to 2031. The pitch/plot need for this additional 5 years was calculated by the University using the same approach as had been used for years 2016-21 and 2021-26 in the original Assessment. The pitch/plot need for the full Plan period is set out in the following table.

**Table 1 – Maidstone borough pitch and plot needs 2011-2031**

	<b>Oct 11- March 16 (4.5 years)</b>	<b>April 16 – March 21 (5 years)</b>	<b>April 21- March 26 (5 years)</b>	<b>April 26 – March 31 (5 years)</b>	<b>Oct 11- March 31 (19.5 years)</b>
<b>Gypsy &amp; Traveller Pitches</b>	105	25	27	30	<b>187</b>
<b>Travelling Showpeople Plots</b>	7	1	1	2	<b>11</b>

**Review in the light of the revised definition of Gypsies & Travellers**

11. On 31st August 2015 the Government published changes to the PTS. These changes included a revision to the definition of Gypsies and Travellers for the purposes of

<sup>3</sup> 185 -157= 28 from line 15 of Table 10.1 of the Assessment.

<sup>4</sup> Paragraph 2.25 of the Assessment.

planning to exclude those who have ceased to travel permanently. The revised definition is as follows;

*“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.”*

12. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
13. The change brings some uncertainty about how the need for Gypsy and Traveller pitches can best be estimated in the context of the revised definition. The Council’s Assessment (HOU 001) was prepared under the terms of the previous definition. Significantly, the Assessment’s findings did assess travelling habits and the reasons households gave for not travelling. The identified need for 187 pitches (2011-31) includes a deduction (amounting to some 14%) for those not travelling.
14. The questionnaire used in the Assessment did not ask questions about households’ future travelling plans and specifically about any intentions to restart travelling after a settled period. Without this information it is not possible retrospectively to apply the new definition to the survey responses collected for the 2012 Assessment with sufficient robustness. What can be deduced is that the revised definition is likely to have the effect of reducing the overall number of households that are ‘gypsies and travellers’ for the purposes of planning but, as the original Assessment did account for travelling habits, the reduction is likely to be relatively modest.

15. The Assessment identified a need for 187 pitches (2011-31). It is considered that this provides the best evidence of needs available at this point in time and forms a reasonable and sound basis for planning future pitch provision in the Local Plan, recognising that actual needs may be a degree lower. Any individual applicant's compliance with the definition will be tested at the planning application stage.
16. Relevant to this consideration is the approach recently taken by Swale Borough Council which neighbours Maidstone borough. In response to the revised definition in the PTS, Swale's officers did undertake a retrospective analysis of the survey responses collected for their Gypsy and Traveller accommodation assessment and concluded that the borough's need could reduce from 85 pitches to 61, a reduction of 28%. In her interim findings (part 3) dated 4th March 2016<sup>5</sup>, the Swale Local Plan Inspector endorsed the approach, agreeing that it was a pragmatic response to the changed definition.
17. Importantly, unlike the Maidstone assessment, the original Swale Gypsy and Traveller Accommodation Assessment undertaken by the University of Salford had not incorporated the additional analysis to distinguish between those in need of accommodation and those in need of pitches. In short, it did not deduct for those no longer travelling for reasons other than health, education or old age. It is therefore consistent with the Maidstone assessment that the pitch needs figure for Swale reduced once additional analysis had been completed.
18. The methodology used by Swale's officers for this additional analysis differed from that used by the University of Salford in Maidstone's Assessment. The Council considers that the more robust approach for Maidstone is to continue to rely upon the University of Salford's methodology without any partial, retrospective adjustments which could serve to diminish the overall soundness of the evidence base.

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<sup>5</sup> <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Interim-Findings-2016/ID-9d-Inspectors-Interim-Findings-Part-3-1.pdf>

19. The Maidstone Borough Local Plan has a Gypsy & Traveller pitch target of 187 and Travelling Showpeople plot target of 11 plots for the period 2011-31.

### **Travelling showpeople**

20. The Assessment finds a need for 11 additional Travelling Showpeople plots over the period 2011 to 2031. This level of need is predominantly generated by 7 existing unauthorised plots with the balance of 4 plots for the period 2016-2031 resulting from household growth. As this need is generated by the households on just 2 occupied sites, it is considered that these needs can best be addressed through the development management process. Policy DM16 sets out the planning considerations which will apply to future planning applications.

### **SUPPLY OF GYPSY & TRAVELLER PITCHES**

#### **Consents**

21. The following table sets out the number of pitches which have been granted consent in the borough since 1st October 2011, the base date of the Assessment.

**Table 2 – Gypsy and Traveller pitches granted consent between 1 October 2011 and 13 May 2016**

<b>Type of consent</b>	<b>No. pitches</b>
Permanent consent	81
Permanent consent + personal condition	13
Consent with a temporary condition	3
Consent with temporary + personal conditions	33

22. 94 pitches have been granted permanent consent since October 2011. These 94 pitches contribute to the achievement of the Local Plan's 187 pitch target. Included within the figures are 2 pitches granted permanent consent in April 2016 at The

Chances, Lughorse Lane, Hunton which is allocated for 4 additional pitches in the submission Local Plan (Policy GT1(7)).

23. This confirms that sites have consistently been delivered in the borough since 2011 through the development management process. This rate of delivery has generally kept pace with the requirement identified through the Assessment for the 2011-16 period for 105 additional pitches.

### **Site allocations**

24. The sequence of work the Council has undertaken to identify available sites suitable for allocation in the Local Plan is set out in the 'Gypsy & Traveller and Travelling Showpeople Sites' Assessment: Report of Findings February 2016' (HOU 006), ("the Sites' Assessment").
25. The Sites' Assessment chronicles the extensive work which was undertaken over an extended period to try to identify sufficient sites for allocation in the Local Plan. The response from landowners to the two Calls for Sites in 2012/13 and 2014 was very limited and did not generate any suitable sites to allocate. Faced with this position, the Council investigated a range of other sources of potential sites as set out in the Sites' Assessment (pages 2-5). The table at pages 5-6 of the Sites' Assessment confirms that a total of 465 sites were included in the overall assessment process.
26. The outcome of the Council's comprehensive and concerted efforts to identify suitable, available sites is that 16 sites are allocated in the submission Local Plan which will deliver 41 additional pitches. These sites will contribute to the 187 pitch target.

### Public Sites Pitch turnover

27. There are two public Gypsy and Traveller sites in the borough. The site at Stilebridge Lane, north of Marden has 19 pitches available for rent and the site at Water Lane near Ulcombe has 14 pitches. The pitch turnover at these sites between April 2010 and April 2015 was 7 pitches, equating to 1.4pitches/annum.
28. Future pitch turnover will also contribute to the requirement for pitch-based accommodation in the borough in the period to 2031.
29. The table below sets out the pitch supply resulting from consents, allocations and public site pitch turnover.

**Table 3– Pitch supply from consents, allocations and public pitch turnover (2011-31)**

Pitch requirement (2011-31)		<b>187</b>
Permanent consents granted (1/10/11 – 13/5/16)	92 <sup>6</sup>	
Local Plan allocations Policy GT1	41	
Public pitch turnover (1.4pa for 15 years)	21	
Balance (shortfall)		<b>33</b>

30. This reveals a potential shortfall of some 33 pitches over the whole Local Plan period. Analysis of the past supply from unidentified sites, detailed in a later section of this paper, demonstrates how this shortfall will be overcome. This analysis gives confidence that the balance of 33 pitches will be delivered on unidentified sites by the end of the plan period.

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<sup>6</sup> Excludes 2 pitches granted permanent consent on site GT1(7) to avoid double counting

### **Duty to co-operate**

31. Despite the extensive search that had been undertaken, sufficient specific sites had not be identified during the preparation of the Local Plan to fully bridge the gap between evidenced needs and supply.
32. This being the case, the Council formally wrote to each of its adjoining authorities in December 2015. At the time, there was a potential shortfall of up to 45 pitches compared with the total need of 187 pitches. It was put to the neighbouring authorities that options for addressing this shortfall in whole or in part could be;
  - a. Identify sites that will deliver pitches in other authority areas under a Duty to Co-operate arrangement; or
  - b. Make some allowance for the delivery of pitches on unidentified sites in Maidstone borough in the overall supply position; or
  - c. A combination of a) and b).
33. All the authorities responded but none were able to offer help in meeting the borough's needs.

### **5 year pitch supply**

34. PTS requires Local Plans to identify a supply of 5 years' worth of sites against locally set targets<sup>7</sup>.
35. At 1st April 2016, the Council can demonstrate 5.6 years supply of Gypsy and Traveller pitches. The calculation is set out in Appendix A. Whilst the 5.6 years figure has been calculated without including any allowance for pitches coming forward on unidentified sites, there can nonetheless be a reasonable expectation of some such sites coming forward. The next section provides further explanation of this point.

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<sup>7</sup> Paragraph 10a

### **Pitch supply for years 6 – 15 (1 April 2021 to 31 March 2031)**

36. The PTS also requires Local Plans to identify specific, deliverable sites or broad locations for years 6 to 10 and, where possible, for years 11-15<sup>8</sup>.
37. Despite the extensive site search exercise the Council undertook, it was not possible to identify sufficient suitable and available sites to meet all the identified requirement of 187 additional pitches. Duty to co-operate discussions failed to identify supply in adjoining boroughs and districts which could contribute to Maidstone's identified needs.
38. It is the council's position that supply will continue to come forward on sites which are as yet unidentified, such that the identified need for pitches will be met by the end of the Plan period.
39. The table in Appendix B provides a breakdown of the types of sites which have delivered the 92 permanent pitches<sup>9</sup> granted permanent planning permission since October 2011. In the absence of there being a Local Plan in place which allocated Gypsy and Traveller sites, all these pitches can be regarded as 'previously unidentified'. The table reveals that there has been a significant supply from such sites, equating to an average of 19 pitches/annum<sup>10</sup>. The table also shows that all pitches have been on greenfield sites and that they are all in countryside locations and not in or adjacent to existing villages or the urban area.
40. Based on these overall rates of delivery, it is reasonable to expect that some such sites will continue to come forward in the period to 2031, recognising that the extensive site identification work that has been undertaken for the Local Plan and

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<sup>8</sup> Paragraph 10b

<sup>9</sup> Excluding the 2 pitches on site GT1(7)

<sup>10</sup> Rate is based on the 89 pitches granted over 4.5 years 1<sup>st</sup> October 2011 to 31<sup>st</sup> March 2016.

the August 2015 revision to the PTS to very strictly limit development in the countryside may have a bearing on the future rates that can be expected.

41. As part of the Local Plan site identification and assessment process, sites with temporary consent were assessed for their suitability for allocation as was the capacity of existing permanent sites for additional pitches. Appropriate sites were allocated in the submission Local Plan as a result. It is reasonable to conclude that the future 'unidentified' supply from such types of sites will be lower than in the past, particularly in the earlier years of the Plan period.
  
42. The Council also sought to identify new sites to allocate through the Calls for Sites exercises and by reviewing sites put forward for other uses. Of the 41 pitches allocated in the Local Plan, only 4 are on what could be termed a new site<sup>11</sup>. 'New sites' exclude existing sites where additional pitches are being added or where a temporary consent becomes permanent. Whereas there is clear evidence of a strong past supply from new sites through the development management process, as shown in the table in Appendix B, very few such sites were proactively promoted by landowners during the Local Plan site identification process. In the face of a continuing borough need for Gypsy sites, as evidenced through the Assessment, this supports the position that there will be some additional new suitable sites in the borough which have not been identified in advance through the Local Plan process which landowners will instead progress through planning applications.
  
43. Pitches on new sites have come forward at a rate of 9-10/year since October 2011<sup>12</sup>. This figure excludes those pitches granted with a personal condition as the personal circumstances of the applicants will have had a bearing on the decision to grant consent.

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<sup>11</sup> GT1(4) Land at Blossom Lodge, Stockett Lane, Coxheath ( site comprises 2 currently unauthorised and 4 new pitches)

<sup>12</sup> Rate is based on the 43 permanent, non-personal pitches granted on new sites over 4.5 years 1st October 2011 to 31st March 2016.

44. The balance of the requirement for additional pitches for the period 2021 to 2031 is 33 pitches<sup>13</sup>. This equates to a need for some 3 - 4 pitches per annum. Delivering this rate of supply on unidentified sites in the post 2021 period is considered to be highly realistic and achievable for the following reasons:

- It equates to no more than 45% of the past achieved rate for permanent pitches on new sites. Such a rate would represent a cautious view of the impact of the Local Plan site identification work on future rates of supply combined with the August 2015 revision to the PTS with respect to sites in open countryside;
- It is highly likely, based on past performance, that some pitches will be delivered on unidentified sites prior to 2021;
- Additionally it can be expected that there will also be some supply in the future from sites with temporary permission gaining permanent consent. Towards the end of the Plan period, when some years will have elapsed since the site search work for the Local Plan was undertaken, it is likely that some additional pitches on such sites will come forward through the granting of permanent consents. The analysis of past rates included in Appendix B shows this category of site has delivered on average of 1 pitch/annum.
- There can be every expectation that there will be some supply from additional pitches on existing sites as families grow. As for the sites with temporary permission, it is likely that some pitches on such sites will come forward, particularly in the later years of the Plan period. The analysis of past rates included in Appendix B shows this category of site has delivered on average 6-7 pitches per annum.

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<sup>13</sup> Shortfall shown in Table 3 above

45. Based on past rates of supply, this analysis gives confidence that the balance of 33 pitches will be delivered on unidentified sites by the end of the plan period. Policy DM16 will provide the policy basis for assessing planning applications on such unidentified sites.

### **Conclusion**

46. To conclude, the Council has undertaken a robust assessment of the future need for Gypsy and Traveller pitches and Travelling Showpeople plots as required by the PTS. The assessment's findings took account of households' travelling habits at the outset.
47. The council has undertaken a concerted and extended site search and assessment process. The Local Plan allocates 16 separate sites which will deliver 41 additional pitches. These sites will make a significant contribution to the identified need for additional pitches. The council can demonstrate a 5.6 year supply of Gypsy and Traveller pitches. The past record of site delivery in the borough means that there can be every confidence that the balance of 33 pitches required to the end of the Plan period will be delivered on unidentified sites.
48. Through the implementation of policies GT1 and DM16, the Council is confident that the objectively assessed needs for additional Gypsy and Traveller pitches and Travelling Showpeople plots will be met by the end of the Plan period.

### **MONITORING & REVIEW**

49. The Council will monitor the granting of consents for Gypsy and Traveller pitches and Travelling Showpeople plots against the targets set out in the Local Plan. Distinction will be made between consents granted on the sites allocated in the Local Plan and those on previously unidentified sites. The results will be published in the Council's annual monitoring reports.

## Appendix A – 5 year supply calculation

**Table 4 – 5 year supply of Gypsy and Traveller pitches at 1 April 2016**

		Pitches
1	Pitch requirement 1 October 2011 to 31 March 2021 (10 years) (105 + 25)	130
2	No of permanent pitches consented 1 October 2011 to 31 March 2016	89
3	Residual requirement 1 April 2016 to 31 March 2021 (line 1-line2)	41
4	5% buffer brought forward from later in the Plan period	2
5	Total requirement 1 April 2016 to 31 March 2021 (line 3 + line 4)	43
6	Total pitch supply 1 April 2016 to 31 March 2021 (41 pitches allocated sites + 5x1.4 = 7 pitch turnover on public sites)	48

This represents 5.6 years supply at 1 April 2016.<sup>14</sup> The method of calculation ensures that the undersupply in years 2011-2016 (16 pitches) is met over the next 5 years (2016-21). This is the so-called 'Sedgefield' method.

<sup>14</sup> Calculation:  $43 \div 5 = 8.6$ ;  $48 \div 8.6 = 5.6$  years

## Appendix B

**Table 5 - Permanent consents granted 1 October 2011 to 13 May 2016 by type of site**

	Greenfield	Brownfield	Additional pitches within an existing site	Additional pitches immediately adjacent to an existing site	New site	Pitches with temporary consent granted permanent permission	Immediately adjacent to an existing settlement	Countryside
1 October 11 – 31 March 12	18	0	1	0	15	2	0	18
1 April 12 – 31 March 13	18	0	8	0	10	0	0	18
1 April 13 – 31 March 14	26	0	16	0	4	6	0	26
1 April 14 – 31 March 15	14	0	8	0	6	0	0	14
1 April 15 – 31 March 16	13	0	1	0	12	0	0	13
1 April 16 -13 May 16 <sup>15</sup>	3	0	0	3	0	0	0	3
<b>Total</b>	<b>92</b>	<b>0</b>	<b>34 (incl 4 personal)</b>	<b>3 (incl 3 personal)</b>	<b>47 (incl 4 personal)</b>	<b>8 (incl 2 personal)</b>	<b>0</b>	<b>92</b>

<sup>15</sup> Excludes 2 pitches at GT1(7).