

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE MEETING

Date: Monday 20 February 2023
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore (Chairman), Mrs Grigg (Vice-Chairman), Clark, Kimmance, Munford, Spooner, Springett, Trzebinski and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

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| 1. Apologies for Absence | |
| 2. Notification of Substitute Members | |
| 3. Urgent Items | |
| 4. Notification of Visiting Members | |
| 5. Disclosures by Members and Officers | |
| 6. Disclosures of Lobbying | |
| 7. To consider whether any items should be taken in private due to the possible disclosure of exempt information | |
| 8. Minutes of the Meeting Held on 11 January 2023 | 1 - 3 |
| 9. Presentation of Petitions (if any) | |
| 10. Question and Answer session from Local Residents (if any) | |
| 11. Questions from Members to the Chairman (if any) | |
| 12. Forward Plan relating to the Committee's Terms of Reference | 4 - 8 |
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Issued on 10 February 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

16. Gypsy, Traveller and Travelling Showpeople DPD – Scoping,
Issues and Options (Regulation 18a) Consultation and Call for
Sites exercise

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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on 16 February 2023). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on 16 February 2023). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 11 JANUARY 2023

Attendees:

Committee Members:	Councillors Blackmore (Chairman), Cooper, English, Mrs Grigg, Kimmance, Munford, Spooner, Springett, Trzebinski and Young
Lead Members:	Councillor Cooper, Lead Member for Planning and Infrastructure

122. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Clark.

123. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor English was present as a Substitute Member for Councillor Clark.

124. URGENT ITEMS

There were no urgent items.

125. NOTIFICATION OF VISITING MEMBERS

There were no visiting members.

126. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

127. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

128. EXEMPT INFORMATION

RESOLVED: That all items be taken in public as proposed.

129. MINUTES OF THE MEETING HELD ON 8 DECEMBER 2022

RESOLVED: That the Minutes of the meeting held on 8 December 2022 be agreed as a correct record and signed.

130. PRESENTATION OF PETITIONS

There were no petitions.

131. QUESTION AND ANSWER SESSION FROM LOCAL RESIDENTS

There were no questions from Local Residents.

132. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

133. FORWARD PLAN RELATING TO THE COMMITTEE'S TERMS OF REFERENCE

The Committee had concerns regarding why the Governance and procedural arrangements for CIL Ward spend decision had not yet been signed by the Lead Member for Planning and Infrastructure. The Lead Member advised that he would be taking the decision on this matter on 23 January 2023.

The Committee raised concerns that they had not seen a report on S106 expenditure as requested. The Lead Member for Planning and Infrastructure stated he would ask the Head of Development Management to provide the information to the Committee.

RESOLVED: That the Forward Plan relating to the Committee's Terms of Reference was noted.

134. STRATEGIC PLAN REFRESH 2023 - 28

The Lead Member for Planning and Infrastructure introduced the report, and stated the Strategic Plan was approved in 2019 and required a refresh of focus. All the changes had been included, but the Committee needed to focus on those that related to Planning and Infrastructure. The changes made to the Growth and Infrastructure section were minimal, however they did emphasise the importance of engagement.

The Committee felt the health and wellbeing aspect of those that are renting was a welcome change. In relation to parks and open spaces, the Committee would like an aspiration for continuation of improvement and would like further wording for future aspirations.

The Committee requested confirmation on addressing developers not adhering to maintenance agreements. In response, the Lead Member for Planning and Infrastructure stated that it would not be something for this document, but he would address it with the Development Management Team.

RESOLVED: That the Executive be recommended to approve the proposed refreshed areas of focus for the Council's Strategic Plan for the period 2023-2028, set out in Appendix A, subject to the amendments requested.

135. MEDIUM TERM FINANCIAL STRATEGY AND SAVING PROPOSALS 2023/24

The report was introduced by the Lead Member for Planning and Infrastructure, where he set out that there were a few changes to the previously discussed Fees and Charges report. He explained that in the report stated that the parking charges would increase within the next six months. However, the parking charges increase would now be removed and there would not be any proposed alterations for next year. The increased budget for parking income would offset that change.

The Lead Member drew attention to the bottom line of Appendix A as the Local Plan would be the only significant change, noting this is a one-off payment.

In response to questions from the Committee the Lead Member stated that he would not want to increase park charges as the Council wants to encourage people into the town centre.

The Committee raised the possibility of whether there was an option for a concession for residents, via night-time season tickets, that use the Council Car Park as there is no parking by their home. The Lead Member was requested to look into the matter.

The Committee were pleased that work on the flood barrier on Medway Street have begun, but some concerns were raised over the cost. The Director of Finance, Resources and Business Improvement stated that there had been some money secured from the Environment Agency and the Southern Regional Flood and Coastal Committee. Furthermore, the Council had not yet finalised the costings and there were opportunities to explore further flood prevention methods.

RESOLVED: That the Executive approve:

1. The revenue budget proposals set out in Appendix A with the parking fees increase removed and the parking income budget increased by £200k rather than £100k to offset the removal; and
2. The capital budget proposals set out in Appendix B.

136. MAIDSTONE LOCAL DEVELOPMENT SCHEME (LDS) UPDATE

The Lead Member for Planning and Infrastructure introduced the report and explained the Council has an obligation to keep an up-to-date Local Development Scheme (LDS), so local people and stakeholders are kept informed. The timetable of the production of the Gypsy and Traveller DPD has been altered to include regulation 18a and 18b, resulting in amendments to the LDS. The Lead Member set out that the view of the Planning inspector was awaited on the Local Plan Review and the LDS would need to be amended post consideration by the Committee to take this into account. The change would be made prior to Full Council; however, it is not clear if it would be before consideration from the Executive.

RESOLVED: That the Executive be recommended that the Local Development Scheme 2023-2025, attached at Appendix 1 to the report be recommended to the Council for approval.

137. DURATION

6:30 p.m. until 7:42 p.m.

MAIDSTONE BOROUGH COUNCIL FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 MARCH 2023 TO 30 JUNE 2023

This Forward Plan sets out the details of the key decisions which the Executive or Lead Members expect to take and the non-Key decisions that the Executive or Lead Members expect to take during the next four-month period. The plan will be updated weekly for the relevant period and a new plan for a new four-month period, published monthly on the last Friday of the month.

A Key Decision is defined as one which:

1. Results in the Council incurring expenditure, or making savings, of more than £250,000; or
2. Is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough

The current members of the Executive are:

4	 Councillor David Burton Leader of the Council DavidBurton@maidstone.gov.uk 07590 229910	 Councillor John Perry Deputy Leader and Lead Member for Corporate Services JohnPerry@Maidstone.gov.uk 07770 734741	 Councillor Lottie Parfitt-Reid Lead Member for Communities and Public Engagement LottieParfittReid@Maidstone.gov.uk 07919 360000	 Councillor Martin Round Lead Member for Environmental Services MartinRound@maidstone.gov.uk 07709 263447
	 Councillor Simon Webb Lead Member for Housing and Health SimonWebb@Maidstone.gov.uk 07878 018997	 Councillor Claudine Russell Lead Member for Leisure and Arts ClaudineRussell@Maidstone.gov.uk	 Councillor Paul Cooper Lead Member for Planning and Infrastructure PaulCooper@Maidstone.gov.uk 01622 244070	

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision or a Part II decision may not be taken, unless it has been published on the forward plan for 28 days or it is classified as urgent:

The law and the Council's Constitution provide for urgent key and part II decisions to be made, even though they have not been included in the Forward Plan.

Copies of the Council's constitution, forward plan, reports and decisions may be inspected at the Maidstone House, King Street, Maidstone, ME15 6JQ or accessed from the Council's website: www.maidstone.gov.uk

Members of the public are welcome to attend meetings of the Executive which are normally held at the Town Hall, High St, Maidstone, ME14 1SY. The dates and times of the meetings are published on www.maidstone.gov.uk or you may contact the Democratic Services Team on telephone number 01622 602899 for further details.

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David Burton
Leader of the Council

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
Reforms to national planning policy	Lead Member for Planning and Infrastructure	Lead Member for Planning and Infrastructure	22 Feb 2023	No	No Open	Planning and Infrastructure Policy Advisory Committee 20 Feb 2023	Reforms to national planning policy	Tom Gilbert tomgilbert@maidstone.gov.uk
Water Supply Consultations A report on three consultations regarding water supply. Two by utility companies operating in the borough and one from a regional alliance of water companies.	Lead Member for Planning and Infrastructure	Lead Member for Planning and Infrastructure	20 Feb 2023	No	No Open	Planning and Infrastructure Policy Advisory Committee 20 Feb 2023	Water Supply Consultations	Mark Egerton, Tom Gilbert markegerton@maidstone.gov.uk, tomgilbert@maidstone.gov.uk

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise Introduces the first stage (scoping, issues and options) of public consultation for the Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD); explains the background to the DPD, its relationship with the Local Plan and Local Plan Review, and what the public consultation is seeking to achieve. Further, it sets out the reasons for undertaking an additional targeted Call for Sites exercise alongside the public consultation.	Lead Member for Planning and Infrastructure		20 Feb 2023	No	No Open	Planning and Infrastructure Policy Advisory Committee 20 Feb 2023	Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise	Helen Smith helensmith@maidstone.gov.uk

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
Strategic CIL Assessments & Spend	Executive	Lead Member for Planning and Infrastructure	22 Mar 2023	Yes	No Open	Planning and Infrastructure Policy Advisory Committee 8 Mar 2023	Strategic CIL Assessments & Spend	William Cornall, Rob Jarman, Carole Williams williamcornall@maidstone.gov.uk, Robjarman@maidstone.gov.uk, carolewilliams@maidstone.gov.uk

PLANNING & INFRASTRUCTURE 20 February 2023
POLICY ADVISORY COMMITTEE

**3rd Quarter Financial Update & Performance Monitoring
 Report 2022/23**

Timetable	
Meeting	Date
Planning & Infrastructure Policy Advisory Committee	20 February 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Not Applicable – report for noting by the Planning & Infrastructure Policy Advisory Committee
Lead Head of Service	Mark Green, Director of Finance, Resources & Business Improvement
Lead Officer and Report Author	Paul Holland, Senior Finance Manager Georgia Harvey, Senior Information Governance Officer Orla Sweeney, Senior Policies & Communities Officer Charlotte Yarnold, Programme Manager (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report sets out the 2022/23 financial and performance position for the services reporting into the Planning & Infrastructure Policy & Advisory Committee (PI PAC) as at 31st December 2022 (Quarter 3). The primary focus is on:

- The 2022/23 Revenue and Capital budgets; and
- The 2022/23 Key Performance Indicators (KPIs) that relate to the delivery of the Strategic Plan 2019-2045.

The combined reporting of the financial and performance position enables the Committee to consider and comment on the issues raised and actions being taken to

address both budget pressures and performance issues in their proper context, reflecting the fact that the financial and performance-related fortunes of the Council are inextricably linked.

The budgets used in this report are the revised estimates for 2022/23.

Budget Monitoring

Overall net expenditure at the end of Quarter 3 for the services reporting to PI PAC is -£0.102m, compared to the approved profiled budget of £0.595m, representing an underspend of £0.697m.

This Policy Advisory Committee has no capital projects.

Performance Monitoring

40% (4 of 10) targetable quarterly key performance indicators reportable to the Strategic Planning & Infrastructure Committee achieved their Quarter 3 target.

Recovery & Renewal Update

A number of actions across the three areas of focus in the Recovery and Renewal Action have now been completed. This is shown in the update at Appendix 3.

UK Shared Prosperity Fund Update

An update on progress made against schemes using this funding is shown at Appendix 4.

Purpose of Report

The report enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues as at 31st December 2022.

This report makes the following recommendations to the Planning & Infrastructure Policy Advisory Committee:

1. That the Revenue position as at the end of Quarter 3 for 2022/23, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. That the Capital position at the end of Quarter 3 be noted; and
3. That the Performance position as at Quarter 3 for 2022/23, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

4. That the Recovery & Renewal Update, attached at Appendix 3 be noted.
5. That the UK Shared Prosperity Fund update, attached at Appendix 4 be noted.

3rd Quarter Financial Update & Performance Monitoring Report 2022/23

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's Medium-Term Financial Strategy which is linked to the Strategic Plan and corporate priorities.</p> <p>The Key Performance Indicators and strategic actions are part of the Council's overarching Strategic Plan 2019-45 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas.</p>	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Cross Cutting Objectives	This report enables any links between performance and financial matters to be identified and addressed at an early stage, thereby reducing the risk of compromising the delivery of the Strategic Plan 2019-2045, including its cross-cutting objectives.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Risk Management	This is addressed in Section 5 of this report.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Financial	<p>Financial implications are the focus of this report through high level budget monitoring. Budget monitoring ensures that services can react quickly enough to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities.</p> <p>Performance indicators and targets are closely linked to the allocation of resources and determining good value for money.</p>	Senior Finance Manager (Client)

	<p>The financial implications of any proposed changes are also identified and taken into account in the Council's Medium-Term Financial Strategy and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.</p>	
Staffing	<p>The budget for staffing represents a significant proportion of the direct spend of the Council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.</p> <p>Having a clear set of performance targets enables staff outcomes/objectives to be set and effective action plans to be put in place.</p>	<p>Director of Finance, Resources and Business Improvement (Section 151 Officer)</p>
Legal	<p>The Council has a statutory obligation to maintain a balanced budget and the monitoring process enables the Committee to remain aware of issues and the process to be taken to maintain a balanced budget.</p> <p>There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council services. Regular reports on Council performance help to demonstrate best value and compliance with the statutory duty.</p>	<p>Senior Lawyer (Corporate Governance), MKLS</p>
Information Governance	<p>The performance data is held and processed in accordance with the data protection principles contained in the Data Protection Act 2018 and in line with the Data Quality Policy, which sets out the requirement for ensuring data quality.</p>	<p>Policy and Information Team</p>

	There is a program for undertaking data quality audits of performance indicators.	
Equalities	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a policy or service change, should one be identified.	Equalities and Communities Officer
Public Health	The performance recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	There are no specific issues arising.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Procurement	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and there are no direct implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Medium-Term Financial Strategy for 2022/23 to 2026/27 - including the budget for 2022/23 - was approved by full Council on 23rd February 2022. This report updates the Committee on how its services have performed over the last quarter with regard to revenue and capital expenditure against approved budgets.
- 2.2 This report also includes an update to the Committee on progress against its Key Performance Indicators (KPIs).
- 2.3 Attached at Appendix 1 is a report setting out the revenue and capital spending position at the Quarter 3 stage. Attached at Appendix 2 is a report

setting out the position for the KPIs for the corresponding period. Attached at Appendix 3 is an update on progress against the Recovery & Renewal Plan and attached at Appendix 4 is an update on the UK Shared Prosperity Fund.

2.4 We have reviewed the spend against projects planned as part of the Recovery and Renewal Action Plan. The following projects will not spend all or part of their allocated funds and therefore require a reallocation of funding.

- Vibrant Economy - Mid Kent College skills hub – £60k.
- Resilient Communities - Support and Encourage Volunteering in the Borough – reallocate £11,583 (out of original £25K)
- The Way We Work - Embedding new ways of working and ensuring the office is fit for purpose £30k (out of original £50k)

The amount to be reallocated is £101,583. It is proposed that this money is redistributed to two successful projects already in the plan.

- Resilient Communities – Community Resilience Fund -£52,083
- Resilient Communities – Extension of Let’s Talk Maidstone on a three-year subscription – £49,500

The full details of this proposal are shown in **Appendix 3** to this report.

3. AVAILABLE OPTIONS

3.1 There are no matters for decision in this report. The Committee is asked to note the contents but may choose to comment.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 In considering the current position on the Revenue budget, the Capital Programme, and the KPIs at the end of December 2022, the Committee can choose to note this information or could choose to comment.

4.2 The Committee is requested to note the content of the report.

5. RISK

5.1 This report is presented for information only and has no direct risk management implications.

5.2 The Council produced a balanced budget for both revenue and capital income and expenditure for 2022/23. The budget is set against a continuing backdrop of limited resources and a difficult economic climate, even before

the impact of the Covid-19 pandemic became clear. Regular and comprehensive monitoring of the type included in this report ensures early warning of significant issues that may place the Council at financial risk. This gives the Executive the best opportunity to take actions to mitigate such risks.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 The KPIs update ("Performance Monitoring") are reported to the Policy Advisory Committees (PAC) quarterly: Communities, Housing & Environment PAC; Economic Regeneration & Leisure PAC; and the Planning & Infrastructure PAC. Each committee also receives a report on the relevant priority action areas. The report was also presented to the Corporate Services PAC, reporting on the priority areas of "A Thriving Place", "Safe, Clean and Green", "Homes and Communities" and "Embracing Growth and Enabling Infrastructure".

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The Quarter 3 Budget & Performance Monitoring reports are being considered by the relevant Policy Advisory Committees during February 2023.

8. REPORT APPENDICES

- Appendix 1: Third Quarter Budget Monitoring 2022/23
 - Appendix 2: Third Quarter Performance Monitoring 2022/23
 - Appendix 3: Recovery & Renewal Update 2022/23
 - Appendix 4: UK Shared Prosperity Fund Update 2022/23
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9. BACKGROUND PAPERS

None.

Third Quarter Financial Update 2022/23

Planning & Infrastructure – Policy Advisory Committee
9th February 2023

Lead Officer: Mark Green
Report Author: Paul Holland

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Part C: Capital Budget Q3 2022/23

C1) Capital Budget Page 9

Part A

Executive Summary & Overview



This report provides members with the financial position as at 31st December 2022, covering activity for the Planning & Infrastructure Policy Advisory Committee's (PI PAC) revenue and capital accounts for the third quarter of 2022/23.

In 2021/22, income recovered more strongly than expected from the pandemic and the Council generated a modest surplus compared with budget. For 2022/23, there is no more direct government funding to cover the costs of Covid, but the Council has been able to set a balanced budget. Additional provision of £1.3 million was made within the 2022/23 budget for the expected impact of higher inflation on the Council's input costs. The projected peak level of inflation has continued to increase since the budget was set and this is likely to have an impact in particular on contract and energy costs, so the requirement for this provision will be monitored carefully to assess whether it will be adequate. If at any stage it appears that an overspend is likely, measures will need to be taken in-year to bring the budget back into balance.

The headlines for Quarter 3 are as follows:

Part B: Revenue budget – Q3 2022/23

- Overall net expenditure at the end of Quarter 3 for the services reporting to PI PAC is -£0.102m, compared to the approved profiled budget of £0.595m, representing an underspend of £0.697m.

Part C: Capital budget – Q3 2022/23

- This Policy Advisory Committee has no capital projects.

Part B

Third Quarter Revenue Budget 2022/23



B2) Revenue Budget

B1.1 The table below provides a detailed summary on the budgeted net income position for PI PAC services at the end of Quarter 3. The financial figures are presented on an accruals basis (e.g., expenditure for goods and services received, but not yet paid for, is included). The Lead Member for Planning & Infrastructure is responsible for all the services shown below.

PI PAC Revenue Budget & Outturn – Quarter 3

Planning Services

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Cost Centre	Approved Budget for Year £000	Budget to 31 December 2022 £000	Actual £000	Variance £000	Forecast 31 March 2023 £000	Forecast Variance 31 March 2023 £000
Building Regulations Chargeable	-375	-285	-312	27	-375	0
Building Control	-1	-1	-7	7	-1	0
Development Control Advice	-293	-220	-151	-68	-202	-91
Development Control Appeals	132	44	49	-6	132	0
Development Control Majors	-558	-423	-383	-40	-557	-1
Development Control - Other	-772	-581	-539	-43	-729	-43
Development Control Enforcement	71	71	51	20	71	0
Planning Policy	1,233	729	362	366	1,233	0
Neighbourhood Planning	-20	-20	0	-20	-20	0
Conservation	-11	-7	0	-7	-11	0
Land Charges	-265	-196	-179	-17	-265	0
Environment Improvements	7	6	9	-3	7	0
Name Plates & Notices	19	15	17	-2	19	0
Spatial Policy Planning Section	511	383	372	11	496	14
Head of Planning and Development	121	91	88	3	118	3
Building Surveying Section	472	356	316	40	472	0
Mid Kent Planning Support Service	323	241	174	67	267	56
Heritage Landscape and Design Section	359	276	228	48	294	65
CIL Management Section	56	42	-26	68	6	50
Mid Kent Local Land Charges Section	94	70	17	54	64	30
Development Management Section – Majors	293	220	218	2	290	3
Development Management Section – Others	1,077	812	802	10	1,064	13
Salary Slippage 2SPI	-97	-73	0	-73	0	-97
Sub-Total: Planning Services	2,376	1,548	1,104	444	2,375	1

Parking Services

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Cost Centre	Approved Budget for Year £000	Budget to 31 December 2022 £000	Actual £000	Variance £000	Forecast 31 March 2023 £000	Forecast Variance 31 March 2023 £000
On Street Parking	-305	-224	-255	31	-350	46
Residents Parking	-202	-146	-150	4	-202	0
Pay & Display Car Parks	-1,203	-837	-955	118	-1,343	140
Non Paying Car Parks	15	13	9	4	15	0
Off Street Parking - Enforcement	-107	-78	-102	24	-107	0
Mote Park Pay & Display	-195	-161	-156	-5	-195	0
Sandling Road Car Park	-1	-1	-47	47	-61	60
Park & Ride	136	122	87	34	86	50
Other Transport Services	-4	-3	8	-11	-4	0
Parking Services Section	373	362	355	7	363	10
Sub-Total: Parking Services	-1,494	-953	-1,206	253	-1,799	305
Total	882	595	-102	697	576	307

B1.2 The table shows that at the end of the third quarter overall net expenditure for the services reporting to PI PAC is -£0.102m, compared to the approved profiled budget of £0.595m, representing an underspend of £0.697m.

B1.3 The table indicates that in certain areas, significant variances to the budgeted income levels have emerged during the third quarter of the year. The reasons for the more significant variances are explored in section B2 below.

B2) Variances

B2.1 The most significant variances for this Committee are as follows:

	Positive Variance Q3	Adverse Variance Q3	Year End Forecast Variance
Planning & Infrastructure	£000		
PLANNING SERVICES			
Development Control Advice – Income from Pre-application discussions and Planning Performance Agreements is down against the budgeted figures.		-68	-91
Planning Policy – The budget is projected to be fully spent by the end of the year.	366		0
Salaries - This variance broadly reflects vacant posts throughout the year, after taking into account projected slippage.	236		199

Local Plan Review

The Local Plan Review (LPR) process is an important, high profile and continuous task undertaken by the Planning Services team. The associated revenue spending profile however is cyclical and does not fit the conventional 12-month financial planning process for general revenue expenditure. Instead, spending tends to follow the five-year production period of each Local Plan with various peaks and troughs over that time period.

The LPR process is therefore funded through an annual £200,000 revenue contribution, in addition to the existing service budget, with any remaining unspent balances at year end automatically rolled forward into the following financial year. The table below shows the available revenue resources currently allocated to fund LPR activities, and the spend as at 31st December 2022.

Opening Balance 01/04/2022	Spending April - December 2022	Forecast Spending January - March 2023	Forecast Spending Balance 31/03/2023
£'s	£'s	£'s	£'s
1,461,727	546,956	950,644	-35,873

In addition to the annual funding a further £1m was allocated from the New Homes Bonus for 2022/23 for the LPR.

	Positive Variance Q3	Adverse Variance Q3	Year End Forecast Variance
Planning & Infrastructure	£000		
PARKING SERVICES			
Pay & Display Car Parks – Occupancy levels continue to be higher than forecast with the majority of car parks performing better than budgeted for.	118		140
Sandling Road Car Park – Running costs budgets are underspent and income greater than forecast.	47		60
Former Park & Ride Sites – Spend against the running costs budgets is lower than forecast.	34		50

Part C

Third Quarter Capital Budget 2022/23



B1) Capital Budget: Planning & Infrastructure PAC

- B1.1 This Policy Advisory Committee has no capital projects.

Key to performance ratings

RAG Rating	
	Target not achieved
	Target slightly missed (within 10%)
	Target met
	Data Only

Direction	
	Performance has improved
	Performance has been sustained
	Performance has declined
N/A	No previous data to compare

Performance Summary

RAG Rating	Green	Amber	Red	N/A ¹	Total
KPIs	4	2	0	4	10
Direction	Up	No Change	Down	N/A	Total
Last Quarter	4	1	3	2	10
Last Year	4	1	3	2	10

- 40% (4 of 10) targetable quarterly key performance indicators (KPIs) reportable to this Committee achieved their Quarter 3 (Q3) target¹.
- Compared to last quarter (Q2 2022/23), performance for 40% (4 of 10) KPIs have improved, 10% (1 of 10) had no change and for 30% (3 of 10) have declined¹.
- Compared to last year (Q3 2021/22), performance for 40% (4 of 10) KPIs have improved, 10% (1 of 10) had no change and 30% (3 of 10) have declined¹.

Embracing Growth & Enabling Infrastructure

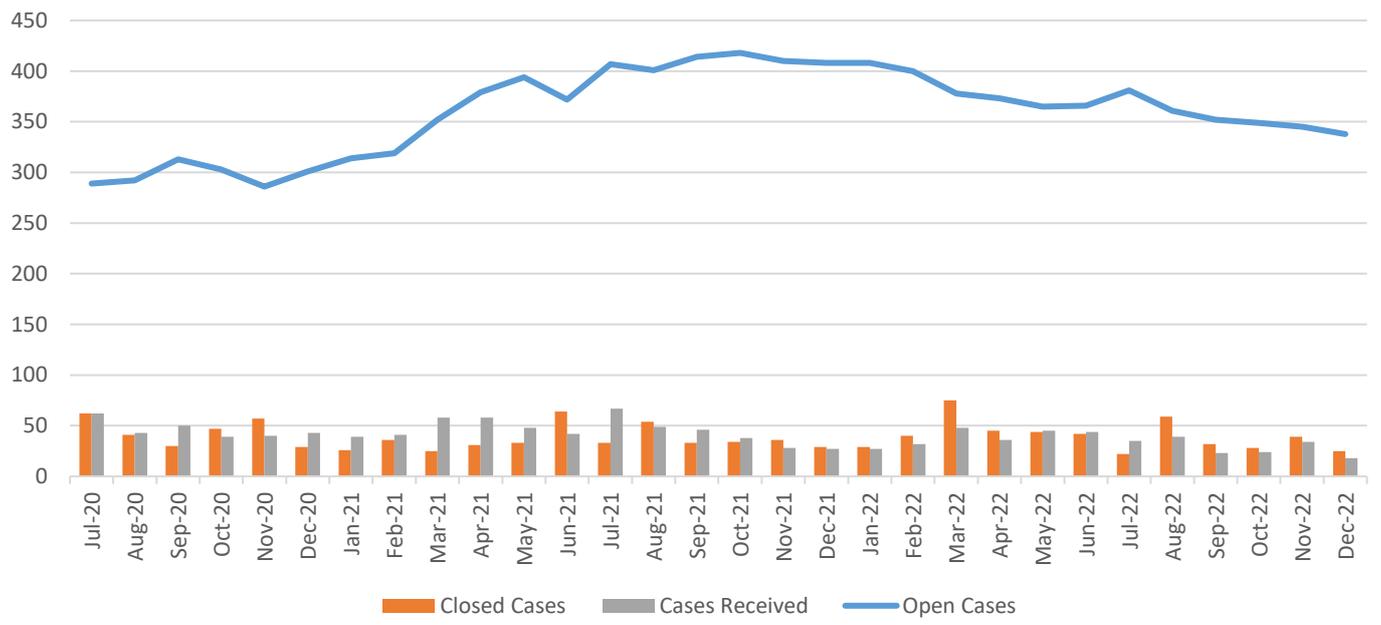
Performance Indicator	Q3 2022/23				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Percentage of priority 1 enforcement cases dealt with in time	100%	95%			
Percentage of Priority 2 enforcement cases dealt with in time	94.67%	90%			
Number of enforcement complaints received	76				
Processing of planning applications: Major applications (NI 157a)	86.67%	90.00%			

¹ PIs rated N/A are not included in the summary calculations.

Performance Indicator	Q3 2022/23				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Processing of planning applications: Minor applications (NI 157b)	94.12%	95.00%			
Processing of planning applications: Other applications (NI 157c)	98.32%	98.00%			
Number of affordable homes delivered (Gross)	80	50			
Affordable homes as a percentage of all new homes	Annual KPI				
Net additional homes provided (NI 154)	Annual KPI				

	Open planning enforcement cases (as of the start of each month)				
	Value	Target	Status	Short Trend (Last Month)	Long Trend (Last Year)
October 2022	352				
November 2022	349				
December 2022	344				

Planning Enforcement Caseload



Appendix 3 - Recovery and Renewal Action Plan

A VIBRANT ECONOMY					
Action	Agreed funding	Target Start	Target End	Expected Success	Progress at January 2023
-	£60,000 Recovery Fund	Sep-21	TBC	<p>Provision of a town centre venue to provide accessible training, careers advice, and employability support for all residents. Courses delivered to a range of participants including book-keeping and computerised accounting, skills development online courses, essential digital skills, certified work skills programmes, food hygiene and employability workshops and support. Courses delivered to a range of participants including bookkeeping and computerised accounting, skills development online courses, essential digital skills, certified work skills programmes, food hygiene and employability workshop and support. With space for ten participants to be physically present in the hub it is envisaged that 208 people would be able to take advantage of the hub for courses</p>	<p>No change in position since November 22.</p> <p>(The college was unable to identify and agree commercial terms on a suitable premises and have confirmed that they are no longer in a position to undertake this project. It remains a strategic priority for the college who would welcome collaboration with the council in the future when other future opportunities and funding sources become available.)</p>

Appendix 3 - Recovery and Renewal Action Plan

				and support over 26 weeks.	
Invest in industrial and warehouse premises to help de risk new employment sites coming forward	Capital Programme funding	Sep-21	N/A	Projects are identified to invest in and Maidstone is seen and delivers its promise of being open for business, businesses can expand and locate to the Borough.	A package of Town Centre Capital Bids to the value of £5m in support of the new Town Centre strategy have been submitted. A further bid for £250k has been submitted for Maidstone Innovation Centre to facilitate more flexible workspace (wet labs) and associated shared high-tech equipment.
Vibrant Visitor Economy	£32,000 Business Rates Pool	Jul-21	Jul-23	Maidstone has an enhanced arts and culture offer with increased visitors to key attractions and an increase in footfall in the town centre.	Complete
Capacity to develop projects and bids to take advantage of new funding opportunities	£45,000 Recovery Fund	Sep-21	Sep-25	Successful bids and projects completed that meet our priorities.	No action

Appendix 3 - Recovery and Renewal Action Plan

<p>Transform the Town Centre through the development and delivery of a town centre strategy.</p>	<p>£175,680 Recovery Fund</p>	<p>Sep-21</p>	<p>TBC</p>	<p>Town Centre Strategy in place by 1 March 2023, projects may begin prior to this. Maidstone town centre becomes a centre of excellence for urban sustainability with a strong focus around arts, culture, leisure and visitor economy creating a place where people want to live, feel safe and which prides itself upon being a town centre which is relevant to all of the Borough's residents and to which all of the borough's residents can relate.</p>	<p>Consultant appointed; inception meeting held in December 2022. Town Centre Walk about meeting took place on 18 January 2023.</p>
<p align="center">RESILIENT COMMUNITIES</p>					
<p>Establish Community Compact</p>	<p>N/A</p>	<p>May-21</p>	<p>N/A</p>	<p>Partnership in place between the community and voluntary sector and the council. Joint projects completed and greater resilience</p>	<p>KCC established a Strategic Partnership Board for the VCSE and a VCSE Steering Group, which is independent of KCC and brings together a range of VCS representatives. The terms of reference for this group have now been formalised and MBC will be represented by the Insight, Communities and Governance Manager.</p>

Appendix 3 - Recovery and Renewal Action Plan

<p>Support and Encourage Volunteering in the Borough.</p>	<p>£25,000 Recovery Fund</p>	<p>Jun-21</p>	<p>Oct-22</p>	<p>Increase in the number of volunteers, volunteering in the Borough and as a consequence more community initiatives delivered. Work with involve to develop an indicator</p>	<p>The Council's Community website pages have been developed to include support for volunteering and now include a publicly available repository of VCS (Voluntary and Community Sector) groups in Maidstone. Faith Groups and Places of Worship have also now been mapped and contacted with a view to including them in the repository. MBC hosting a 'Volunteering & Funding Advice Event' on 30 November at Trinity House. This event provided advice and support to volunteers and organisations from the VCS on volunteering and funding and explored opportunities for volunteer engagement. 1:1 appointment with funding advisors throughout the day. A second event is planned to focus on volunteering opportunities.</p>
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Appendix 3 - Recovery and Renewal Action Plan

<p>Online Community Participation</p>	<p>£15,000 Recovery Fund</p>	<p>Sep-21</p>		<p>Online tool in place and used to successfully engage with the public on projects and initiatives.</p>	<p>Two engagement 'hubs' have been developed on the platform – 1 for Economic Development and 1 for Planning. Economic Development also used 'Let's Talk Maidstone' to develop an Innovation Centre Research and Development event with the Business Community. A Planning Hub was launched for the 'Sustainability and Design Mapping exercise'. This sought to find out resident views on features and characteristics of the borough. Closed 12 December. The Resident survey closed at the end of September. A total of 5027 people responded to the questionnaire, of which 3584 provided age and gender allowing these responses to be weighted in line with the population of Maidstone.</p> <p>Since its launch in July the platform has been used to deliver the following</p>
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Appendix 3 - Recovery and Renewal Action Plan

					<p>Consultation and Engagement activities:</p> <p>Operation Broc, Mote park arts, Scarecrow festival, Marden Task Force, Waste and Recycling Newsletter, Community Governance Review, Budget Survey Community Wi-Fi, Air Quality Action Plan, Resident Survey, Sutton Valence Polling Places Review.</p>
Community Resilience Fund	£150,000 Recovery Fund	Oct-21	Oct-24	30 projects delivered by a variety of community and voluntary sector groups and organisations.	<p>1st wave of funding – £89,842 allocated to 23 projects. The 2nd wave of funding – £30,086 allocated to a further 18 projects. Sufficient funds remain to launch a 3rd of funding. Timescale to be confirmed.</p>
Equip Trinity Foyer to be a Community Hub	£30,000 Recovery Fund	Jun-21	Oct-21	New community hub delivered for all housing and related support services in Trinity.	Complete

Appendix 3 - Recovery and Renewal Action Plan

<p>Financial Inclusion Strategy and Actions</p>	<p>£34,320 Recovery Fund</p>	<p>N/A</p>	<p>N/A</p>	<p>The number and value of unclaimed benefits that residents are supported to claim. A reduction in the number of households in financial crisis or at risk of moving into crisis. Increased take up of debt advice services by households with problem debt. A reduction in the number of households identified as being in a repeated pattern of Council Tax debt. The number of low-income households supported with energy efficiency measures. The number of low-income households supported to access a more appropriate tariff</p>	<p>Currently targeting residents living in Houses of Multiple Occupation (HMOs), 254 Landlords of registered HMO's have been contacted as far and as a result tenants have been supported with food vouchers from the Household Support Grant.</p> <p>In addition, the Compliance Officer, working with internal teams, is also supporting vulnerable individuals and households via a separate allocation of funding from the Household Support Grant, providing fuel vouchers for pre-payment meters and food vouchers. £2779.00 in fuel and food vouchers have been issued and £3323.00 in other support awarded.</p> <p>MBC Pension Credit take up to Jan 2023: MBC – 177 residents identified. 95 applications submitted 56 successful 33 awaiting DWP assessment</p>
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Appendix 3 - Recovery and Renewal Action Plan

					<p>6 non qualifiers. Total yearly award of £154,805.04.</p> <p>MBC Council Tax Support/ Universal Credit applications: -747 residents contacted, 115 awarded – yearly award of £89,942.56</p> <p>TWBC (Pension Credit)- 154 residents identified. 62 applications submitted, 36 successful, 24 awaiting DWP assessment and 2 non qualifiers. Total yearly award of £107,233.36.</p> <p>TWBC (Council Tax Support/Universal Credit)- 625 residents contacted, 149 awarded - Total yearly award of £93,718.56.</p>
Love Where You Live and Get Involved.	£35,000 Recovery Fund	Sep-21	Sep-22	8 community environmental projects delivered. Civic Pride increased as measured by the Resident’s Survey. Baseline the number of participants in the project.	1 Community Project delivered. Project cancelled.
THE WAY WE WORK					
Increase HR capacity to facilitate agile working and	£50,000 Recovery Fund	Oct-21	Oct-22	Better understanding from staff on impact of changes to organisation	Complete

Appendix 3 - Recovery and Renewal Action Plan

new ways of working				culture Actions taken to meet future workforce requirements.	
Embedding new ways of working and ensuring the office is fit for purpose	£50,000 Recovery Fund £40,000 Capital Programme	Oct-23	TBC	Flexible office space that supports the new ways of working with the right technology and facilities.	The pilot for OneDrive and Teams document collaboration is being configured. A proposed governance structure for the M365 programme was approved by MKS Exec Board on 5th January 2023.
Ensure staff have the right equipment (office and home) to enable new ways of working	Capital Programme	Oct-21	TBC	Staff able to effectively work anywhere	No further update to report.
Planning Development Control fixed term post	£35,000 Recovery Fund	ASAP	N/A	Backlog resolved and staff able to meet demands on the service	Complete
Planning Enforcement fixed term post	£35,000 Recovery Fund	ASAP	Mar-22	Backlog resolved and staff able to meet demands on the service	Complete
Increased capacity in Heritage and Landscape	£70,000 Recovery Fund	ASAP	N/A	Backlog resolved and staff able to meet demands on the service	Complete
Increased capacity within Data Analytics to provide support for recovery and renewal projects	£50,000 Recovery Fund	Jul-22	Jul-23	18 dashboards in place by 2023	<ul style="list-style-type: none"> • 12 dashboards have been completed. • 2 dashboards are pending additional changes. • 8 dashboards under development. The team remain on target to achieve 18 by summer 2023 and have improved the

Appendix 3 - Recovery and Renewal Action Plan

					information published on the website, with dashboards accessible here.
Business Grant Distribution	£30,000 New Burdens Funding	Ongoing	N/A	Maidstone continues to be the business capital of Kent	COMPLETE
Revenues and Benefits – Citizens Advice Maidstone Post	£18,000 Contain Outbreak Management Fund	Aug-21	N/A	Residents with debt problems are assisted to maximise income, reduce debt by claiming the benefits they are entitled to	COMPLETE

Since Quarter 1, progress has been made against a number of remaining actions including those contributing to 'a vibrant economy.' A package of Town Centre Capital Bids to the value of £5m in support of the new Town Centre strategy have been submitted. A further bid for £250k has been submitted for Maidstone Innovation Centre to facilitate more flexible workspace (wet labs) and associated shared high-tech equipment. With regards to the development of the Town Centre and a Town Centre Strategy, a Consultant has been appointed and an inception meeting was held in December 2022. On 18 January a Town Centre Walk about meeting took place.

Work is on-going to support resilient communities across Maidstone as part of financial inclusion workstreams. In addition to the continued work being undertaken to maximise the uptake of Pension Credit and Council Tax Support, the Welfare team and other front facing teams supported financially vulnerable households with funding from the Household Support Grant. £2779.00 fuel and food vouchers have been issued and £3323.00 has been awarded in other support.

The Community Resilience Fund was open for a second wave of applications for funding in December 2022. Applications were assessed by a Member panel in January 2023. A further 18 projects have been supported, with a total of £30,086 awarded to organisations supporting the well-being of communities in Maidstone. Sufficient funds remain to launch a 3rd of funding.

REALLOCATION OF FUNDING

We have reviewed the spend against projects planned as part of the Recovery and Renewal Action Plan. The following projects will not spend all or part of their allocated funds and therefore require a reallocation of funding.

- Vibrant Economy - Mid Kent College skills hub – £60k.
- Resilient Communities - Support and Encourage Volunteering in the Borough – reallocate £11,583 (out of original £25K)
- The Way We Work - Embedding new ways of working and ensuring the office is fit for purpose £30k (out of original £50k)

Mid Kent College was unable to secure a fit for purpose empty property for less than double the available funds. The College has now moved on to exploring other options. Work is continuing on the volunteering project and officers are exploring how this may be achieved in partnership with KCC and other district Councils, without such significant investment. The investment in office space and IT equipment has been met from other funding, 5k has recently been allocated from the original pot for new ways of working to new hybrid working equipment to ensure the meeting rooms on floor 6 are fit for purpose.

The amount to be reallocated is £101,583. It is proposed that this money is redistributed to two successful projects already in the plan.

- Resilient Communities – Community Resilience Fund -£52,083
- Resilient Communities – Extension of Let’s Talk Maidstone on a three year subscription – £49,500

The Community Resilience Fund has been an extremely successful project for which we receive more applications than we are able to support, the money enables community groups and organisations across the borough to continue to support and provide services to local residents . There is currently only enough funding for one more round around spring/summer, this will enable us to go out to go out for an additional round in winter 2023.

UKSPF Quarter 3 Update:

On 5th December the Department for Levelling up, Housing & Communities approved the Investment Plan submitted in August 2022, since then the authority has returned the Memorandum of Understanding and is hoping to receive year 1 grant in January 2023. Spending is on track to spend all of the year 1 grant by 31st March 2023 and this is supported by the table below. Preparatory work for year 2 projects (starting April 2023) has started with project leads, the year 2 projects are listed below:

- Activation of open spaces
- Creative Communities Fund
- Continued Events expertise and Advertisements for events
- Iggy Sculpture Trail
- Arts Carnival
- Feasibility Study for a Community Arts Hub
- Borough Insight
- Green volunteering project to improve Town Centre Green Spaces

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Intervention	Project	Detail	2022/23 budget	Amount spent:	£ Committed	Q3 Update:
E1: Improvements to town centres & high streets	Project B A Safe and Attractive Town Centre achieved through Greening and Lighting	Feasibility study in year 1, The feasibility study will be combined with other work required for the Town Centre Strategy so the amount allocated reflects the study being partly funded from the TCS allocation	£20,000			Consultant started work in January 2023, project scope discussions are underway with the consultant to complete the feasibility study.
E6: Local arts, cultural, heritage & creative activities	Project A - Building Pride in Place through promotion of the Town Centre and Events.	Creative communities funds for local organisations and groups to support events	£30,000		£30,000	Submission closed in January 2023, funding to be distributed across 18 projects.
		Festive Trail event – working with One Maidstone to create a festive trail to run through the Town Centre	£20,000	£19,340		Festive Trail completed in December.

		Events Expertise to develop bespoke events	£4,500	£2,106		Support for the Festive Trail and Magic of Xmas Parade
		Equipment purchase to support events	£15,000	£6,268	£1,531	Videography equipment, speaker on wheels, Go Pro and accessories, uplighters for events, equipment storage.
E8: Campaigns to encourage visits and exploring of local area	Project A - Building Pride in Place through promotion of the Town Centre and Events.	Advertising budget to promote events across all channels	£20,000	£4,901	£2,849	Support the Festive Trail and Magic of Xmas Parade
		Borough Insight Events and Town centre focussed	£25,000	£25,000		Completed.
		Promotional video for business and events in TC	£5,218	£1,750		Promotional video for the Magic of Xmas Parade.
Management Overheads			£5,822			
Total:			£145,540	£59,365	£34,380	
				£93,745		

**PLANNING AND
INFRASTRUCTURE POLICY
ADVISORY COMMITTEE**

20 February 2023

MBC Response to Water Supply Consultations

Timetable	
Meeting	Date
PAC for Planning & Infrastructure	20 February 2023
Lead Member for Planning and Infrastructure	20 February 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Philip Coyne (Interim Director for Local Plan Review)
Lead Officer and Report Author	Tom Gilbert (Principal Planner)
Classification	Public
Wards affected	All

Executive Summary

This report covers three water supply consultations. One by the regional water company alliance (Water Resource South East), and the others by the water supply utility companies that operate in the Borough (South East Water & Southern Water). The consultations referred to in this report include:

- Water Resources South East – Draft Best Value Regional Plan
- South East Water – Draft Water Resources Management Plan
- Southern Water - Draft Water Resources Management Plan

Purpose of Report

To inform members of the key elements affecting the Borough from the consultations and to seek agreement from the Lead Member on the Executive for Planning and Infrastructure to submit the response appended to this report.

This report makes the following recommendation to the Committee:

1. That the Lead Member for Planning and Infrastructure be recommended to agree the proposed responses to the three water supply consultations at Appendix 1 of this report.

MBC Response to Water Supply Consultations

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3</p>	Interim Director Local Plan Review
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the four, cross cutting objectives by ensuring that plans from another body do not materially harm the council’s ability to achieve these objectives.</p>	Interim Local Plan Director
Risk Management	Already covered in the risk section	Interim Local Plan Director
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Interim Local Plan Director
Legal	<ul style="list-style-type: none"> • There are no legal implications arising 	Senior Legal Advisor (Planning)

	from the report	Mid Kent Legal Services
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Housing and Inclusion Team Leader
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder	Interim Local Plan Director
Procurement	The recommendation has no immediate impact on budget headings or expenditure in the current year	Interim Local Plan Director and Head of Finance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and aligns with action 5.7 of the Biodiversity and Climate Change Action Plan to strengthen water supplies and other critical infrastructure to be prioritised alongside ensuring more resilient settlements in respect to longer term climate projections including heat waves, droughts, and water scarcity.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 There are three consultations running concurrently on water supply. These involve two water companies operating in the Borough (South East Water & Southern Water) and the south east regional alliance of water companies (Water Resource South East), which covers the Borough. The consultations run from **14 November 2022** to **20 February 2023**.

2.2 The consultations are as follows:

- Water Resources South East –Best Value Regional Plan
- South East Water –Water Resources Management Plan
- Southern Water - Water Resources Management Plan

2.3 This report summarises the consultations. All three consultations have a standard template to collect responses.; The Council’s proposed responses to each of the three consultations is attached in Appendix 1.

2.4 The relevant consultation documents can be found in background documents 1 to 3.

Background

2.5 There are two water companies that operate within Maidstone Borough providing water supply services. The companies are Southern Water and South East Water. Southern Water supplies water to north the Borough on the border with Medway. Whilst South East Water supplies water to the rest of the Borough.

2.6 Both these companies are required every 5 years to produce a water resource management plan. The aim of the plan is to maintain water supply over the timeframe 2025-2075.

2.7 A third consultation is being run by Water Resource South East (WRSE), and is the Best Value Regional Plan. WRSE is a south east regional alliance of the six operating water companies within its geographical area. WRSE is not directly involved in the provision of water supply. Like the WRMP produced by the water companies the Best Value Regional Plan produced by WRSE assesses the water needs for the region and identifies strategic solutions to the problems identified. The plan covers the same timeframe as the WRMPs and is also similarly a requirement within the water regulatory system.

2.8 It should be noted that outside of these consultations the Council has been engaging with the relevant water companies through the Local Plan Review to confirm if there is capacity for the planned growth. This engagement has taken place at the statutory consultation periods at Regulation 18 and 19, plus through the development of the Infrastructure Delivery Plan that is evidence to support the Local Plan Review. Therefore, water supply capacity has been factored into the Local Plan Review.

Content of the consultations

2.9 Within each consultation document a set template is used and they include the following elements:

- What is the consultation?
- What is the challenge?
- The proposed solutions to the challenge
- How to respond, and,
- Next steps

2.10 Set out below are the highlights of each consultation

Water Resource South East: Best Value Regional Plan

2.11 The highlights of the Best Value Regional Plan produced by WRSE include:

- reduce leakage by at least 50% and lower water use by 40 litres per person per day (on average) by 2050.

Between 2025 and 2035:

- Complete the construction of 1 new reservoir in Hampshire and start building 3 more in Oxfordshire, Kent and West Sussex
- Use the Grand Union Canal to transfer water from the Midlands to South East England
- Develop 6 water recycling schemes in Kent, Sussex, London, Hampshire and the Isle of Wight to supplement our water supplies
- Build 1 desalination plant on the Sussex coast
- Develop new transfers so we can move up to 600 million litres of water per day around the South East and between other regions

Between 2035 and 2075:

- Develop a further 6 water recycling schemes across the region
- Transfer more water from the Midlands and the North West using the River Severn and the River Thames
- Build desalination plants at a further 5 locations in Kent
- Build 1 new reservoir in East Sussex
- Store extra water underground at 3 sites
- Develop new transfers so we can move up to 1,400 million litres of water per day around the South East and between other regions

Southern Water – Water Resource Management Plan 2025-75

2.12 The highlights of the Southern Water WRMP include:

- Reducing leakage by at least 50% by 2050 and could reduce it by as much as 62% - by embracing new technology and replacing old water mains
- Our ambition to reduce average daily use to 100 litres per person per day by 2040. However, our demand forecast requires a reduction to 109 litres per person per day by 2040
- Developing water recycling schemes in several locations providing extra water to help supplement the flows in rivers and to refill reservoirs, particularly during dry weather
- Building more pipelines to transfer water from our neighbouring companies, following the development of new sources of water in other areas
- Using desalination plants to turn seawater into drinking water in some areas
- Collaborating with land users and environmental groups to improve the water sources we rely upon, so they are resilient for the future.

South East Water - Water Resource Management Plan 2025-75

2.13 The highlights of the Southern Water WRMP include:

- Leak reduction and water efficiency activities
- New pipelines to increase the amount of water that moves between water companies and also within our supply area
- A new reservoir at Broad Oak (Kent) in 2036
- Water recycling between Peacehaven Wastewater Treatment Plant and Arlington Reservoir (East Sussex)

- Water treatment works improvements
 - Desalination at Reculver (Kent)
 - New reservoir at our preferred location of Arlington, or at Broyle Place, Eastbourne (East Sussex)
-

3. AVAILABLE OPTIONS

- 3.1 Option 1: That the Planning and Infrastructure Policy Advisory Committee recommend that the response to the consultation at Appendix 1 of this report be approved by the Lead Member for Planning & Infrastructure. This would allow the response to be sent by the submission deadline.
- 3.2 Option 2: That the Planning and Infrastructure Policy Advisory Committee recommend that the response at Appendix 1 of this report be approved by the Lead Member for Planning & Infrastructure, subject to further comments and changes. The consultation deadline is 20 February 2023 and so comments and changes would need to be of a relatively minor nature so as to meet the deadline.
- 3.3 Option 3: That the Planning and Infrastructure Policy Advisory Committee recommend that the response at Appendix 1 of this report is not approved by the Lead Member for Planning & Infrastructure. However, this would mean the response would not be sent and the Council's views would not be factored in.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1: That the Planning and Infrastructure Policy Advisory Committee recommend that the response to the consultation at Appendix 1 of this report be approved by the Lead Member for Planning & Infrastructure. This would allow the response to be sent by the submission deadline.
-

5. RISK

- 5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The MBC Response to Water Supply Consultation provided alongside this report will have been considered by the Planning and Infrastructure Policy

and Advisory Committee on the 20 February 2023 and their comments will be reported to the Lead Member.

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: MBC Responses to Water Supply Consultations
-

8. BACKGROUND PAPERS

- Background document 1: Water Resource South East – Draft Regional Plan [1a9b2728e7384d4a4bb97a2313d06aa3_10306a_WRSE_BV_Plan_2022FINAL_Online.pdf \(amazonaws.com\)](#)
- Background document 2: South East Water – Draft Water Resource Management Plan - [04e9cbe34f2bf1559afa39043f0580b3_1_Highlights_document.pdf \(amazonaws.com\)](#)
- Background document 2: Southern Water – Draft Water Resource Management Plan - <https://www.southernwater.co.uk/our-story/water-resources-management-plan/draft-wrmp-24-technical-documents>

Water Resource South East - Draft Best Value Regional Plan Consultation Response

1. Please tell us your name.

2. Please tell us your age.

3. Please tell us about your location (town or postcode)

Maidstone Borough

4. What organisation do you represent, if appropriate?

Maidstone Borough Council

5. Our draft regional plan looks 50 years ahead. It plans to increase resilience to drought and address the potential shortfall in water as a result of climate change, population growth and increased protection of the environment, by taking an adaptive planning approach.

Do you think the draft regional plan addresses the scale of the challenge we face in the future through our adaptive planning approach?

Strongly agree	
Agree	x
Neither agree or disagree	
Disagree	
Strongly disagree	

Please explain your answer.

Appendix 1: Maidstone Borough Council Responses to water supply consultations

The Council feels that the main variants that will cause the scale of the challenge for water supplies in the future have been correctly identified but would question some of the assumptions within the each of the variants.

Regarding population growth the Council agrees with the range of estimates for population growth given on page 13 of the consultation document. The range is comparable with its own latest estimates used for the development of the Local Plan Review outlined in the Strategic Housing Market Assessment (2021), which suggest an increase of 13.4% between 2019-2037.¹ However, the Council would ask whether the latest figures used take account of emerging Local Plans or only those that have been adopted? It is important to capture the latest evidence as some plans in the region are ageing with no or limited housing allocations left, as such a false impression of the levels of growth expected may have been captured. In a similar way predicting the future needs of other non- residential sectors will need to be assessed.

When looking at increasing resilience to drought the Council feels that improvements to technology and as such water efficiency should be factored in more.

Finally, the Council would like to question whether the post-Covid move to more remote home working has been factored into the calculations. Especially with regards to the impact felt on the changes to the residential and other sector forecasts.

6. Our draft regional plan has considered the needs of other sectors and how their demand for water could be met in the future. Do you support us continuing to work with other sectors so our regional plan fully embeds their future needs and includes appropriately-funded solutions to meet them?

Strongly agree	
Agree	x
Neither agree or disagree	
Disagree	
Strongly disagree	

Please explain your answer.

The Council supports this collaborative working approach. Within the Borough the Council through the Local Plan Review is planning for the development of a large employment areas that will see this sector grow, above that required in the forecasts. This is to ensure a healthy and resilient employment market through the provision of choice. The Council would wish to see this reflected in the understanding of need.

¹ Maidstone Strategic Housing Market Assessment (May 2021); p.41

- 7. The draft best value regional plan includes investment in new water supplies and activity to reduce the demand for water. The draft plan identifies that nearly 60% of the water needed by 2075 could come from demand management activities. This includes reducing leakage by at least 50%; extensive water efficiency through smart metering, customer behaviour change and new government policy; and the continued use of temporary restrictions on water use during periods of drought. The rest needs to come from a mix of new supplies. Do you think the draft regional plan strikes the right balance between reducing the demand for water and developing schemes to provide new water supplies?**

Strongly agree	
Agree	x
Neither agree or disagree	
Disagree	
Strongly disagree	

Please explain your answer.

The Council supports the overall approach taken in the consultation. The Council especially supports the development of new schemes to provide new water supplies to support growth. Within the Council’s own Maidstone Strategic Plan 2019-2045 it has a priority to support this: ‘Embracing Growth and Enabling Infrastructure’² This approach is supported by policies ID1 (Infrastructure Delivery) and DM 2 (Sustainable Design) of the adopted Local Plan 2011-2031 that seek to support the delivery of required water utility infrastructure to support growth and water efficiency measures in development respectfully.

Through the Local Plan Review the Council is seeking to update these policies to further the water efficiency of the built environment in the Borough. Specifically, it has developed a range of policies including: Policy LPRSP14(a) Natural Environment, LPRSP14(c) Climate Change, and Policy LPRQ&D 1 Sustainable Design.

- 8. The draft best value regional plan promotes increased collaboration between water companies in the development of new water sources and the construction of more transfers to move water around the region and share it between companies. Do you support the increased collaboration between the water companies in the South East and other regions, through the development of**

² Maidstone Strategic Plan 2019-2045 (2021 refresh), p.5

Appendix 1: Maidstone Borough Council Responses to water supply consultations

shared resources and an enhanced network to transfer water around the region and between regions?

Strongly agree	X
Agree	
Neither agree or disagree	
Disagree	
Strongly disagree	

Please explain your answer.

The Council does agree that increase collaboration between the water companies is a positive step, as long as the enhancement of this collaboration and water transfers across companies does not have a detrimental impact on the water supply service in the Borough.

9. If you have any other comments or feedback you would like to give us, please provide further details here.

The Council would like to raise several supplementary points with regards to water supply in the Borough and draw this to the attention of the WRSE. Firstly, it would like to raise concerns with regards to the level of service within the south of the Borough in relation to the villages of Staplehurst and Marden and the need for this to be improved. Secondly the Council has concerns as to the lack of weight attached to wastewater and supply issues in planning applications and Local Plans and that these should be given material weight in decision making. Lastly the Council has concerns that proposed infrastructure improvements take too long to implement and the funding system is too complex. It would like to see the system changed to allow for utility companies to receive developer contribution funding.

South East Water - Water Resource Management Plan Consultation Response

- 1. Alongside embedding the ambitious regional best value plan within our draft water resources management plan, we have also proposed an alternative plan for our supply area. This alternative plan brings forward two new supply schemes which would deliver additional resilience and water supplies during the next 50 years, as well as local benefits to customers, communities and the environment.**

Do you support our alternative plan?*

The Council is happy with the alternative plan proposed.

-
- 2. Is there additional local information we should consider when creating our final water resources management plan?**

The Council has existing policies in its adopted Local Plan 2011-2031 that seeks to outline and management-built development in the Borough. Specifically, policies ID1 (Infrastructure Delivery) and DM 2 (Sustainable Design). South East Water may want to review these and factor in the impact that these may have of the demand forecasts and challenges planned for. These can be found in by using the following link: https://maidstone.gov.uk/_data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf

The Council is also reviewing the adopted Local Plan as is statutorily required through a Local Plan Review. This is seeking to update the policies and spatial strategy for the Borough. Presently the Council is at the examination stage with the intention to adopt the Local Plan Review by January 2024, subject to Government approval. Within the Local Plan Review several policies have been proposed to improve water efficiency; these include: Policy LPRSP14(a) Natural Environment, LPRSP14(c) Climate Change, and Policy LPRQ&D 1 Sustainable Design. South East Water may wish to review this document and factor it in to its planning work. The policies can be viewed by using the following link: [LPRSUB 001 Local Plan Review - Regulation 19.pdf - Google Drive](#)

-
- 3. Are there any additional cost-effective benefits we should consider and include in the plan?**

Through the Local Plan Review the Council is seeking to update these policies to further the water efficiency of the built environment in the Borough. Specifically, it has developed a range of policies including Policy LPRSP14(a) Natural Environment, LPRSP14(c) Climate Change, and Policy LPRQ&D 1 Sustainable Design. It may be worth South East Water reviewing these proposed policies to see if they would have an

-
- 4. Do you represent an organisation?***

Yes

5. If yes, which organisation do you represent? (If you are an individual please type 'individual')*

Maidstone Borough Council

6. Would you or your organisation be interested in collaborating with us to reduce water use?*

Yes

7. Are there any further comments you wish to make?

The Council would like to raise several supplementary points with regards to water supply in the Borough and draw this to the attention of South East Water. Firstly, it would like to raise concerns with regards to the level of service within the south of the Borough in relation to the villages of Staplehurst and Marden and the need for this to be improved. Secondly the Council has concerns as to the lack of weight attached to wastewater and supply issues in planning applications and Local Plans and that these should be given material weight in decision making. Lastly the Council has concerns that proposed infrastructure improvements take too long to implement and the funding system is too complex. It would like to see the system changed to allow for utility companies to receive developer contribution funding.

Southern Water – Water Resource Management Plan Consultation Response

Regional plans

1. Do you agree that our WRMP should reflect the best value regional plan, so we are aligned with our neighbouring water companies?

Yes	X
No	

Please explain your answer

Increasing resilience to drought

2. To protect the environment, we currently have a lower level of service in our Central area, covering West Sussex and Brighton and Hove, compared to our target. This means up to 2027 there is an increased likelihood of needing to impose restrictions on water use. We have set out our plan to address this gap. Do you have any comments or concerns about this level of service in our Central area and our plan to address it?

Yes	
No	x

Please explain your answer

The Council has no comments to make here.

3. We propose to stop using drought orders and permits that allow us to continue abstracting from the environment after 2040, unless we experience a severe drought. This means we'll need to develop new water supplies to replace them. Do you agree with this approach and the timescale we are proposing to deliver it?

Yes	X
No	

Please explain your answer

The Council is supportive of this aspiration as it will maintain the residents water supply.

Planning for an uncertain future

4. We have considered a range of future scenarios in our adaptive planning approach. Are there any other future scenarios that you think we should consider?

Appendix 1: Maidstone Borough Council Responses to water supply consultations

Yes	X
No	

Please explain your answer

The Council is in general agreement with the scenarios identified but does have a couple of points to make. The Council would ask whether the latest housing figures and population projections used take account of emerging Local Plans or only those that have been adopted? It is important to capture the latest evidence as some plans in the region are ageing with no or limited housing allocations left, as such a false impression of the levels of growth expected may have been captured. For example, the adopted Maidstone Local Plan 2011-2031 dates from 2017 and a new Local Plan Review is currently at examination with a government appointed inspector with the intention that it is adopted in January 2024. In a similar way predicting the future needs of other non- residential sectors will need to be assessed.

The Council would also question why there is not a scenario base on technological improvements and the influence that this may have.

Efficient use of water and minimal wastage across society

5. Do you support our plan to at least halve leakage by 2050?

Yes	X
No	

Please explain your answer

The Council supports the aim, but questions why it will take so long and asks if this target could be moved forward.

6. Do you support us achieving our WRMP target of reducing average personal daily use from 131 litres per person per day to a) 109 litres by 2040 or b) should we retain our more ambitious target of 100 litres per person per day by 2040?

A - 109 litres per person per day by 2040	X
B - 100 litres per person per day by 2040	

Please explain your answer

The Council supports the reduction of the personal daily usage to 109 litres. It aims to implement a water efficiency policy within the Local Plan Review (Policy LPRQ&D 1 Sustainable Design) which seeks new developments in the Borough to meet a standard of 110 litres per day.

7. Do you support additional proposed government interventions and the timing of their introduction?

Yes	X
No	

Please explain your answer

The Council has no comment to make here.

8. Our plan continues to rely upon temporary restrictions on water use to help lower demand during droughts to avoid further investment in new supplies. Do you agree with our approach to continue using temporary water restrictions during droughts?

Yes	
No	X

Please explain your answer

The Council does not agree with the use of temporary restrictions due to the inconvenience caused to residents as a result. The Council feels that the supply of water should be better managed and a greater role for water efficiency be followed to enable growth. To this end the Council has formulated policies in its Local Plan Review currently at examination to improve water efficiency.

[New water sources to provide resilient and sustainable supplies](#)

9. A new strategic reservoir is an integral part of the regional best value plan for the South East. Do you have any comments on the size of the new reservoir?

Yes	X
No	

Please explain your answer

The Council supports the development of a new strategic reservoir if it helps to maintain water supplies in the Borough.

10. Does your position change if the size of that reservoir (which will supply the transfer into Hampshire) impacts on the size of water recycling plant needed at Havant Thicket? (See section seven in our technical document for more information)

Yes	
No	X

Please explain your answer

The Council has no comment to make here.

11. Do you support our strategy to develop new pipelines that will transfer water into our supply area, that is made available through the development of new strategic water sources in other water companies' supply areas?

Yes	X
No	

Please explain your answer

The Council supports the development of a new pipelines if it helps to maintain water supplies in the Borough.

12. Do you agree that water recycling has a role to play in securing water supplies for the future?

Yes	X
No	

Please explain your answer

The Council supports the use of water recycling. Within the emerging Local Plan Review there is a policy LPRSP14(a) Natural Environment seeks new developments to guarantee water supply and minimise damage to groundwater sources. As such if water recycling projects can support this approach, then the Council supports this approach.

13. Our plan has shown we could need a desalination plant in Sussex by 2040 and that more could be needed in the future if we experience high population growth, and we need to reduce how much water we take from sensitive sources. Do you think we should use desalination to provide additional water supplies?

Yes	X
No	

Please explain your answer

The Council supports the development of new desalination plants if it helps to maintain water supplies in the Borough and does not cause major environment damage.

14. Our plan has identified the need for a new reservoir to store water in West Sussex. Do you think we should investigate this further to establish whether it could provide a new source for the area?

Yes	X
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Appendix 1: Maidstone Borough Council Responses to water supply consultations

No	
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Please explain your answer

The Council supports the development of a new strategic reservoir if it helps to maintain water supplies in the Borough.

15. Do you think we should look at water recycling options where water is stored in reservoirs, lakes or other waterbodies as well as those where it is released back into nearby rivers and abstracted again?

Yes	X
No	

Please explain your answer

The Council feels that greater water efficiency should be achieved, and this can be done through water recycling in order to minimise the impact on the environment and cope with being in an area of water stress.

16. Do you have any additional comments on any of the schemes we have proposed in our draft plan?

Yes	X
No	

Please explain your answer

The Council would like to understand where any proposed new reservoir supplying the Rochester supply works would be, and if it would be in Maidstone Borough.

[A network that can move water around the region](#)

17. Do you agree that we should develop our pipeline network so we can move more water between our supply areas and share supplies with our neighbouring water companies?

Yes	X
No	

Please explain your answer

The Council supports the development of a new pipelines if it helps to maintain water supplies in the Borough.

Catchment and nature-based solutions

18. Do you support our ambition to proactively use catchment and nature-based solutions where we can, to help improve the quality of the water sources we rely upon so we can abstract water sustainably and deliver wider environmental benefits?

Yes	X
No	

Please explain your answer

The Council supports nature and catchment based solutions. Within the emerging Local Plan Review there is a policy LPRSP14(a) Natural Environment seeks new developments to guarantee water supply and minimise damage to groundwater sources.

19. Do you think that others who benefit from a healthy water environment should contribute to the cost of delivering these solutions?

Yes	X
No	

Please explain your answer

The Council feels that national planning policy and guidance should be adjusted so that developer contributions, through S.106 agreements and the Community Infrastructure Levy, can be collected and provided to water companies to help mitigate the impact of development on water supplies.

20. Do you or your organisation have similar work planned in our catchments? Do you have any views on how best we can co-ordinate this work so we achieve the most benefits?

Yes	
No	

Please explain your answer

The Council has no comment to make here.

How we'll provide your water

21. Our draft WRMP includes options that will reduce demand and a mix of different schemes to produce extra water supplies. Do you think our plan strikes the right balance between demand and supply solutions?

Yes	X
No	

Please explain your answer

Appendix 1: Maidstone Borough Council Responses to water supply consultations

The Council supports the proposals outlined as long as they have factored most accurate growth figures for the Borough and any proposals would not lead to a degradation of water supplies to existing users in the Borough.

Agenda Item 15

PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

20 February 2023

Reforms to national planning policy

Timetable	
Meeting	Date
PAC for Planning & Infrastructure)	20 February 2023
Lead Member on the Executive for Planning and Infrastructure	22 February 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phillip Coyne (Interim Director for Local Plan Review)
Lead Officer and Report Author	Tom Gilbert (Principal Planning Officer)
Classification	Public
Wards affected	All

Executive Summary

On 22 December 2022 the Department for Levelling-Up Housing & Communities launched a public consultation into proposed changes to national planning policy in England as outlined in the National Planning Policy Framework and the Levelling Up and Regeneration Bill currently making its way through Parliament.

This report outlines the key changes proposed to the National Planning Policy Framework and future national policy, specifically highlighting key matters which are of relevance to Maidstone Borough Council. It recommends that members review the draft responses and agree formal responses to the consultation presented for consideration, as drafted by officers and appended to this report.

The consultation closes at 11.45pm on 2 March 2023.

Purpose of Report

To inform Members of the key changes proposed national planning policy in England and to seek agreement from the Lead Member on the Executive for Planning and Infrastructure to submit the formal response to this consultation.

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. The proposed response to the consultation at Appendix 1 of this report be agreed

Reforms to national planning policy

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3</p>	Interim Director Local Plan Review
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the four, cross cutting objectives by ensuring that plans from another body do not materially harm the council’s ability to achieve these objectives.</p>	Interim Director Local Plan Review
Risk Management	Already covered in the risk section	Interim Director Local Plan Review
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Head of Finance
Staffing	We will deliver the recommendations with our current staffing.	Interim Director Local Plan Review

Legal	<p>The National Planning Policy Framework sets out the framework for the production of development plans and is a material consideration in the determination of planning decisions. The Government is consulting on changes to the current NPPF and on future proposed amends. There are no legal consequences arising from this report. Members have an opportunity to comment on and provide input to the consultation process.</p> <ul style="list-style-type: none"> • 	Team Leader (Planning) Mid Kent Legal Services
Information Governance	<ul style="list-style-type: none"> • The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will/have reviewed the processing of personal data affected and the associated documentation has been/will be updated accordingly, including a data protection impact assessment. • The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Information Governance Officer.
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Communities Officer
Public Health	<p>At this stage it is unclear what the health impact will be. This will be reviewed when further information is released on the proposals.</p> <ul style="list-style-type: none"> • 	Housing and Inclusion Team Leader
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder	Interim Director Local Plan Review
Procurement	The recommendation has no immediate impact on budget headings or expenditure in the current year	Interim Director Local Plan Director and Head of Finance

Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and changes to the NPPF align and strengthen the position of the Biodiversity and Climate Change Action Plan, through 'repowering' and higher standards of energy efficiency. Additionally, more emphasis on 'habitats and routes for wildlife, as well as</p> <ul style="list-style-type: none"> • halting the threat to wildlife (and surface water run off) created by the use of artificial grass' aligns with Actions 6.1 of the action plan.' 	Biodiversity and Climate Change Manager
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2. INTRODUCTION AND BACKGROUND

- 2.1 On 22 December 2022 the Department for Levelling-Up Housing & Communities launched a public consultation into proposed changes to national planning policy in England. This is in two parts – firstly, changes to current national policy as outlined in the National Planning Policy Framework (NPPF) 2021, and, secondly, changes to be made to national planning policy because of the Levelling-Up & Regeneration Bill that is currently progressing through Parliament. The consultation closes at 11.45pm on 2 March 2023.
- 2.2 The consultation consists of 15 chapters and 58 questions relating to the proposed changes and this material can be found via the weblink provided in background document 1. As part of the consultation the Government has produced an edited version of the NPPF that includes the proposed changes, and this can be found in background document 2.
- 2.3 The report has been structured into two parts. Part 1 to highlight the changes proposed to the current NPPF. Part 2 proposed changes to the national policy in the future.

Part 1. Immediate changes to National Planning Policy Framework

- 2.4 The NPPF sets out the Government’s planning policies for England and was first introduced in 2012. It was subsequently updated in 2018, 2019 & 2021. It is a material consideration in decision making and must be considered in the development of planning policies as per the Planning & Compulsory Purchase Act 2004.
- 2.5 The proposed changes to the NPPF can be seen in Background Document 2. In summary the changes refer to the following elements:
- plan making
 - housing supply and delivery
 - design codes & design of development
 - Green Belt
 - climate change
 - natural environment

- implementation proposed changes, and
- Updates to the glossary of terms

2.6 This summary has been expanded upon below.

Plan making

- 2.7 In plan making changes are proposed to ensure strategic policies supporting beauty in design and placemaking with a strong emphasis on local design codes, in line with the National Model Design Code. Changes to the tests of soundness for plan-making are proposed. Removal of the 'justified' test and amendments to the 'positively prepared' test are proposed and replaced with the requirement that LPA's only need to meet objectively assessed needs 'so far as possible'. It is also proposed that there will no longer be a requirement to satisfy unmet need from neighbouring authorities. Guidance on duty to co-operate remains unchanged despite the Secretary of State's December statement on this ending.
- 2.8 The status of Neighbourhood Plans is proposed to be strengthened and receive greater protection against 'tilted balance' arguments. Neighbourhood plans are to be considered up to date for 5 rather than 2 years.
- 2.9 When assessing housing need, further clarity is provided to define what older persons accommodation means. It states this includes: 'retirement housing, housing with care and care homes.'

Housing need, supply & housing delivery test

- 2.10 The proposed amendments confirm that the standard methodology for assessing housing need is "an advisory starting point for establishing a housing requirement".
- 2.11 The Government proposes that authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply. In this case, "up-to-date" means where the housing requirement as set out in strategic policies is less than five years old, the document says. The government proposes the change to take effect when it publishes the revised National Planning Policy Framework, "expected in Spring 2023". Alongside these authorities can include oversupply in the 5-year housing land supply calculations and buffers would be removed. and there is explicit reference that building at densities significantly out of character with an existing area may provide justification for not meeting full assessed needs.
- 2.12 The housing delivery test (HDT) is proposed to be amended in a way which does not penalise local planning authorities unfairly when slow housing delivery results from developer behaviour. However, where delivery falls below 95% of the requirement over the previous 3 years and action plan would be required and where delivery falls below 75%, the presumption in favour of sustainable development in addition to the preparation of an action plan. However, an amendment is proposed so that if permissions have been granted for homes in excess of 115% of the authorities housing requirement over the HDT monitoring period then the presumption in favour of sustainable development will not apply.

Design of development

2.13 To allow more upward extensions to properties the Government has added in specific reference to the support mansard roof extensions

2.14 The Government are also proposing to support developments that are 'beautiful' and well designed with a strong emphasis on local design codes, in line with the National Model Design Code and has inserted this into various parts of the NPPF.

Green Belt

2.15 Amendments have been made to chapter 13 'Protecting Green Belt land'. They clarify that Green Belt boundary reviews are not automatically needed when updating a local plan and not needed if this is the only means of meeting an authority's objectively assessed need over the plan period.

Climate change

2.16 To help planning for climate change the Government has proposed amended national policy to allow for upgrades to renewable energy equipment in what is referred to as 'repowering'. Also, improvements to energy efficiency are to be more formally supported through planning policy and the decision-making process. with significant weight being given to the need to support energy efficiency improvements through the adaptation of existing buildings to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). This extends to proposals affecting conservation areas and listed buildings.

Natural Environment

2.17 The Government has sought to clarify the position with regards to agricultural land through the amendment of footnote 67. The amendment adds in the need to consider the food production value of land as well as its agricultural land quality.

Implementation & glossary

2.18 The Government proposes changes to Annex 1: Implementation of the NPPF. These amendments set out the transitional arrangements for the new changes proposed. In short:

- The revised tests of soundness and the policy on renewable and low carbon energy and heat in plans only apply to plans that have not reached Regulation 19 stage or reach that stage within three months of the revised NPPF.
- Any LPAs which have been subject to a Regulation 18 or 19 consultation for plan making will only need to demonstrate four years of housing supply for a period of up to two years.

2.19 In addition, the Government is proposing an addition to Annex 2: Glossary of the NPPF. This sets out a definition of community-led developments in order that they are considered as an option for rural housing.

Summary of responses

2.20 In regard to the proposed changes to the NPPF officers have drafted responses (appendix 1) in order that Members may consider these further and add further comments as appropriate. In summary broadly the changes to the NPPF are welcomed with greater protection local plans and the environment, but there is concerned with regards to the level of details provided and would ask that further clarity is given through an update to the national planning practice guidance.

Part 2. Proposed future changes to national planning policy

2.21 The consultation also asks for views on a range of proposed changes to national planning policy at a future date that will come from the proposals in the Levelling-Up and Regeneration Bill currently before Parliament. The proposals are particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity, and proposed National Development Management Policies.

2.22 Highlighted below is a summary of the proposed changes.

Developer accountability

2.23 The Government wants to increase developer accountability (chapter 5 paragraphs 18-22) of the consultation document. In summary the Government wants the past behaviour of a developer in terms of breaches of planning or failure to deliver on their commitments to be taken into account in decision making. It has proposed has two options:

- option 1: making such behaviour a material consideration when local planning authorities determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations;
- option 2: allowing local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits - similar to the amendment which we have already made to the Levelling Up and Regeneration Bill allowing local planning authorities to decline to determine new applications on sites where the build out of development has been too slow.

More build out

2.24 The Government also proposes three methods to increase the build out and absorption of development with a future change to the national policy (chapter 5 paragraphs 23-27). These include:

- The publication of data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
- Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).
- The National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.

Protecting the Environment & climate change

2.25 The Government wants to go further and will consider how national policy and design guidance fully supports habitats and routes for wildlife, as well as halting the threat to wildlife created by the use of artificial grass by developers in new development (noting the importance of some uses of artificial grass such as on sports pitches) (chapter 7 paragraph 7)

2.26 The Government will bring forward further guidance on how Local Nature Recovery Strategies from the Environment Act can be reflected in local planning strategies (chapter 7 paragraph 8).

2.27 To reflect the Governments Net Zero Strategy, it will seek to amend the NPPF to potential include carbon impact assessments (chapter 7 paragraphs 12-13)

Plan making

2.28 A new plan making system is proposed (chapter 9 paragraphs 1-2). A new system will be introduced in 2024, but plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework. There will be a requirement for local planning authorities and minerals and waste planning authorities to start work on new plans by, at the latest, 5 years after adoption of their previous plan, and to adopt that new plan within 30 months.

2.29 An example of how this works is as follows - authorities that have prepared a local plan, spatial development strategy or minerals and waste plan which is less than 5 years old when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old. So, for example, if an authority last adopted a local plan on 31 March 2022, the preparation of a new plan must start by 1 April 2027. For a plan adopted in mid-December 2026, the preparation of a new plan must start by mid-December 2031.

2.30 For neighbourhood planning the same rules apply. The Government is proposing that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced (chapter 9 paragraph 12).

2.31 The Government is also proposing to amend the supplementary planning documents system (chapter 9 paragraph 13). In the reformed planning system, authorities will no longer be able to prepare supplementary planning documents (SPDs). Instead, they will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan or minerals and waste plan. It is proposed that when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt a new-style plan.

2.32 Below in figure 1 is the overall proposed timetable for the changes to the plan making system to take effect.

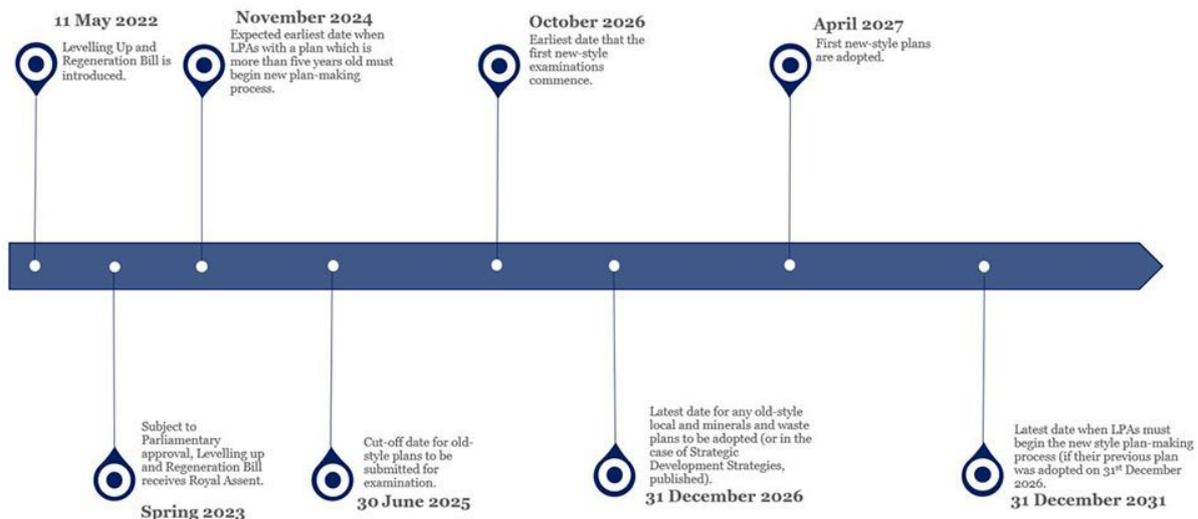


Figure 1. Proposed timetable for plan making changes

National Development Management Policies

2.33 The consultation seeks views on the introduction of the National Development Management Policies (NDMP) through the Levelling-up and Regeneration Bill currently making its way through Parliament.

2.34 The proposal is that NDMPs would be given the same weight in certain planning decisions as policies in local plans, neighbourhood plans and other

statutory plans (and could, where relevant, also be a material consideration in some other planning decisions, such as those on Nationally Significant Infrastructure Projects). It is the intention that National Development Management Policies would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk. The consultation does not provide any specific policies at present.

2.35 Within the consultation the Government provides a diagram that sets out how the NDMP would function in the new system proposed by the Levelling-up and Regeneration Bill.

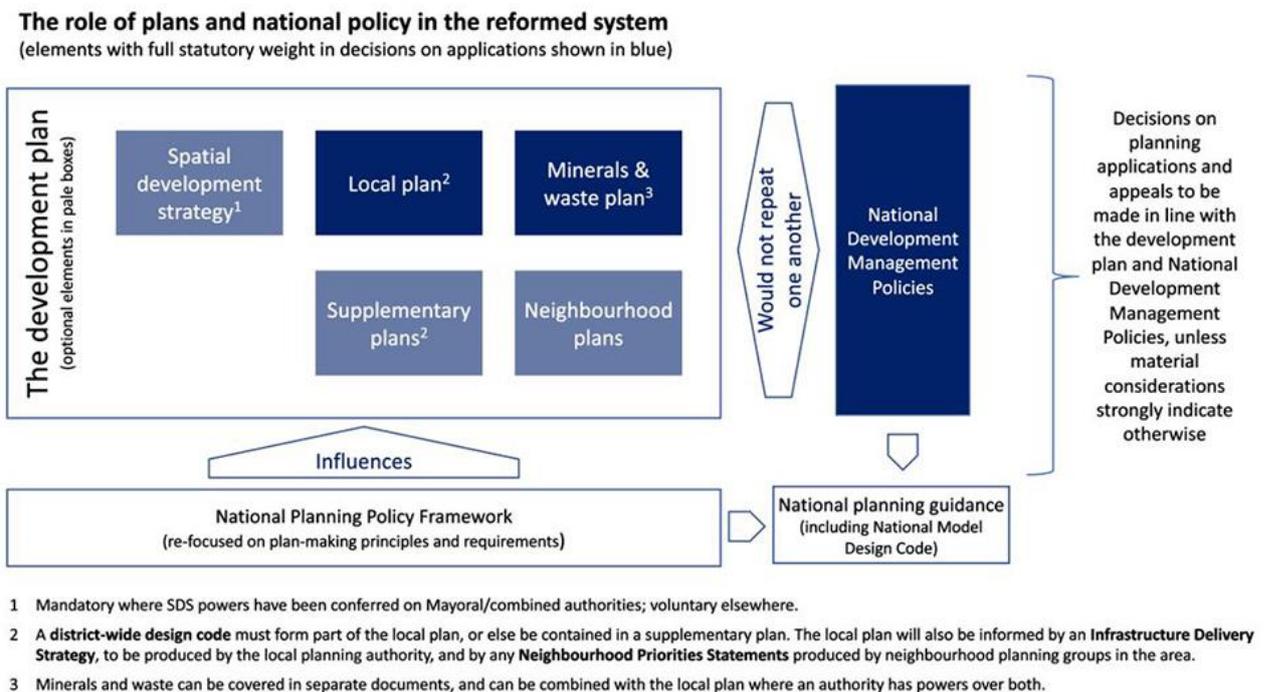


Figure 2 Proposed new planning policy system

Levelling-Up

2.36 The Government also wants to use planning policy to bring forward 12 levelling-up missions and has asked for ideas on how this could be achieved. The 12 levelling-up missions were outlined in the Levelling-Up White Paper in February 2022 and are highlighted in figure 3 below.

Focus Area	Mission
<i>Boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging</i>	
Living Standards	By 2030, pay, employment and productivity will have risen in every area of the UK, with each area containing a globally competitive city, and the gap between the top performing and other areas closing.
Research & Development (R&D)	By 2030, domestic public investment in R&D outside the Greater South East will increase by at least 40%, and over the Spending Review period by at least one third. This additional government funding will seek to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
Transport Infrastructure	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
Digital Connectivity	By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
<i>Spread opportunities and improve public services, especially in those places where they are weakest</i>	
Education	By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
Skills	By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high quality-skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by five years.
Well-being	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.

Focus Area	Mission
<i>Restore a sense of community, local pride and belonging, especially in those places where they have been lost</i>	
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between top performing and other areas closing.
Housing	By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas. ³²⁰
Crime	By 2030, homicide, serious violence and neighbourhood crime will have fallen, focused on the worst affected areas.
<i>Empower local leaders and communities, especially in those places lacking local agency</i>	
Local Leadership	By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.

Figure 3 The Twelve Levelling-Up Missions

Proposed future changes to national planning policy

2.37 In chapter 12 of the consultation document the Government also sets out further changes that may come forward as a result of the further planning reforms. These are set out in figure 4 below. In the consultation no questions were posed on these proposals.

Existing Planning Framework chapter	National Policy	Aspects of policy which may require updating
Achieving development	sustainable	Amendments to reflect the importance of fostering beautiful places, better environmental and health outcomes, delivering appropriate infrastructure (including sustainable transport provision) and effective

Existing National Planning Framework chapter	Aspects of policy which may require updating
	<p>community engagement, in the wider context of promoting levelling up.</p> <p>The presumption in favour of sustainable development may also need amending to reflect the introduction of National Development Management Policies (once designated).</p> <p>We are considering how to align the NPPF with the Environment Act and how to make government's priorities for the environment clear and to ensure these are given sufficient weight.</p>
Plan-making	<p>Changes to reflect the amendments to plan-making made by the Bill, including:</p> <ul style="list-style-type: none"> - replacing the statutory duty to cooperate (which would be abolished by the Bill) with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will be tested at Examination and, importantly, unlike the current system authorities and Inspectors would have the ability to amend Plans to improve alignment; - any changes to the 'soundness' tests for assessing draft plans which may be appropriate so that plan examinations are proportionate; - how infrastructure delivery strategies are to be prepared; - the importance of effective community engagement in plan-making, including through digital means; - taking Neighbourhood Priorities Statements into account when preparing local plans; and - other procedural changes to plan-making, including a fixed timetable for local plan production, the role of gateway checks, new data standards, streamlined evidence requirements and the introduction of Environmental Outcome Reports. <p>- We are also considering how to encourage wider uptake of strategic planning to understand and resolve</p>

Existing National Planning Framework chapter	National Policy	Aspects of policy which may require updating
		environmental issues in a joined up way. Strategic planning also needs to consider rural communities to ensure that local policies are tailored to their different needs.
Decision-making		Changes to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports for assessing relevant development proposals, the importance of digital methods of community engagement, and to place greater emphasis on planning enforcement, with increased weight against intentional unauthorised development.
Delivering a sufficient supply of homes		Changes to: support the Bill’s provisions to strengthen control over the build-out of sites with permission for residential development; enshrine our commitment to lifting the 5-year housing supply requirement where plans are fewer than 5 years old; and carry forward the more immediate changes we are consulting on in this document.
Building a strong, competitive economy		As set out in the Levelling Up White Paper, we propose to consult on a more positive framework for supporting economic development, including reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues, including responding to information gathered as part of the Future of Freight Call for Evidence.

<p>Existing Planning Framework</p> <p>National Policy chapter</p>	<p>Aspects of policy which may require updating</p>
<p>Ensuring the vitality of town centres</p>	<p>We propose to review the approach to town centre and out-of-centre development in the light of the Use Class Order changes.</p>
<p>Promoting sustainable transport</p>	<p>We propose to assess what changes are needed to reflect the government’s commitment to encourage active travel through the ‘Gear Change’ programme, the forthcoming update to Local Transport Plan’s Guidance, any update to Manual for Streets and wider work to reduce carbon consumption from transport planning choices as set out in the Transport Decarbonisation Plan. We also propose to review policy on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. This will draw on findings from the government’s ‘Future of Freight’ call for evidence which will be launched in due course.</p>
<p>Achieving well-designed places</p>	<p>Changes to reflect provisions in the Bill on mandatory authority wide design codes and supplementary plans.</p>
<p>Protecting Green Belt land</p>	<p>Amendments to reflect the commitment in the Levelling Up White Paper to bringing forward measures to ‘green’ the Green Belt, to improve its environmental and recreational value.</p>

Existing National Planning Framework chapter	Aspects of policy which may require updating
Meeting the challenge of climate change, flooding and coastal change	Changes to reflect and incorporate the immediate proposals being consulted on in this document, as well as any further changes needed to reflect our commitment to making sure that national policy goes as far as possible in addressing climate change.
Conserving and enhancing the natural environment	<p>Proposed changes to:</p> <ul style="list-style-type: none"> - set out how Local Nature Recovery Strategies, introduced by the Environment Act, should be given weight in the plan-making process; - reflect updated guidance on addressing nutrient pollution, including expectations on strategic mitigation in sensitive catchment areas; - reflect a review of policy on ancient woodland, as agreed in the passage of the Environment Act 2021; - reflect the introduction of mandatory Biodiversity Net Gain from 2023; <p>incorporate nature into development through better planning for green infrastructure and nature-friendly buildings.</p>
Conserving and enhancing the historic environment	Amendments to reflect the changed status of some historic designations through the Bill

Figure 4 Proposed further changes to the planning system

2.38 The Government also wants to enhance the digitalisation of planning and so wishes to understand how this could be achieved (chapter 13 paragraphs 1-6).

Summary of responses

2.39 In regard to the proposed changes to the national planning policy in the future officers have drafted responses (appendix 1) in order that Members may consider these further and add further comments as appropriate. In summary broadly the proposed future changes to national planning policy are welcomed as they place more emphasis on the developer to delivery and enshrine the primacy of the Local Plan. The Council does have concerns with regards to the level of details provided and would ask that further clarity is given. Especially around the operation of the new supplementary plans and national development management policies. Plus, how the levelling-up agenda will be brought forward.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That Planning, and Infrastructure Policy Advisory Committee recommend that the response to the consultation at Appendix 1 be approved by the Lead Member for Planning & Infrastructure. This would allow the response to be sent by the submission deadline.
 - 3.2 Option 2: That Planning, and Infrastructure Policy Advisory Committee recommend that the response at Appendix 1 be approved by the Lead Member for Planning & Infrastructure, subject to further comments and changes.
 - 3.3 Option 3: That Planning, and Infrastructure Policy Advisory Committee recommend that the response at Appendix 1 is not approved by the Lead Member for Planning & Infrastructure. However, this would mean the response would not be sent and the Council's views would not be factored in.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 2: That Planning, and Infrastructure Policy Advisory Committee recommend that the response be approved by the Lead Member for Planning & Infrastructure, subject to any further comments and changes.
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5. RISK

- 5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If agreed the response provided as Appendix 1 will be presented to the Lead Member for Planning and Infrastructure and then if approved submitted on behalf of Maidstone Borough Council.

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft MBC Response to National Planning Policy Consultation December 2022 to March 2023
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8. BACKGROUND PAPERS

- Background document 1: Levelling-up and Regeneration Bill: reforms to national planning policy Consultation- [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)
- Background document 2: [National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/national-planning-policy-framework-draft-text-for-consultation)

Appendix 1. Draft Maidstone Borough Council Responses to National Planning Policy Consultation December 2022 to March 2023 Response

Introduction

Below are the 58 questions posed in the consultation document. Below each question are the draft answers provided by Maidstone Borough Council.

- 1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?**

The Council agrees with the government's proposed approach on this matter. An LPA should of course be required to demonstrate a 5-year housing land supply from the date of plan adoption, as is currently the case, but should then be afforded the certainty that their land supply position cannot be challenged within the first 5 years post-adoption. This provides a significant incentive for LPAs to expedite their plan making efforts and to have an up-to-date local plan in place. It also provides certainty for local communities, developers and other stakeholders, that once a plan is adopted, a truly plan-led system can operate for the following five years as a minimum; removing the annual uncertainty. Also in a time of limited resources (both staff time and monetary), the Council feels that this will help to not expend precious time and resources defending decisions against speculative applications that they end up at appeal.

Notwithstanding the above, it will remain necessary for LPAs to continue to monitor future supply of land for homes, thereby enabling them to take proactive measures which to ensure annual delivery requirements remain achievable.

- 2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

The Council agrees with the government's proposed removal of buffers as part of the 5-year housing land supply calculations. Whilst the current method of applying percentage buffers to the baseline requirement figure is laudable, it adds unnecessary complexity to the calculations and is often misunderstood by the lay person, who assumes the percentage uplift equates to the delivery of 'more homes than are required'. Furthermore, many LPAs already build a level of contingency into their land supply calculations by including a non-implementation rate to the supply (a percentage discount of permissions on the basis that some are likely to expire and therefore remain unimplemented). This is a more appropriate methodology to apply (if indeed any contingency is required) as it allows a localised, evidence-based approach to demonstrating an accurate 5-year housing land supply.

The 5-year supply figure should simply be 5-years' worth of the annual plan requirement (factoring in any previous undersupply/oversupply), based on robust evidence that the identified supply is deliverable. If there needs to be an element of contingency or flexibility built into the calculation, this can include a localised non-implementation rate or similar.

It is important to remain cognizant of the fact that an LPAs ability to demonstrate a deliverable supply of land for homes is a completely separate concept to that of actual 'delivery'. The latter of which is already tested through the Housing Delivery Test.

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

To be a truly plan-led system, it is the Council's opinion that past oversupply of homes should be taken into consideration when calculating a 5-year housing land supply, similar to the current method of accounting for past undersupply of homes.

In a literal sense, once a home is complete is cannot logically form part of future supply. However, in cases where there is an oversupply of homes against the requirement, it is entirely logical that this oversupply would reduce the immediate pressure on future years to provide the full requirement figure. To simply ignore an oversupply of homes early in the plan period undermines a plan-led system just as much as if an undersupply were ignored.

4 What should any planning guidance dealing with oversupply and undersupply say?

Guidance should make clear that any previous oversupply against an authority's housing requirement should reduce the future 5-year requirement figure. It should not be used to bolster the supply figure. Similarly, any previous undersupply should be added to the future 5-year requirement figure. In both cases (over and under supply), unless there are exceptional circumstances, the difference should be applied over the 5-years and not spread across the plan period and beyond, as the matter is an immediate one.

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Maidstone Borough Council is broadly supportive of neighbourhood plans. It recognises the important role these plans play both in helping to ensure the aspirations of local communities are reflected in local planning policies and supporting the delivery of the spatial strategy for the borough. But feels that the primacy of the Local Plan should be retained.

The Council considers that neighbourhood plans should be afforded an appropriate level of status and protection in national planning policy. It therefore supports the proposed amendments to NPPF paragraph 14. These changes will help to ensure that recently 'made' plans remain a key consideration in planning decisions. The changes will also provide greater scope for neighbourhood plans to benefit from protection afforded by the framework (i.e., where the presumption in favour of sustainable development applies to applications involving the provision of housing).

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

The Councils has reviewed the proposed changes to NPPF (2021) paragraphs 1 & 7 and has the following comments.

In relation to the proposed changes to paragraph 1 the Council would like to make the following comments.

- Further clarity is needed to define what ‘sufficient’ housing development means.
- It agrees that the introduction of the wording ‘sustainable development’ is helpful however, clarity should be provided in the text or a footnote to what this implies. This could reference the definition used in paragraph 7 of the NPPF.
- It is supportive of the need to prepare and maintain plans.
- More emphasis is needed on the importance of supporting infrastructure and ensuring that this can be delivered in a timely manner
- There should be a stronger link between housing and jobs

In relation to the proposed changes to paragraph 7 the Council would like to make the following comments.

- The Council feels that the definition of ‘development’ should be clarified and would recommend linking it back to the definition of development in the Town and Country Planning Act 1990 section 55.
- The Council is very supportive of highlighting the link between development and infrastructure.

7 What are your views on the implications these changes may have on plan-making and housing supply?

The Council feels that the proposed approaches are pragmatic solutions but need to be supported by clear guidance to clarify the position on the various changes. This is in order that the changes speed up the process and do not lead to further delays trying to decipher the meaning of it.

The transitional period should be clearer and simpler as it may discourage plan making rather than accelerate it.

8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Yes, the Council agrees that exceptional circumstances for the use of an alternative approach as outlined in proposed NPPF paragraph 61 should be made clearer in policy and guidance. The Council feels that one of these circumstances is for areas of high commuting to London. The reason for this is this not factored into the affordability ration properly in the existing standard method as local economic outputs are used rather than factoring in the wages of those who commute out of area and so artificially increase the housing need. This is exacerbated by the house ‘sales value’ component of the current formula which does not, for instance, take into account the generally quite low values of permitted development office conversions which are mainly built for the rental market.

The Council feels parameters for any alternative method should be set out clearly in guidance. The reason for this is to account more for local market dynamics and provide clarity to a Planning Inspector at the examination stage, in order to help streamline the debate at this stage. Prior to the standard methodology's introduction in plan making a lot of time at examination stage was spent debating the methodology used to come to the housing need figure. The Council fears that this could happen again and lead to plans failing at examination stage unless clear guidance is provided.

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The Council has the following response to the consultation for each of the proposed changes to Green Belt policy, building densities and past over supply. Each response is outlined below.

Green Belt

The Council welcomes the clarity provided by the changes to the proposed paragraph 142 in the NPPF. However, it would appreciate further clarity on what is meant by an exceptional circumstance and if the National Planning Practice Guidance is to also be updated to reflect that. The Council is concerned that the greater protection for Green Belt authorities will lead to these authorities not providing for their housing need therefore displacing this to adjacent authorities, like Maidstone Borough which is an unfair result.

Building densities

The Council welcomes the additional clarity brought about by the proposed NPPF paragraph 11(b)(ii) regarding providing for objectively assessed needs and building densities. The Council questions why this one reason has been specified and not others such as transport or environmental factors? We would suggest that this should be amended, and detail is better placed in the National Planning Practice Guidance.

Past over supply

The Council feels the proposed amendments relating to planning making and housing need as outlined in NPPF paragraph 11(b) (iii) regarding factoring in over delivery need to be further clarified. The Council welcomes the fact that over delivery through permission can now be counted, but would also welcome that over delivery through construction of residential units is also factored in.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

The Council agrees with the evidence listed in proposed footnote 8 of the revised NPPF. The Council feels that a more explicit role for neighbourhood planning groups is needed however due to their role on formulating design policies. The Planning Practice Guidance Paragraph: 005 Reference ID: 26-005-

20191001 encourages neighbourhood planning groups to deliver local design guides and the Council feels this should be added to footnote 8.

11 Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

In principle the Council is supportive of the removal of the requirement for plans to be ‘justified’ as outlined in NPPF paragraph 35 (b). However, it is unclear as to what a proportionate level of evidence would be expected because of this change. The Council would like to see amendments to the National Planning Practice Guidance to outline what would be a proportionate amount of evidence for plan making as the cost of preparing plans, coupled with the high failure rate, is often one of the factors discouraging the timely preparation/renewal of plans.

The Council is also concerned how these changes will reduce the time taken to produce a local plan? Specifically, the proposal to produce a local plan in 30 months, especially now the previously proposed zonal planning system has been dropped.

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Yes. The Council believes that this is an appropriate transitional arrangement as it would help Councils to minimise higher evidence costs in future and to have not wasted money of a more onerous level of evidence if they are already at an advanced plan making stage.

13 Do you agree that we should make a change to the Framework on the application of the urban uplift?

The Council has a very high our standard method figure. In the Local Plan Review presently at examination it is 1157 per annum, a 24% increase on the adopted Local Plan 2011-2031 (2017) figure of 883 residential units per year. This is a challenge for the Borough to meet, but the Council is trying to do this. Therefore, please consider this present position before amending the urban uplift application by either applying it to other local authorities etc.

14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

The Council has no comment to make here.

15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

The urban uplift should not be applied to neighbouring authorities where there has been identified to be a functional relationship between authorities. The Council feels that the urban uplift approach is

not a scientific approach and so to apply a proportion of the need created as a result to a neighbouring authority as it would not reflect the true need of an area.

- 16 Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?**

The Council strongly agrees with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply. This approach encourages LPAs to progress as opposed to pause their plan-making and ensures that those LPAs with plans at an advanced stage do not have their spatial strategies undermined by speculative applications for development during this transitional time.

- 17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?**

Yes.

- 18 Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

Yes, the Council supports the proposal.

- 19 Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**

The Council agrees that the use of a ‘switch off’ figure is appropriate and agrees that this figure should include a level of contingency to account for non-implementation of permissions. Whilst, for simplicity, a blanket 15% above the requirement is sensible, it does not accurately reflect local circumstances where non-implementation rates may vary significantly from this. A more nuanced approach would be to require LPAs to include a contingency figure of 15% unless it can be demonstrated, based on robust evidence (such as historic trends (over delivery) and current market conditions), that a different contingency figure would be more appropriate.

- 20 Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

If a site is considered to be deliverable in accordance with the NPPF definition, then the homes permissioned on that site should also be considered to be deliverable. The evidence used should match that required under the NPPF Annex 2 definition of a deliverable site.

21 What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

The 2022 Housing Delivery Test results should be published, and the current consequences should apply. This should remain until such time as amendments to the HDT and/or consequences are published.

22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Yes, the Council agrees that national planning policy should be revised to attach more weight to Social Rent in planning policies and decisions. This would assist local authorities who can demonstrate a local need for this tenure type to secure new housing which helps to address the gap between need and affordability, particularly in areas with higher house prices.

23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

The Council supports the proposed amendments to paragraph 62 of the NPPF which clarify that, in the context of establishing the housing needs of different groups in the community, housing for older people includes "retirement housing, housing-with-care and care homes" (i.e., specialist older people's housing).

In this Authority's experience, there should be recognition of the clear differences between, for example, retirement housing and the differing levels of care accommodation that are offered.

Retirement housing is in effect market housing, often proposed at higher densities, but lower levels of open space and parking. On the face of it, such accommodation appears to be highly profitable due to initial high sales values p/sq.m compared general market housing, and ongoing income through service charges etc and as such should not be subject to significant 'planning standards discount' as it is inevitably a highly profitable form of development. The qualitative and sustainability expectations for such accommodation should be consistent with housing in general. The same should apply to developments that offer relatively low levels of care and where residents retain a significant level of independence.

It may be appropriate to clarify under guidance on density and optimisation of land, that where housing typologies such as single storey 'bungalows' are proposed, a degree of flexibility is justified, however, as stated above, housing for older people should otherwise be subject to the same qualitative rigour as traditional housing.

24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

The Council understands the logic of the small sites policy as set out in paragraph 69 of the current NPPF to help diversify the market. As part of the Local Plan Review the Council has worked hard fulfil the requirement of 10% of its housing requirement to be fulfilled on small sites.

25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

No comment.

26 Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

The Council has no in-principle objections to amending the definition of “affordable housing for rent” in the NPPF glossary to make it easier for organisations that are not Registered Providers (particularly community-led developers and almshouses), to develop new affordable homes. Where such changes to the definition are made it is important that the NPPF includes provisions to ensure that affordable housing for rent delivered by groups that are not Registered Providers will remain at an affordable price.

27 Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

(Existing) NPPF paras 65 and 72 provide both flexibility and support in respect of affordable home ownership on exception sites. It may be appropriate for 72(a) to be amended to not insist upon at least two types of affordable tenure, which can be difficult on smaller sites and would, for example, allow rented only affordable tenures where a scheme can demonstrate that this meets a specific local need within an area. Similarly, footnote 40 should afford some flexibility on size, ie “Sites should not normally be larger than.... unless a site /location specific case is made and agreed by the lpa.

28 Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

No comment.

29 Is there anything else national planning policy could do to support community-led developments?

No comment.

30 Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?

This is arguably difficult to place into policy and is also subject to a degree of subjectivity as to what is or is not considered to be reasonable behaviour. As an example, this Borough recently approved housing development in a countryside location as there were site specific reasons to permit an exception to restraint policy. The scheme has been built out and is occupied, but it is clear that the

foul drainage is inadequate, the surface water system does not meet the LLFA's expectations and open space enhancement has not been completed. These failures result in a loss of amenity and potential off-site harm to habitat. They are being addressed through enforcement action.

However, it is not clear how these matters could be carried forward to a new site promoted by the same developer, who could, for example argue that matters can again be covered by condition.

In addition, many sites secure planning permission via a owner or promoter, with a developer coming in to build out. Of course an lpa could seek to assess any subsequent detailed submitted by condition with rigour based upon past experience with a party, but what is to prevent a developer arguing that past circumstances were due to site specific circumstances or third party issues?

What is to prevent developers acquiring land and planning permission through 'for example' third party companies. Retailers often do this and many housebuilders have subsidiary companies 'sitting on the shelf' as a result of past mergers and acquisitions. It would be very difficult for an lpa to try to assess legal relationships etc.

31 Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

As above, without sight of any suggested primary legislation, it is difficult to assess how an LPA could effectively afford weight to behaviour in either scenario and there appears to be the risk of significant legal costs in, for example, a JR against how weight was afforded in the DM process.

Would an LPA be required to keep some form of 'register of behaviour'?

As is proposed separately, more effective enforcement powers, for example, occupation limitations, easier stop notices or fines that are not subject to lengthy processes may be a more effective way of managing out poor behaviour.

32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Historically there have been cases, over sites with long build out periods, of sites being flipped to other uses or forms of housing that are more profitable and developed to differing quality standards to the original application. Therefore, the Council is keen to ensure consistency with the original consented scheme.

We welcome the incentivisation of build out. In the past (and present) many LPA's who respond positively to housing land supply, are penalised due to poor build out rates or market conditions over which they have little or no control.

We agree that the grant of planning permission should be seen by a developer as a their commitment to addressing supply and need.

Timeframes for commencement and discharge of conditions and reserved matters are already tight and developers often leave to the last minute, placing considerable pressure on LPA's.

We welcome the requirement for developers to annually report on progress para 24 of the consultation), something which the LPA is currently required to monitor, and which is resource demanding. Whilst we note that LPA's may be able to resist further applications where developers have not built out, to do so may adversely impact on completions and supply.

With regard to para 25 of the consultation, we are concerned that in order to avoid penalties, developers may simply be encouraged to set out conservative build out rates, which can affect an LPA's HLS.

Finally, we consider that Government should assess the impact that 'land promoters' rather than housebuilders have on the timeline for delivery. Whilst in many cases they unlock land by funding a process that the landowner cannot, or taking a risk that a developer will not; this process inevitably adds to the timeline, with such sites almost always being outline, thus extending the planning timeline, such permissions are often subject to repeated amendments or change, which is again demanding on LPA resources.

33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

The Council has concerns with the term beauty as it is an entirely subjective concept and difficult for authorities to enforce/defend.

This authority embraces the principles of increasing the weight and expectation in relation to quality of design that came through the 2021 updates to the NPPF. However, the ability of an LPA to enforce such expectations should not be solely reliant upon local codes and, which can be time-consuming and expensive to prepare and as a number of Planning Inspectors have already stated, in the absence of local codes, LPA's should be able to afford weight to national codes and the proposed amendments to para 133 should reflect this.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Please see answer to question 33.

35 Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

This authority already adopts a strict approach to approved drawing and details and Members have recently requested that attempts to dilute the quality of an approved scheme are resisted, so we support the amendment to para 135.

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

This authority has concerns relating to both potential permitted development rights and policy that limits our ability to assess upward extensions of buildings. Roof extensions are arguably one of the most prominent and potentially insensitive ways to extend a property.

We did not consider para 122e to be necessary as such proposals can be considered under the normal assessment of character and appearance.

It is not clear why the new text specifically refers to mansard roofs, which are not typical on many building typologies.

37 How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

This authority already seeks biodiversity enhancements on small sites and, for example, residential extensions. We would therefore welcome NPPF specific support for this approach. In general, whilst the NPPF provides guidance on protecting and enhancing existing habitat, it is relatively quiet on new habitat creation, and we consider that this could be strengthened in relation to all scales of development.

38 Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

The Council considers that the NPPF should set a balanced approach with respect to the protection and use of agricultural land. It should provide sufficient flexibility for local authorities to plan positively to meet identified needs in their local areas, such as for housing and economic development, where this will contribute to sustainable development. Where such a balanced approach is provided, the Council would broadly support proposals to amend current provisions around the best and most versatile agricultural land by giving weight to the highest value farmland used for food production.

39 What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

With respect to the above question, it is noted that the Government intends to carry out a further consultation on relevant national planning policy in due course. The Council would strongly advise that any future requirements on carbon assessment at the plan-making stage be proportionate in scope for strategic planning documents and not result in unduly excessive resources and costs for local authorities to bear in the production of the evidence base.

40 Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

The Council feels that this is key priority. Within its' corporate strategy the Maidstone Borough Council's Strategic Plan 2019-2045. One of the four priorities in our strategic plan is Safe, Clean and Green and we have a cross-cutting objective to respect biodiversity and environmental sustainability.

The Council has also adopted a Biodiversity and Climate Change Strategy and action plan (October 2020). In these documents the Council has an action (Action 1.1) that states:

'Influence the Development Plan to:

- *establish policies that enable the infrastructure required for low carbon vehicles;*
- *ensure policies encourage and enable development proposals that give first priority to pedestrian and bicycles, both within the scheme and its surrounding areas; and*
- *ensure policies facilitate high quality public transport connectivity.*

Output: Emphasis is given to walking, cycling and public transportation.

Outcome: Local Plan includes measures and actions that will help to achieve carbon neutrality by 2030 and for new developments to adapt to the changing climate and put the residence health and wellbeing at the forefront.'

The Council feels that the national policy could have a requirement for Local Plans to have a strategic policy on climate change within these documents. Maidstone Borough Council has done this within its Local Plan Review draft Policy LPRSP14(c) Climate Change which is currently at examination with the Planning Inspectorate. Please see link for details - [LPRSUB 001 Local Plan Review - Regulation 19.pdf - Google Drive](#) .

The Council also feels that there could be a bespoke section within both the National Design Guide and National Model Design Codes on climate change so that it is more embedded in future developments.

41 Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

The Council supports the aims of the proposed changes in the NPPF to paragraph 155 but would ask that the definition of 're-powering' provided in the consultation document, but also provided in the NPPF. As such it is proposed that annex 2: Glossary of the NPPF is amended to include this definition.

42 Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

In principle we do not object to the addition to paragraph 158. Does the new paragraph need to explain whether the baseline is that existing at the time of the application or the original application.

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

There are no changes proposed to footnote 54 in the consultation document "NPPF: Showing indicative changes for consultation" – the relevant changes appear to be set out in Footnote 63, which this response should be taken to refer.

The Council strongly supports the approach to ensure that planning decisions on onshore wind are made by local authorities in consultation with their communities. It also broadly supports changes to national policy which would provide greater flexibility for local authorities to consider proposals for onshore wind on sites or within areas that are not designated in the development plan.

However, the Council disagrees with the changes proposed to existing Footnote 63 and new Footnote 62. These footnotes should be amended to make clear that planning permission for offshore wind must be contingent on applications satisfactorily identifying and addressing the planning impacts of a proposal (rather than being limited only to planning impacts identified by communities). This will ensure that all potential impacts of offshore wind are appropriately considered through the plan process.

44 Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

The Council supports the proposed changes to NPPF Paragraph 161. However, to aid effective implementation of this policy, particularly in relation to NPPF Section 16 on conserving and enhancing the historic environment, it is suggested that additional policy or guidance is introduced to provide clarity on the balance of this 'significant weight' that should be attributed where development proposals will impact on heritage assets or their setting.

In addition to heritage assets, having regard to the principles of quality and beauty already advocated in the NPPF, we consider that there should be additional criteria relating character and appearance of a building and area, to ensure that such proposals are of an appropriate quality and that crude, detracting proposals can still be resisted where appropriate.

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

The Council feels that the timeline is reasonable. The Council does question what this means regarding the need to review and update plans every 5 years, will this requirement be replaced.

46 Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

The Council sees the transitional arrangements as reasonable. It is our understanding therefore that the once a plan has been adopted and is on place the review system is a 7 ½ year process. The Council is concerned however, as to whether the 30 month timeframe for plan preparation is reasonable as there are few details regarding to how this process will work and what is changes to evidence requirements will be made.

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Maidstone Borough Council has no comment on specific timelines with respect to preparing neighbourhood plans under the new system. The Council notes the proposal to align the cut-off date for all old-style plans (including neighbourhood plans) to be submitted for examination, and considers

this is a pragmatic approach which will provide clarity for plan-makers and the wider public during the transitional period.

48 Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

The Council cannot answer this question appropriately as it feels there is not enough evidence to support the proposal. Specifically the Council would like to understand the process for the development and approval of new style 'Supplementary Plans'; would they be approved locally or need to be examined for example?

49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

The Council feels that the areas highlighted are appropriate, but feels that the addition of standards on climate change and biodiversity should be added inline with the climate change requirements of the Planning Act 2008 and climate change and biodiversity emergencies declared by LPAs across England.

50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Firstly this Authority welcomes the intention to give ".....all parts of the 'development plan' (local plans, neighbourhood plans and other statutory plans) more weight in decisions so that there must be strong material considerations to depart from them."

With regard to National Development Management policies, formalising the DM elements of the NPPF is acceptable in principle as it could serve to remove some of the ambiguity as to the status of element of the NPPF, ie, material consideration v's policy.

Whilst the expectation that repetition between local and national DM policies should be avoided is understood, the existence of a national DM policy on a matter should not prevent an LPA from introducing a local policy that, for example, acknowledges the weight that the local community or members place on a particular matter and embeds it within the local development plan.

51 Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

No comment.

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

The Council welcomes the role that National Development Management policies could take in removing the need for LPA's to evidence, for example net zero etc, although it is not yet clear how such policies will affect viability testing and could, for example, make affordable housing or other local priorities more difficult to achieve.

The scope of what matters National DM policies should cover should be the subject of early consultation.

53 What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

The Council feels that the following changes may be useful to help achieve the 12 levelling up missions:

- greater protection for employment uses, so that employment land is not lost to other uses
 - a greater emphasis on amenity space standards for gardens and balconies to aid living standards
-

54 How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

No comment.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

The Council feels that this approach is sensible if it accords with the principles and aims of sustainable development outlined in the NPPF. Any such approach would also have to be supported with central government funding to help bring brownfield sites forward as these sites generally require remediation before development can begin.

56 Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes, the Council strongly agrees with this aim and approach.

57 Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

No comment.

58 **We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.**

The only comment the Council would like to make here is that it may be useful for the Government to do a self-assessment Equalities Impact Assessment of the proposals and their impacts based on the Public Sector Equality Duty.

**Planning and Infrastructure
Policy Advisory Committee**

20 February 2023

Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise

Timetable	
Meeting	Date
Planning and Infrastructure Committee	20 February 2023
Lead Member for Planning and Infrastructure	20 February 2023

Will this be a key decision?	No
Urgency	Not applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne – Interim Director (Local Plan Review)
Lead Officer and Report Author	Helen Smith – Principal Planning Officer, Strategic Planning
Classification	Public
Wards affected	All

Executive Summary

This report introduces the first stage (scoping, issues and options) of public consultation for the Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD). The report explains the background to the DPD, its relationship with the Local Plan and Local Plan Review, and what the proposed public consultation is seeking to achieve. Further, the report sets out the reasons for undertaking an additional, targeted, Call for Sites exercise alongside the public consultation.

The consultation document appended provides information on what the Local Planning Authority envisages to be the scope and key issues for the Development Plan Document, with the purpose of gathering feedback from the public and other stakeholders on its content and coverage. Also appended is a key piece of evidence underpinning the DPD – the Interim Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (known as the GTAA). This is an independently prepared interim report which sets out the unadjusted current and future need for Gypsy, Traveller and Travelling Showpeople accommodation over the plan period. The GTAA evidence is not part of the public consultation but is published as supporting evidence as it, and its future iterations, will become a baselining document for the purposes of future work and the examination of the DPD by a government inspector. Finally, the Call for Sites guidance note and response form are also appended to this report.

The public consultation and call for sites exercise are scheduled for seven weeks starting on 28th February 2023.

Purpose of Report

To provide background to the Gypsy, Traveller and Travelling Showpeople DPD; to outline the contents of the Scoping, Issues and Options consultation document; to summarise the key findings of the GTAA Interim report; and to outline the reasons for undertaking a Call for Sites exercise.

The matters covered in this report are for decision.

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. That the Gypsy, Traveller and Travelling Showpeople Development Plan Document – scoping, issues and options (Regulation 18a) (**Appendix 1**) is agreed for a seven-week public consultation between 28th February and 17th April 2023.
2. That a targeted Call for Sites exercise takes place concurrent to the Regulation 18a consultation (**Appendices 4 and 5**).
3. That the Interim Local Plan Review Director be given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any minor corrections required.

Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) Consultation and Call for Sites exercise

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council’s ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2 [available alternatives].</p>	Phil Coyne (Interim Director for the Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the cross cutting objectives by delivering sustainable growth.</p>	Phil Coyne (Interim Director for the Local Plan Review)
Risk Management	<p>This is the first iteration of the Gypsy, Traveller and Travelling Showpeople DPD. There is a legal requirement to undertake engagement during the Regulation 18 stage of an emerging Development Plan Document.</p>	Phil Coyne (Interim Director for the Local Plan Review)
Financial	<p>The proposals of the Consultation as set out in the recommendation are all within already approved budgetary headings and so need no new funding. Any new funding requirements that come out of the consultation are currently unfunded and would need to form part of the</p>	Adrian Lovegrove - Head of Finance

	budget process to assess affordability.	
Staffing	We will deliver the recommendations with our current staffing.	Phil Coyne (Interim Director for the Local Plan Review)
Legal	Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004 and The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Council will also need to comply with the Local Development Scheme and the Statement of Community Involvement.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	There are no privacy and data protection implications as a result of this report.	Policy and Information Team
Equalities	Accepting the recommendations will ensure that an inclusive approach is taken to consultation on the DPD in line with the Statement of Community Involvement. It is important that the consultation process is accessible to all communities including seldom heard groups. A separate, equalities impact assessment will be undertaken for the DPD.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Phil Coyne (Interim Director for the Local Plan Review)
Crime and Disorder	There are no crime and disorder implications arising from this report.	Phil Coyne (Interim Director for the Local Plan Review)
Procurement	There are no procurement implications arising from this report.	Phil Coyne (Interim Director for the Local Plan Review)
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and align with the actions set out in the biodiversity and climate change action plan.	Biodiversity and Climate Change Manager

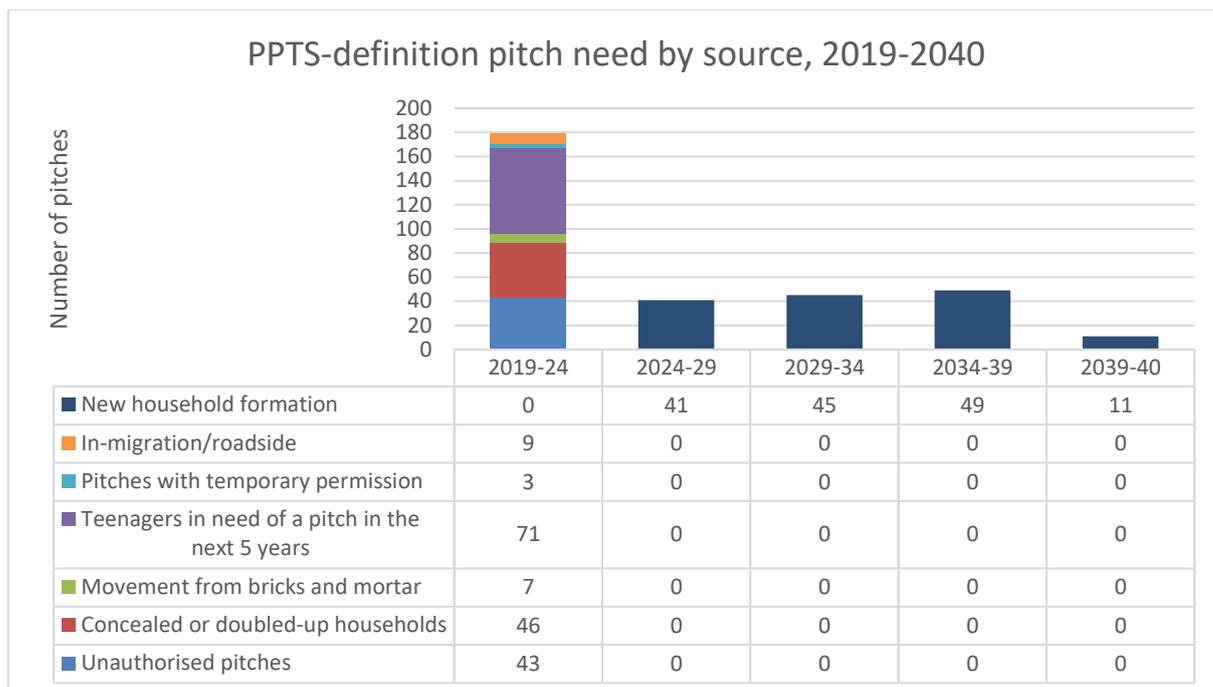
2. INTRODUCTION AND BACKGROUND

- 2.1 The Council has a statutory responsibility through the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) to assess and plan for the housing needs of all residents in the borough, including the Gypsy, Traveller and Travelling Showpeople communities.
- 2.2 Section 124 of the Housing and Planning Act 2016 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'*. The Council is therefore committed to meeting the housing needs of the Gypsy, Traveller and Travelling Showpeople communities within the Borough, in the same way as the housing needs of the settled community are planned for in the adopted Local Plan and emerging Local Plan Review.
- 2.3 At the November 2021 Strategic Planning and Infrastructure committee meeting, it was agreed that the Council would produce a standalone Gypsy, Traveller and Travelling Showpeople Development Plan Document (GT DPD). The reasons for separating this workstream from the wider Local Plan Review were outlined as follows:
- A new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) was commissioned as part of the Local Plan Review (LPR) evidence base, and survey work commenced to ascertain future needs, via a very experienced consultancy, Opinion Research Services (ORS). However, owing to nationally imposed lockdowns at the time, survey work and household interviews were suspended, and the GTAA delayed. What was evident from the work completed by consultants up to that point, was that the need for new pitches over the LPR plan period was likely to be significant.
 - As part of the Local Plan Review process, a Call for Sites exercise was undertaken in 2019, allowing the submission of sites for consideration as allocations for future development. However, only 11 sites were proposed specifically for Gypsy, Traveller or Travelling Showpeople accommodation.
- 2.4 The early indication of the likely significant need for new pitches, combined with the relatively minimal number of potential additional sites put forward in the initial Call for Sites exercise, led the Council to conclude that the needs of Gypsy, Traveller and Travelling Showpeople could be most appropriately and comprehensively addressed through a separate development plan. This approach allows the necessary time and focus dedicated to establishing the full needs of our communities and the ability to seek to meet those needs. Further, this approach allowed the wider Local Plan Review to continue to progress in line with the published Local Development Scheme (LDS).
- 2.5 The GT DPD is a policy document that will seek to define a spatial approach and, if necessary, allocate new sites to meet the identified needs of the gypsy, traveller and travelling showpeople communities in the borough. It is also proposed to contain development management policies specific to the

assessment of planning applications for gypsy, traveller and travelling showpeople accommodation. Once adopted, the policies in the GT DPD would supersede all 'saved' GT1 policies from the 2017 Local Plan that are also listed in Appendix 1 of the Local Plan Review.

Work to date – Interim GTAA report

- 2.6 In accordance with the LDS, and as agreed at the January 2022 Strategic Planning and Infrastructure committee, a further targeted Call for Sites exercise was undertaken between 1st February and 31st March 2022. The Council received 20 submissions, taking the total number of submissions over the two Call for Sites exercises to 31. Some of these sites were already occupied as GTTS sites, but without planning consent. These submissions are available to view on the Council's website, however no assessment of the sites is available at this stage.
- 2.7 Work on finalising the paused GTAA has now resumed, with the remaining survey fieldwork being undertaken by ORS. This part of the work is programmed for completion by March 2023, with the final GTAA and Pitch Deliverability Assessment (PDA) (discussed below) due for completion by mid-2023.
- 2.8 In the meantime, ORS have produced an Interim GTAA Report (January 2023) (see Appendix 3). This is based on the previous survey work which has been updated using ORS expertise, knowledge and trend-based assumptions. The interim GTAA includes indicative, but unadjusted future need figures for pitches (for gypsies and travellers) and plots (for travelling showpeople) over the period 2019-2040. It is appended to this report as **Appendix 3** and is intended to be published as an evidence base document alongside the Regulation 18a consultation document.
- 2.9 As set out in the NPPF and PPTS, the Council is only required to identify 'deliverable' sites to meet the pitch/plot needs of those who meet the PPTS definition and only for years 1 to 5 of the plan (the adjusted need). In years 6 to 10, 'developable' sites or broad locations for development are appropriate. Again, this is only for the needs arising from those who meet the PPTS definition. For needs arising from those who do not meet the PPTS definition, or where it is undetermined if they meet the PPTS definition, the plan should look to include suitable criteria-based policies for assessing applications through the development management process.
- 2.10 For Maidstone borough, the Interim GTAA report identifies that from the 288 households interviewed who meet the PPTS definition, there is a net need in this regard arising, at least in the order of 177 pitches and 2 plots over the five-year period 2019-2024 (see graph below). It is important to note that this should be considered the starting point upon which further, more detailed assessment is now required by the Council to determine the 5-year pitch/plot need from the base date of the plan, as opposed to the base date of the evidence. For example, there is also a need to account for what has already been permitted in the borough since 2019.



2.11 Whilst these figures are therefore still subject to change, including pending the further survey work, they provide a good indication of the overall need emerging from the ORS work.

2.12 It is apparent, and ORS have confirmed, that the vast majority of need is from those already living within the borough. In-migration accounts for a very small percentage of the overall total need.

2.13 The interim GTAA and its findings represent the starting point for the Council – an indication of the unadjusted likely need and an opportunity to begin the conversation with the wider community and interested stakeholders on how we might best seek to plan for the needs of the Gypsy, Traveller and Travelling Showpeople community.

Future work – Pitch Deliverability Assessment

2.14 As explained in paragraph 2.7, the final GTAA is expected in mid-2023. This will be accompanied by a Pitch Deliverability Assessment (PDA). The purpose of the PDA is to identify the levels of need that can be met on the borough’s existing sites through regularisation of some unconsented sites (which are currently leading to an element of double counting within the figures), the intensification or expansion of sites, or the reconfiguration of site layouts to achieve more effective utilisation. This exercise will be undertaken with a view to trying to minimise the need to identify additional new sites to meet overall need.

2.15 Among other things, the Regulation 18a consultation document seeks views on this approach to meeting identified needs.

Content and structure of the consultation document

- 2.16 The preparation of the DPD is an iterative process and possible options will be narrowed and refined in response to emerging information and evidence as work on the DPD progresses.
- 2.17 At this early scoping stage, the document does not draw conclusions on the way forward for any particular matter. Its content is focused on describing the background and context, signalling challenges and identifying possible options for addressing the matters raised. It invites feedback and suggestions on the scope, issues and proposed options. It does not prescribe what the DPD should conclude on a particular matter, nor does it identify any spatial approach or specific sites at this stage. Matters raised during the formal consultation stages, in addition to the focused input of specialist bodies, will all inform the future direction and content of the DPD and will be supported by a robust, proportionate evidence base.
- 2.18 The draft consultation document (**Appendix 1**) explains that there are a number of different ways to plan to meet identified needs. The Council may, as the DPD progresses, look to opt for a combination of approaches such as intensification, expansion or regularisation of existing sites; inclusion of criteria-based policies for windfall development; plus proposing some new site allocations. The Council may also, through duty to cooperate discussions, look to neighbouring authorities to help meet some of its need (see Duty to Cooperate section of this report).
- 2.19 The consultation document explains the purpose of the DPD and of the consultation. A series of questions are posed throughout the document which seek to draw out views on the following broad themes:
- Scope and aims of the DPD
 - Determining the borough's 'need'
 - Potential ways to meet identified need
 - Identification of potential sites
 - Assessment of potential sites
 - Scope and content of spatial thematic and development management policies
 - Approach to monitoring and review
- 2.20 A response form will be provided (**Appendix 2**). Respondents are free to answer as many or as few of the questions as they like. In addition, the consultation period will provide a further opportunity to submit sites for assessment and potential allocation for gypsy, traveller and travelling showpeople accommodation.
- 2.21 Following consultation on this Regulation 18a Scoping, Issues and Options Document, responses will be analysed and will feed into a further Regulation 18b Preferred Approaches Document. This will provide information on the spatial approach, potential draft site allocations and potential development management policies. It is expected that consultation on the preferred approaches will take place in February/March 2024, in line with the proposed latest Local Development Scheme (PI PAC 11th January 2023, Council 22nd February 2023).

Consultation

2.22 Regulation 18 engagement is a requirement under The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for which the local planning authority must notify specified persons or bodies regarding what the plan should contain. There is no legal consultation period for this stage of plan preparation. The Statement of Community Involvement ("SCI") however requires a minimum three-week consultation period. Notwithstanding this, and to ensure that we encourage responses, it is recommended that it remain open for a period of seven weeks (to account for the Easter holidays).

2.23 Public consultation is programmed to commence on 28th February 2023 and will run to 17th April 2023. Strategic Planning officers are working with the Council's Communications team to prepare the consultation and associated publicity. The Consultation will be undertaken in accordance with the SCI and the Council's Communications and Engagement Strategy.

2.24 The consultation arrangement will include:

- publication of consultation documents on MBC's website and on social media
- consultation documents available for viewing in libraries and The Link
- the creation [or use] of a consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and those persons included on the Council's Strategic Planning consultation database
- public notice in the local newspaper and supporting press release/s

Call for Sites

2.25 As set out in earlier in this report, it is proposed that the seven-week consultation period also provides a further opportunity for potential gypsy, traveller and travelling showpeople sites to be submitted to the Council for assessment. This affords the Council maximum potential to find suitable sites to meet need. The Call for Sites process, guidance note on making a submission and submission proforma are to be replicated from the previous exercise undertaken earlier last year, as approved at the January 2022 SPI meeting. They are attached as **Appendices 4 and 5** to this report.

Duty to Cooperate

2.26 As this is a local development document, there is a requirement to meet the Duty to Cooperate as set out in the S.33A of the Planning and Compulsory Purchase Act 2004 (as amended). At this stage the Council has regular ongoing Duty to Cooperate meetings with neighbouring authorities, the County Council and those prescribed bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is possible that the Council may need to look beyond its administrative boundaries and ask neighbouring authorities for assistance in meeting the borough's needs.

The Council will seek additional engagement with neighbouring authorities and prescribed bodies to fulfil this duty, as appropriate, and the process will follow the previously agreed protocol which was adopted as part of the Local Plan Review.

3. AVAILABLE OPTIONS

- 3.1 Option 1A: that the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation and Call for Sites exercise take place between 28th February 2023 and 17th April 2023.
 - 3.2 Option 1B: that subject to modifications, the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation and Call for Sites exercise take place between 28th February 2023 and 17th April 2023, .
 - 3.3 Option 1C: that neither the Maidstone Gypsy, Traveller and Travelling Showpeople DPD – Scoping, Issues and Options (Regulation 18a) consultation nor the Call for Sites exercise is conducted at this time.
 - 3.4 Option 2A: That the Interim Local Plan Review Director be given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.
 - 3.5 Option 2B: That the Interim Local Plan Review Director is not given delegated authority to finalise the format of Gypsy, Traveller and Travelling Showpeople DPD Scoping, Issues and Options Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1A is recommended, in order to ensure timely progression of the Gypsy & Traveller DPD and meet the requirements under the published Local Development Scheme. As the Local Planning Authority, the Council has a statutory duty to plan to meet all development needs in the borough. The decision has already been taken by this authority to address the needs of the Gypsy, Traveller and Travelling Showpeople community separately to the wider borough housing needs addressed through the ongoing Local Plan Review. This is the first formal step in that process and would ensure the Council's commitments to these matters was demonstrated.
 - 4.2 Option 2A is recommended. This will ensure that the DPD is of a satisfactory standard of presentation for public consultation.
-

5. RISK

- 5.1 The risks associated with these proposals, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. NEXT STEPS

- 6.1 The Lead Member on the Executive for Planning and Infrastructure will take the decisions set out in this report on the 20 February 2023, immediately following the Planning and Infrastructure Policy Advisory Committee meeting.
- 6.2 Subject to sign off by the Lead Member on the Executive for Planning and Infrastructure, consultation is programmed to commence on 28th February 2023 and will run to 17th April 2023.
-

7. REPORT APPENDICES

The following documents are to be published as part of the Regulation 18a public consultation exercise:

- **Appendix 1:** Gypsy, Traveller and Travelling Showpeople Development Plan Document – Scoping, Issues and Options (Regulation 18a)
- **Appendix 2:** Consultation Response Form

The following document is to be published as supporting evidence for the Regulation 18a consultation document:

- **Appendix 3:** Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) interim report, January 2023

The following documents are to be published as part of the Call for Sites exercise:

- **Appendix 4:** Guidance note on making a submission to the Call for Gypsy & Traveller Sites
- **Appendix 5:** Call for Sites submission form

Maidstone Borough Council

Gypsy, Traveller and Travelling Showpeople Plan

SCOPING, ISSUES AND OPTIONS CONSULTATION
DOCUMENT (Regulation 18a)

FEBRUARY 2023



DRAFT

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PART A: Context

1. Introduction

Maidstone Borough Council is committed to meeting the housing needs of the borough's Gypsy, Traveller and Travelling Showpeople communities (herein referred to as Gypsy and Traveller communities). To meet this need, the Council is in the process of developing a Development Plan Document (DPD). The aim of this DPD is to identify a suitable spatial approach and specific sites for accommodating Gypsies, Travellers and Travelling Showpeople in a sustainable way. This includes promoting an integrated co-existence between existing and future sites and the wider local community; balancing the needs of all communities whilst protecting the natural and built environment.

The intention of this consultation document is to inform statutory consultees, the public and relevant organisations of our intention to produce a DPD; the progress made so far and to consider what the DPD ought to contain (the scope). As part of this consultation, we are not proposing a spatial approach, nor identifying specific sites/pitches or including any policies, but are seeking views on the site identification and assessment processes, as well options to meet the identified accommodation needs across the borough. There is the opportunity to raise issues and suggest options as part of this consultation and to submit sites/pitches for consideration as

potential options for allocation at the next stage.

This is the first formal stage in the planning process (known as Regulation 18 consultation¹) and will help to inform the future Regulation 18 Preferred Approaches consultation document, which the Council hope to publish early in 2024. The DPD production timetable can be found in Appendix 1 of this document.

¹[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2012/2746/contents/part-1)

2. Why is the DPD needed?

National context

The Council has a responsibility through the **National Planning Policy Framework**² (NPPF) and legal requirements to assess and plan for the housing needs of all residents, including the Gypsy and Traveller community.

Section 124 of the **Housing and Planning Act 2016**³ 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'*.

The **Equality Act of 2010**⁴ provides protection from discrimination based upon, amongst other things, race. The courts have established that because of their ethnic group, Romany Gypsies and Irish Travellers are protected against race discrimination.

The national **Planning Policy for Traveller Sites**⁵ (PPTS) of 2015, sets out the process that must be followed in order to effectively assess and plan for meeting the needs of the gypsy, traveller and travelling showpeople communities. The guidance emphasises the need for local authorities to use evidence to plan positively and manage development. It also provides a formal definition of who is considered to be a 'Gypsy or Traveller' for

the purposes of planning and can be found in Appendix 2 of this document.

The PPTS⁶ states that the Council should:

- identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets;
- identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15 years;
- consider production of joint development plans that set targets on cross authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area;
- relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding populations size and density; and
- protect local amenity and environment.

² [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442622/National-Planning-Policy-Framework-Guidance-2019.pdf)

³ [Housing and Planning Act 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/29/section/124)

⁴ [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/15)

⁵ [Title \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/442622/Planning-Policy-for-Traveller-Sites-2015.pdf)

⁶ PPTS (215), paragraph 10

Traveller sites should be sustainable, both socially and environmentally⁷. Policies should therefore:

- promote peaceful and integrated co-existence between the site, and the local community;
- promote, in collaboration with commissioners of health services, access to appropriate health services;
- ensure that children can attend school on a regular basis;
- provide a settled base that reduces both the need for long distance travelling and possible environmental damage caused by unauthorised encampment;
- provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;
- avoid placing undue pressure on local infrastructure and services;
- avoid locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; and
- reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

When assessing the suitability of sites in rural or semi-rural settings, the Council should ensure that the scale of such sites does not dominate the nearest settled community⁸.

Further, the Council should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. The Council should consider the scope for identifying separate sites for residential and for business purposes in close proximity to one another if mixed sites are not practical⁹.

Local context

Maidstone Strategic Plan 2019-2045

The Strategic Plan underpins every action the Council takes. At its core is the vision for Maidstone by 2045 as *'a vibrant, prosperous urban and rural community at the heart of Kent where everyone can realise their potential'*.

The Maidstone Strategic Plan sets out the overarching priorities, outcomes and short-term actions to be given particular importance, to deliver the overall vision. In addition, it identifies four cross-cutting themes which are correlated to the short-term actions and, by extension, to the identified outcomes.

⁷ PPTS (2015), paragraph 13

⁸ PPTS (2015), paragraph 14

⁹ PPTS (2015), paragraph 18

Under the priority of embracing growth and enabling infrastructure, one of the key outcomes is that by 2045, housing need is met including affordable housing. This includes the need of both the settled and travelling community.

Maidstone Planning Framework

Once adopted, this DPD will contribute to the wider framework of plans and guidance documents which, combined, help to deliver planned, sustainable growth in the borough. The diagram below shows the planning framework in Maidstone and where this DPD would sit within this framework.

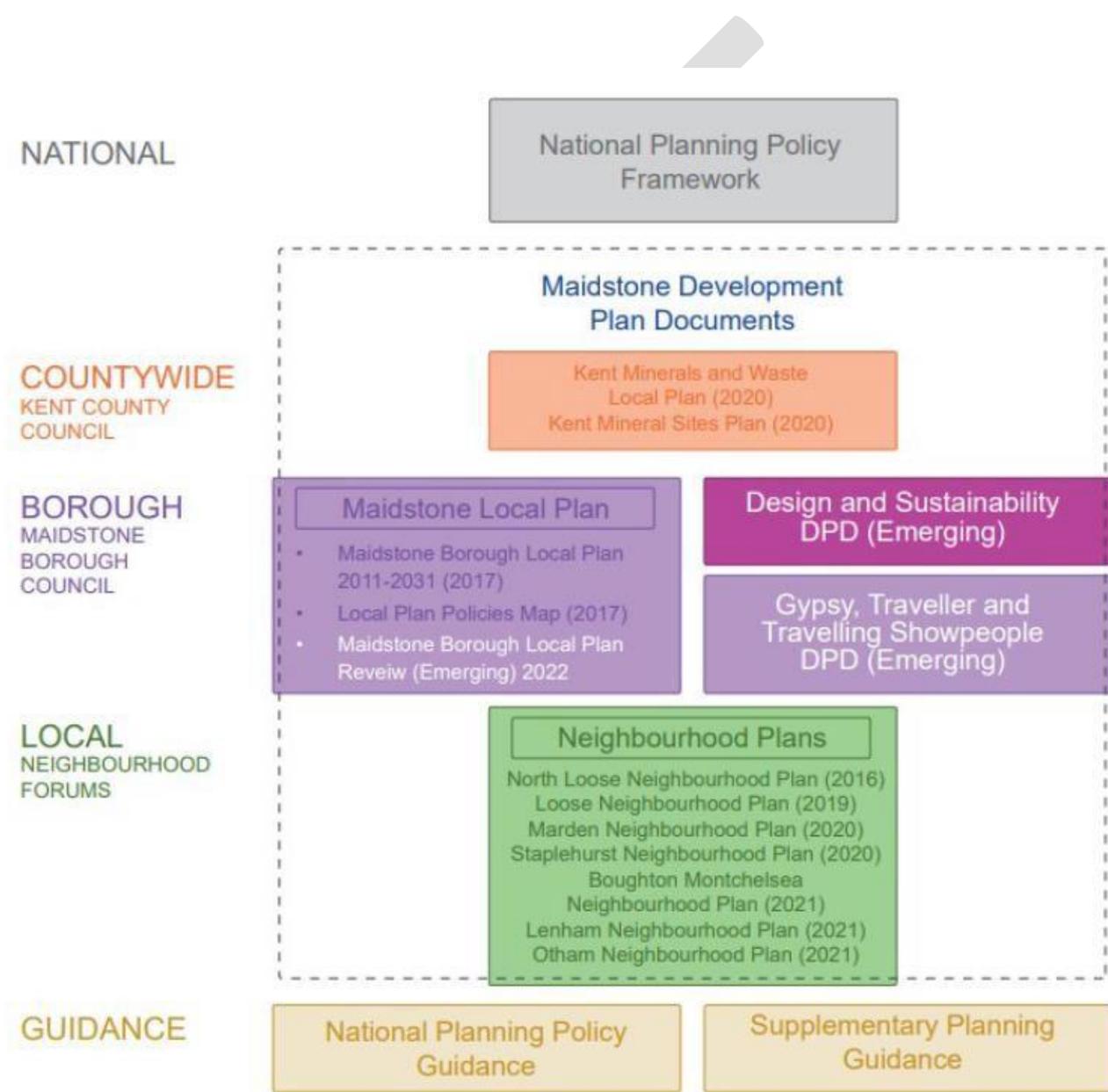


Figure 1: Planning Framework

Maidstone Development Plan

As shown in Figure 1, the Development Plan¹⁰ for Maidstone currently consists of the following:

- Maidstone Borough Local Plan 2011-2031
- Kent Minerals and Waste Local Plan 2013-20 as amended by early partial review (2020)
- Kent Mineral Sites Plan (2020)
- Seven Neighbourhood Plans

Emerging Development Plan Documents:

- *Local Plan Review (currently at examination in public, Regulation 24)*
- *Design and Sustainability DPD (Regulation 18 consultation October – December 2022)*
- *Gypsy, Traveller and Travelling Showpeople DPD (this document – Regulation 18a consultation)*

Maidstone Borough Local Plan 2017

The Maidstone Borough Local Plan¹¹ (MBLP) was adopted in 2017 and covers the plan period 2011 to 2031. It sets out the spatial approach for delivering planned growth over the plan period and includes site allocations and development management policies to guide proposals and ensure sustainable growth and development.

Among other things, it plans for the provision of 17,660 new dwellings, 187

gypsy and traveller pitches and 11 travelling showpeople plots.

MBLP includes strategic policy GT1 – Gypsy and Traveller site allocations; 16 detailed site allocation policies (GT1(1) to GT1(16)); and development management policy DM15 – Gypsy, Traveller and Travelling Showpeople Accommodation.

Local Plan Review

Maidstone Borough Council is in the advanced stages of a Local Plan Review¹² that will cover the period 2021 to 2038, with Stage 1 examination Inspector's interim report having been published in January 2023. Stage 2 hearings are programmed for May/June 2023.

The Local Plan Review does not include new strategic policies or site allocations specifically for Gypsies and Travellers, instead continuing to 'save' the 2017 Local Plan policies until this new DPD is adopted. The Local Plan Review does, however, include a proposed new development management policy LPRHOU8, that will be examined as part of the Stage 2 hearing sessions expected in 2023. The policy is criteria-based and can be used to assess applications for Gypsy and Traveller pitches and Travelling Showpeople plots on both allocated and non-allocated or 'windfall' sites.

The proposed policy is as follows:

¹⁰ [Adopted local plan and Associated Documents - MBC Local Plan \(maidstone.gov.uk\)](https://maidstone.gov.uk/data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf)

¹¹

https://maidstone.gov.uk/data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf

¹² [Local Plan Review - MBC Local Plan \(maidstone.gov.uk\)](https://maidstone.gov.uk)

Policy LPRHOU8

1. Planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will be granted if the site is allocated for that use and proposals comply with the site allocation criterion, or if the following criteria are met:

- i. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960) and the Caravan Sites Act (1968) ;
- ii. The planning definition of a Gypsy, Traveller or Travelling Showpeople, as set out in Planning Policy for Traveller sites (2015) is met;
- iii. Local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport;
- iv. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to:
 - a. Local landscape character;
 - b. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans;
 - c. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long-term retention;
 - d. Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development;
 - e. Prominent boundary treatments should be screened/softened by existing and/or proposed landscaping
- v. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis;
- vi. The site is not located in an area at risk from flooding (zones 3a and 3b) based on the latest information from the Environment Agency or a specific Flood Risk Assessment which has been agreed by the Environment Agency; and
- vii. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

2. In addition to the above criteria the following applies to Travelling Showpeople accommodation only:

- i. The site should be suitable for the storage and maintenance of show equipment and associated vehicles.

3. Applications for further ancillary development (including out buildings/dayrooms etc) on a Gypsy and Traveller and Travelling Showpeople site will be permitted if the following criteria are met:

- i. Criteria 1 (IV) (a-c) of this policy is met; and
- ii. The scale and form of any development respects its setting.

Figure 2: Local Plan Review policy LPRHOU8

PART B: Consultation

3. Community Involvement

Community involvement for this DPD will, as a minimum, follow what is set out in the Council's Statement of Community Involvement¹³ (SCI) 2020. The Council's SCI ensures that all sections of the community, including local voluntary and community groups and organisations, key stakeholders, Parish Councils, service providers, landowners, individuals and developers, are actively involved throughout the process of preparing Development Plan Documents. In the case of this DPD, it will be particularly important to involve Gypsies and Travellers, those groups which represent them, and members of the settled community likely to be affected by potential site allocations.

Q1 – ARE THERE KNOWN INDIVIDUALS OR GROUPS WHICH YOU RECOMMEND WE CONSULT WITH?

4. Duty to Cooperate

The Localism Act of 2011 and the NPPF requires that local authorities engage constructively and actively on an ongoing basis with other Local Planning Authorities and organisations. We recognise that close working and co-operation with neighbouring boroughs is essential to meet the needs of a traditionally mobile community. Collaborative working is central to the development of this plan. Regular duty to cooperate meetings with neighbouring planning authorities and other prescribed bodies are already established through the Local Plan Review

process. These will continue, with a focus on future DPD preparation, including this DPD. Through these meetings and the use of Statements of Common Ground where appropriate, the process of meaningful engagement on strategic cross boundary issues will be clearly set out. At submission, this DPD will be accompanied by a Compliance Statement setting out how the legal duty to cooperate has been met.

5. Supporting Evidence

A Gypsy and Traveller Accommodation Assessment (GTAA) is the key piece of evidence underpinning the DPD. It assesses the borough's current and future need for gypsy and traveller pitches and travelling showpeople plots. It expresses this need requirement according to the national policy definition¹⁴ and the wider cultural need.

A Sustainability Appraisal (SA) is an essential (statutory) part of the preparation of a DPD and the process of preparing the SA runs alongside the preparation of the DPD. It is designed to ensure that the plan preparation process maximises the contribution that a plan makes to sustainable development and minimises any potential adverse impacts. The SA process appraises the likely social, environmental and economic effects of the strategies and policies within a plan (in this case the Gypsy and Traveller DPD) from the outset of its development. Our SA incorporates Strategic Environmental Assessment (SEA) which is also a statutory assessment process. A Scoping Report will

¹³ [Statement-of-Community-Involvement-FINAL-amended.pdf \(maidstone.gov.uk\)](#)

¹⁴ Planning Policy for Traveller Sites (2015)

be undertaken and will be consulted upon alongside the Regulation 18b preferred approaches consultation document.

A Habitats Regulation Assessment (HRA)

is required under the EU Habitats Directive (92/43/EEC) for any proposed plan or project which may have a significant effect on one or more European sites, for example a Special Protection Areas (SPAs) or a Special Areas of Conservation (SACs). The purpose of the HRA scoping exercise is to determine whether or not significant effects are likely and suggest ways in which they could be avoided.

An **equality impact assessment (EqIA)** is a method that helps us to consider a policy in terms of how it might affect different groups of people protected in law (the Equality Act 2010). This helps to ensure our policies are fair for all people within the district. Whilst not a formal part of the SA or SEA process, we will carry out an EqIA of the DPD against all equality dimensions to enable us to identify and reduce the potential for discrimination and to promote equality and diversity of all kinds.

A **viability assessment** helps us to better understand whether or not the financial implications of complying with the proposed policy requirements will allow the majority of planned growth and development to come forwards in the plan period.

Q2 – IS THERE ANY ADDITIONAL SUPPORTING EVIDENCE REQUIRED AS PART OF THIS DPD PROCESS?

6. Scope

The Scope of the final DPD is to:

- identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople in the borough for at least 15 years from plan adoption¹⁵;
- set out the spatial approach, strategic thematic and detailed policies to guide the provision and development of gypsy, traveller and travelling show people accommodation in the borough; and
- identify suitable, available and achievable sites for Gypsies, Travellers and Travelling Showpeople accommodation to meet the identified needs of the Borough over the plan period.

Q3 – DO YOU AGREE WITH THE SCOPE OF THE DPD?

7. Aims

This DPD has the following overarching aims:

1. To establish the full level of need for pitches and plots in the borough over the plan period;
2. To set out a suitable spatial approach and associated strategic policies for meeting the identified need;
3. To identify suitable sites to meet the identified need over the plan period;

4. To provide criteria-based development management policies for assessing applications for gypsy and traveller sites, and travelling showpeople plots both on allocated sites and non-allocated or 'windfall' sites.

Q4 – DO YOU AGREE WITH THE AIMS OF THE DPD?

8. Content

Strategic policies

In accordance with the NPPF requirements, the DPD will need to clearly set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for accommodating the future needs of gypsies and travellers.

Any strategic policies will need to look ahead over a minimum 15-year period from plan adoption¹⁶. They should provide a clear and appropriate spatial approach for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period.

As the Local Plan Review does not include assessment of and provision for gypsies and travellers who do not meet the PPTS definition (the cultural need); this need should be addressed through this DPD (see Section 9 for further details).

Q5 – WHAT ARE THE STRATEGIC ISSUES THAT SHOULD BE ADDRESSED THROUGH STRATEGIC POLICIES?

Site allocation policies

In order to meet the future accommodation needs of the gypsy and traveller community, it is likely that some

new sites will need to be identified and 'allocated' in the DPD for future development. It is proposed that the DPD will contain site allocations. These would be identified on the Policies Map and accompanied by site specific allocation policies, setting out the requirements for developing the site.

Any site allocation policies in this DPD would supersede those site allocations in the 2017 Local Plan/'saved' in the Local Plan Review.

Q6 – WHAT SITE-SPECIFIC ISSUES SHOULD SITE ALLOCATION POLICIES SEEK TO ADDRESS?

Development Management policies

The Local Plan Review (LPR) includes a proposed new criteria-based development management policy (LPRHOU8), as is set out in Section A of this consultation document.

The criteria in the proposed overarching LPR policy will assist in the general determination of planning applications on both allocated and non-allocated or 'windfall' sites, for those who meet the PPTS definition. This LPR policy, subject to being found 'sound', could be reproduced within this DPD, for ease of reference. The LPR does not contain a similar criteria-base policy for assessing applications of those who do not meet the PPTS definition. This would need to be addressed through this DPD.

Further to policy LPRHOU8, this DPD provides an opportunity to include additional detailed design policies specific to the development of gypsy and traveller

¹⁶ NPPF paragraph 22

2023) and published as supporting evidence alongside this consultation.

‘PPTS’ and ‘Cultural’ need

The GTAA assesses and determines the need of both those residents who meet the planning definition of Gypsy and Travellers set out in Annex 1 of PPTS (see Appendix 2), and those who, whilst culturally defining themselves as Gypsy or Traveller, do not meet that current planning definition. This will give rise to a ‘PPTS Need’ figure and a ‘Cultural Need’ figure. The GTAA also assesses and determines the needs of travelling showpeople, expressing the future need requirement in terms of ‘plots’.

At this stage, the interim GTAA work (January 2023) – as published alongside this consultation document – indicates a gross need for the 606 pitches and 7 plots over the plan period to 2040, with no identified need for transit sites.

The need identified in the interim GTAA represent the starting point for the Council – from which further, more detailed work and wider engagement can begin.

	Pitches	Plots
PPTS need	325	5
Undetermined	132	2
Not visited	113	0
Cultural need²¹	36	0
TOTAL NEED	606	7

Table 1: Future need identified in Interim GTAA

For context, our neighbouring authorities’ pitch needs, as set out in their published GTAA assessments, range from 32 to 82 pitches, and 0 to 5 plots over the respective plan periods.

In terms of when this need is generated over the plan period, the Interim GTAA suggests that the most acute need is in the short term, between 2019-2024. This is primarily generated from three sources:

- 1) those currently on unauthorised pitches;
- 2) those in concealed or doubled-up households; and
- 3) those with teenagers who are likely to need their own pitches in the next 5 years.

Beyond 2024, the need is generated from new household formation (see Figure 3).

²¹ This includes those who ‘do not meet planning definition’. See Interim GTAA January 2023.

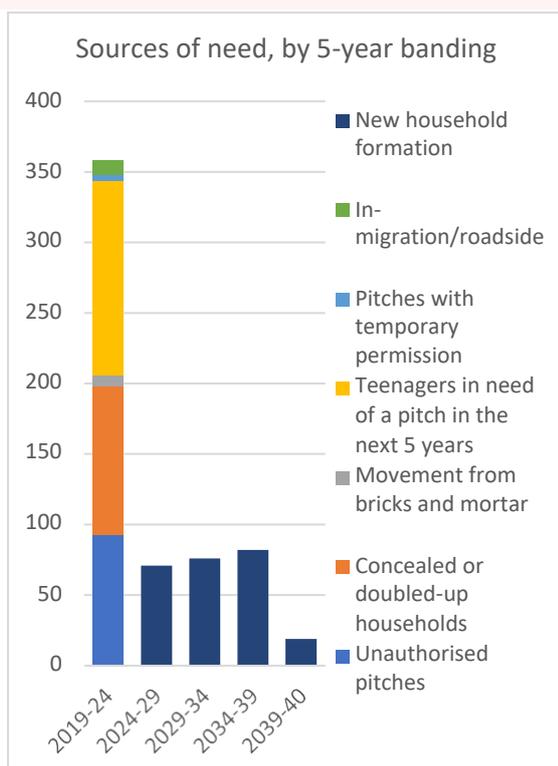


Figure 3: Sources of need, by 5-year banding

Meeting PPTS definition need

Under current guidance, the Council is only required to identify suitable sites to meet the accommodation needs of Gypsies and Travellers who meet the revised PPTS definition and not the full 'cultural need'. This would mean identifying enough land to provide 325 pitches over the plan period. 179 of those pitches should be 'deliverable' within the five-year period 2019-2024.

The base-date used to determine this need is 2019. Since then, the Council has permitted 106 permanent pitches across the borough. This adjusts the PPTS definition need for 'deliverable' pitches (2019-2024) to 73. Remaining available

pitches from site allocations in the adopted 2017 Local Plan plus the availability of pitches on the two public sites may further alter this need figure.

Meeting undetermined/not visited need

The Interim GTAA provides a pitch need figure from households where it was undetermined whether or not they met the PPTS definition, and also a pitch need figure from households that were not visited. It is likely that a proportion of need arising from these sources will meet the PPTS definition at the time of application. The interim GTAA indicates either 30%²² or 88%²³ of the need from these sources would likely meet the PPTS definition. The interim GTAA suggests this need could be met through a combination of site allocations and criteria-based policies (including LPRHOU8).

Meeting non-PPTS definition need

The housing needs of those not meeting the PPTS definition would require addressing through this DPD, as they are not specifically addressed in the Local Plan Review. The Council suggests that they could be addressed through criteria-based policies similar to LPRHOU8 and other wider housing policies in the DPD. Given the specific housing-type requirements of non-PPTS definition gypsies and travellers i.e. predominantly not bricks and mortar, the Council considers their needs are best addressed alongside those who do meet the planning definition.

²² Opinion Research Services (ORS) national average of Gypsies and Travellers that meet the planning definition

²³ Locally derived proportion of Gypsies and Travellers that met the planning definition

Further, a recent judgement²⁴ at the Court of Appeal concludes that the PPTS definition is in fact discriminatory and in breach of the Equality Act 2010. This may lead to a change in the PPTS definition in the future.

On this basis, the Council proposes to meet the identified 'cultural need' – possibly through a combination of allocations and criteria-based policies – thereby ensuring that all members of this community have their specific housing needs addressed through this DPD. Further, this ensures that obligations under the Equality Act have been met and provides a more robust position when assessing future planning applications.

This is the starting point for the Council. Following receipt of the final GTAA Report, further, more detailed work will be required to establish the level of need likely to require the identification of sites for future pitch provision, balanced against the future need that could be met through other means such as broad locations, natural pitch turnover and site coming forwards through windfall permissions.

Q8 – IS THERE ANY ADDITIONAL EVIDENCE ASSOCIATED WITH NEED THAT WE ARE UNAWARE OF THAT SHOULD BE TAKEN INTO CONSIDERATION?

Q9 – DO YOU AGREE WITH THE COUNCIL'S APPROACH TO SEEK TO MEET THE FULL CULTURAL NEED IDENTIFIED THROUGH THIS DPD?

10. How will sites be identified?

On the basis of the indicative high needs published in the interim GTAA report (December 2022), the Council will endeavour to undertake a comprehensive and proactive approach to identifying potential sites (the term 'sites' includes gypsy and traveller sites and travelling showpeople 'plots'). The following methods of site identification are considered appropriate:

- sites put forward as part of the Council's Local Plan Review call for sites exercise in 2019;
- sites put forward as part of a targeted Gypsy and Traveller Call for sites exercise in 2022;
- a further Call for Sites exercise alongside this Regulation 18 consultation;
- a comprehensive review of known Council and public owned sites;
- a review of all known existing sites in the borough;
- Pitch Deliverability Assessment of all suitable sites to identify opportunities for intensification, expansion or regularisation; and
- discussions with neighbouring local authorities under the duty to cooperate.

Q10 – ARE THERE ANY OTHER METHODS OF SITE IDENTIFICATION THAT THE COUNCIL SHOULD CONSIDER?

²⁴ [Microsoft Word - Smith judgment 31 October 2022.docx \(gypsy-traveller.org\)](#)

11. How will sites be assessed?

The draft process for the assessment of sites is shown below.

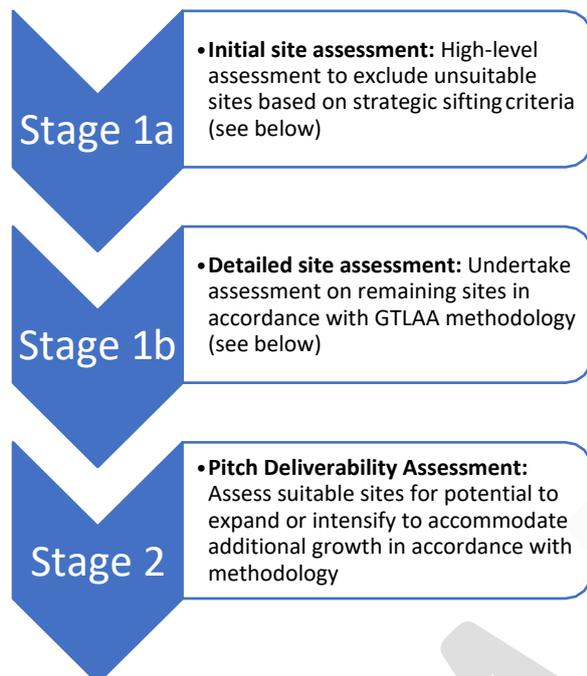


Figure 4: Site assessment process

Q12 – HAVE WE USED THE CORRECT SIFTING CRITERIA TO ASSESS THE POTENTIAL SITES? IF NOT, WHAT CRITERIA SHOULD BE USED?

Q11 – IS THE PROPOSED ASSESSMENT PORCESS SUITABLE? IF NOT, WHAT ALTERNATIVE METHOD COULD BE USED?

Stage 1a: initial site assessment

This first stage would be a high level 'sifting exercise' where sites would be assessed against a set of exclusion criteria. The sites that remain after this initial sift would then be subject to a more detailed assessment against the same criteria used in the Strategic Land Availability Assessment (SLAA) as part of the Local Plan Review. This would ensure a consistent approach to plan making across all land use types.

The proposed sifting criteria for the initial assessment of sites as part of the Gypsy and Traveller Land Availability Assessment can be found in the following diagram.



Figure 5: Initial site assessment criteria

Stage 1b: detailed assessment

The proposed criteria for the second stage detailed assessment of sites as part of the Gypsy and Traveller Land Availability Assessment can be found in the table below. To ensure consistency in approach, they are aligned with the criteria used to assess sites for the Local Plan Review.

Access to the highways network, public transport, services, and utilities

To help inform the assessment of suitability and achievability of sites, Kent County Council (KCC), as the local Highway Authority, will provide advice on the suitability and achievability of sites from a transport perspective. This advice will take account of recognised technical guidance, including the Manual for Streets, the Design Manual for Roads and Bridges and the Kent Design Guide.

In order for a site to be recommended as being potentially suitable for inclusion in the Plan, a site is required to achieve specific criteria relating to access and sustainability. These recommendations serve only to identify potential viability from a transport perspective and are not necessarily indicative of KCC's final position on any proposal.

The criteria for access to the highways network requires that a site must have:

- An existing access of the requisite width, visibility and radius **and** a road connection of suitable width to the primary route network*

OR

- the land control necessary to provide an access of the requisite width, visibility and radius **and** a road connection of suitable width to the primary route network*

OR

- the scope to achieve such land control through collaboration with other adjacent or nearby sites.

There are three sets of criteria relating to sustainability from a transport perspective. These are:

1. The whole site must be within 400m actual walking distance (via the footway network) of a bus stop or railway station providing 2 or more services per hour.
2. The whole site must be within 800m walking distance (via the footway network) of a convenience store, a primary school and a GP surgery.
3. The whole site must be within 30 minutes door to door public transport time of a GP, a primary school, a secondary school, an employment area and a major retail centre. The whole site must also be within 60 minutes door to door public transport time of a Hospital. ** Access from the site to the required public transport services must be available via the footway network.

In order to be considered as suitable, on sustainability grounds, a site must:

- Achieve completely at least one of these three sets of criteria.

OR

- have the potential to achieve completely at least one of these three sets of criteria through improvements that are proportionate to the scale of the development. ***

OR

- have the potential to achieve all criteria within at least one of these sets through mitigation measures involving collaboration with other adjacent or nearby sites.

If a site does not meet the criteria associated with both access and sustainability, it is to be recommended as unsuitable on transport related grounds.

A site that meets the criteria will be taken forward for further review, including a cumulative assessment of impact on highway network capacity.

Notes

* Within the recommendations provided, the term “suitable access” is used as shorthand for the requirements within this criterion.

** This timeframe is intended to reflect the longer journey times usually associated with travel to hospitals, thereby providing a more representative basis for assessment.

*** This is based on a review of the potential costs and complexity of the improvements, set against the scale of the development. Larger sites are typically assumed to offer scope for more substantive improvements.

Proximity to Ancient Woodland

Sites entirely within Ancient Woodland are to be excluded at Stage 1a. Sites adjacent to ancient woodland are to include a 15-metre buffer, which is to be deducted from the site area – in accordance with Natural England Statutory Guidance.

Areas of Outstanding Natural Beauty and Green Belt

Sites within the AONB and Green Belt are to be excluded at Stage 1a. The NPPF states that sites outside the Green Belt and AONB should be identified for growth prior to those inside, and as such at this point the Council is not considering sites within the AONB as being suitable for allocation in the LPR.
This position may need reviewing if, after identification and assessment of sites, the needs cannot be met.

MLB Landscapes of Local Value & Landscape Capacity

LLVs are set out in policy SP17 (The Countryside) as being suitable for conservation and enhancement due to their distinctive character. While LLV status is a factor in how a site should be designed/ developed, it does not “in principle” preclude development of a site. How a site should be designed to complement the landscape features of the LLV will be addressed at detailed design stage.

DRAFT

Each site is to be assessed using the conclusions in the Landscape Character Assessment (2012). This document reviews the borough (outside of the existing Maidstone urban envelope) and identifies its landscape character, condition, sensitivity, and capacity for change. This information should then be used to inform the design of developments across the borough. This approach primarily provides context for the potential design of a site, rather than considering its suitability for allocation.

There are particular circumstances in which landscape is a primary reason for a site being considered unsuitable. Examples of this are:

- Creating coalescence of two (or more) settlements;
- A site would unacceptably distort a settlement envelope within a particularly sensitive landscape context.

Where this is the case a justification of the deduction to the site area or unsuitability of the site would be recommended.

Sites of Special Scientific Interest, Local Nature Reserves, Local Wildlife Sites, Special Areas of Conservations, Hedgerows, Ecology (including ponds)

KCC Ecology are to conduct a high-level assessment of each site submitted in the Call for Sites. The assessment is to contain a high-level review of available desk-top information (including aerial photographs (1990 – 2018), Kent Habitat Survey 2012 data and designated sites), and would not present a definitive conclusion of the ecological importance of a site and any protected/notable species present.

KCC advise that most of the sites will likely require preliminary ecological appraisal as a minimum and some will require specific protected species surveys to ensure that all relevant material considerations can be addressed in the determination of applications. Ecological assessments will also support applicants in identify opportunities for ecological enhancements that will support Maidstone Borough Council in meeting the principles of the NPPF.

The commentary will only assess the biodiversity likely to be present on site and generally would not provide advice regarding strategic issues or in-combination impacts.

Impacts on the designated sties

KCC ecology will highlight which sites are adjacent to a designated site and therefore likely to have a negative impact individually on the designated sites – but it must be stressed that all sites in combination risk having a negative impact on the designated sites within Kent.

Protected/Notable Species

Protected/notable species which may be found within the site will be identified, but will not be limited to those which are listed - the species to be listed are those which are most likely to be found based on habitats present within the site.

Ecological scoping surveys, which will need to be carried out on most sites, will highlight what species are expected to be found and highlight which specific species surveys will be required.

KCC highlight that even sites which have been assessed as a category 4 may be utilised by protected species. There may not be optimum habitat within the site, but it may be used by species which are foraging/commuting through the site. All ecological surveys and details of any mitigation must be submitted with any planning application to ensure that all relevant material considerations are addressed when Maidstone Borough Council are determining the planning application. Each site is to be considered individually but the impacts on the sites may be larger if there are a number of proposed developments within the surrounding/immediate area.

Habitats

Habitats descriptions which have a higher potential of containing protected/notable species – Rough grassland, mature hedgerows, mature/veteran trees, ponds, scrub and calcareous/acidic/neutral grassland.

Habitat descriptions which have a lower potential of contain protected/notable species: grassland (implies regularly mown, cut or grazed), arable and hard standing. Although species such as ground nesting birds can still be found within grassland/arable fields.

Potential impact on heritage assets such as Conservation Areas, Listed buildings, and areas of Archaeological potential

Site assessments will be predominantly undertaken by means of desktop research, aerial photos and the use of Google Streetview.

Historic England Advice Note 3 (The Historic Environment and Site Allocations in Local Plans, 2015) has been consulted. The guidance provides a best-practice Site Selection Methodology.

A preliminary archaeological assessment is to be undertaken primarily from readily available resources held by the Kent County Council Historic Environment Record, including early OS maps, aerial photographs and British Geological Society data. It would not a detailed appraisal but would merely provide a broad initial view on the sensitivity of the archaeological resource and the way in which this should be approached for each of the options. The sensitivity of particular sites may change following more detailed

<p>appraisal and in light of new information. The process of assessment will be reviewed and refined as necessary, the Plan progresses.</p>
<p>The presence of TPOs & Veteran Trees</p>
<p>Tree Preservation Orders are to be identified using GIS, with the presence of veteran trees to be identified by officers on site visits. Where this is identified as a constraint on a site, the canopy to be preserved is to be identified, and that area of the site to be removed from the developable area.</p>
<p>Air Quality Management Area</p>
<p>Where sites are within Maidstone’s AQMA this is to be identified. This does not automatically preclude the site from inclusion in the plan.</p>
<p>Flood Risk</p>
<p>Land that is in flood zone 3A and 3B proposed for residential and zone 3B for economic development is to be excluded at Stage 1a. Where sites are within flood zones 2 or 3 this is identified. A separate SFRA may be carried out to test the suitability of sites with an element of flood risk to be included within the Plan. Where appropriate land may be set aside to manage flood risk.</p>
<p>Drainage matters</p>
<p>KCC Drainage are to provide comments on the likely drainage risks affecting sites. This includes reference to current sewer access, open watercourse issues, flood risk, source protection zone, ground formation, permeability of bedrock, and surface water discharge.</p>
<p>Contamination/ pollution</p>
<p>Existing contamination issues are to be identified through GIS analysis. The identification of contamination does not automatically preclude a site from being developed.</p>
<p>Land stability</p>
<p>Unless issues around a site’s land stability are already known to the site promoter at the time of submission, this is something only expected to become apparent at the assessment of a planning application. A site cannot therefore be reasonably ruled in or out of the assessment process based on this criterion at this stage.</p>
<p>Public Rights of Way</p>
<p>Where a Public Right of Way has been identified on a site, it will need to be re-provided and enhanced through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.</p>
<p>Utilities (underground)</p>
<p>Where utilities infrastructure is identified on a site these will need to be managed through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.</p>
<p>Pylons</p>
<p>Where high voltage electricity pylons are identified on a site these will need to be managed through the development of the site. It could result in a loss of developable land; this will be identified at the detailed planning stage of design.</p>

Neighbour/ residential amenity

Sites are to be assessed as to whether they have a sensitive and/or potentially loud or otherwise unsuitable use in close proximity.

Where a sensitive use, for example a school or neighbouring dwelling is present, design consideration will need to be given to ensuring the existing neighbouring use remains viable and/or amenity is not significantly impacted.

Q13 – HAVE WE USED THE CORRECT DETAILED ASSESSMENT CRITERIA TO ASSESS THE POTENTIAL SITES? IF NOT, WHAT CRITERIA SHOULD BE USED?

Stage 2: Pitch Deliverability Assessment

The next stage in the proposed methodology is to undertake a Pitch Deliverability Assessment (PDA). The purpose of the PDA is to identify the levels of need that can be met on sites through potential regularisation of planning consent, through potential intensification or expansion of sites, or through potential reconfiguration of site layouts. This exercise would be undertaken with a view to trying to minimise the need to identify additional new sites to meet overall need.

The Council proposes to work with specialist consultants to complete a detailed pitch deliverability matrix for those sites that are agreed as being suitable. The Consultant would then contact site owners to determine if they are/would be able to deliver additional pitches through potential intensification, expansion and/or regularisation.

Q14 – DO YOU AGREE WITH THE USE OF A PITCH DELIVERABILITY ASSESSMENT TO SEEK TO MEET SOME/ALL IDENTIFIED NEEDS ON SUITABLE EXISTING SITES?

12. What if enough sites cannot be identified?

A number of sites have been submitted as part of the two Call for Sites exercises in 2019 and 2022. Based on the proposed high-level initial sifting exercise, some of those sites potentially may not make it through to stage 2 detailed assessment stage. As such, it is important to consider (at this early stage of the preparation of the DPD), what the options are if not enough suitable, available sites can be found.

Under the Duty to Cooperate, the council will approach the neighbouring Local Planning Authorities to discuss the borough's accommodation needs and whether the authorities have any capacity to accommodate some of that need within their area, should the Council be unable to within the borough's boundary.

Q15 – ARE THERE ANY OTHER OPTIONS THAT THE COUNCIL SHOULD CONSIDER TO FIND SUITABLE, AVAILABLE AND DELIVERABLE SITES?

13. Call for sites 2023

A 'call for sites' is an opportunity for developers, landowners and other interested parties to put forward sites for development within Maidstone Borough that they believe are suitable for development.

We are seeking suggestions from landowners and other interested parties for sites to assist with the preparation of our Gypsy and Traveller DPD.

If you would like to submit a site for consideration as part of this plan-making process, please refer to the Guidance Note and complete our call for sites submission form – both of which can be found in Appendix 3 of this document. Be sure to attach a clear map which shows the precise boundaries of the site and details of site ownership.

The deadline for the submission of sites is **17th April 2023**.

Q16 – DO YOU OWN OR KNOW OF ANY SUITABLE SITES WHICH ARE AVAILABLE TO HELP MEET THE COUNCIL'S FUTURE NEED FOR GYPSIES AND TRAVELLERS?

14. Monitoring and Review

An effective and proportionate monitoring framework is essential to ensure that the DPD delivers the required development, in the right place and at the right time. Monitoring not only demonstrates progress made against the plan, but also highlights any areas where the plans effectiveness is at risk, enabling correcting action to be implemented in good time.

Through the Authority's Monitoring Report (AMR), the Council reports on the following monitoring indicators:

M27: annual delivery of permanent pitches/plots (allocated and unidentified sites).

M28: Delivery of permanent pitches on allocated sites.

M29: Five-year supply position. (This sets out the future supply of pitches inclusive of a 5% buffer (bought forwards from the end of the plan period), in line with the current NPPF requirements for general housing).

M30: Number of caravans recorded in the bi-annual caravan count.

Q17 – ARE THE MONITORING INDICATORS SUITABLE AND SUFFICIENT?

15. Next Steps

After the closing date to this consultation, we will collate and review all of the comments received which will then inform the next stage of the plan. Any sites put forward as part of the 'call for sites' will be considered if they are suitable and available against the agreed criteria.

Once the period of consultation on this document has been undertaken, the responses received will be taken into account in the next stage of plan preparation. In early 2024 we intend to publish our Regulation 18 Preferred Approaches. The next stage is then the production of the Draft Submission version of the DPD (Regulation 19).

As a result of public consultation carried out on the Draft Submission Document, modifications may be agreed and these are notified to the Secretary of State when the DPD is submitted for approval. If, as a result of the representations received, it becomes apparent that significant changes are needed, the Council will make appropriate amendments. A period of consultation on the amendments could then be necessary prior to the document being submitted to the Secretary of State for approval.

The draft DPD, the Sustainability Appraisal and any representations made will then be submitted to the Secretary of State, after which will be an 'Examination in Public'. The Council will need to explain how any issues raised by objectors have been addressed. Matters raised by the

DPD and particularly those to which objections have been made, are then discussed at an Examination in Public, which is a hearing chaired by a Planning Inspector acting on behalf of the Secretary of State.

Subject to being found 'sound' by the Inspector the DPD will be formally 'adopted' and made part of the Development Plan for the Borough.

Appendix 1

Maidstone Gypsy and Traveller Development Plan Document Timetable

	2022												2023												2024												2025											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Gypsy and Traveller DPD																																																

- Key
- Evidence gathering and stakeholder engagement
 - Call for Sites Exercise
 - Regulation 18a Scoping Consultation
 - Regulation 18b - Preferred Approaches Consultation
 - Regulation 19 Consultation
 - Submission (Regulation 22)
 - Examination (Regulation 24)
 - Main Modification Consultation
 - Plan and associated documents to Full Council

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Appendix 2

Definitions of Gypsies and Traveller and Travelling Showpeople

1. For the purposes of this planning policy “gypsies and travellers” means: 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.

2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- 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.

3. For the purposes of this planning policy, “travelling showpeople” means: Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

4. For the purposes of this planning policy, “travellers” means “gypsies and travellers” and “travelling showpeople” as defined above.

5. For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment.

Appendix 3

Call for Sites – Guidance on site submissions (2023)

In order for submissions to be considered fully, they should be submitted on the Call for Sites submission form, having regard to this guidance. **One form should be completed for each site put forward. Please ensure you include a map (preferably on an OS base and at 1:1250 scale) outlining the exact boundaries of the whole site and distinguishing the part(s) that you consider suitable for development.**

The form is available to download: <https://localplan.maidstone.gov.uk/home/local-plan-review>

Site size threshold: Sites must be capable of delivering 1 or more pitch; there is no minimum threshold in terms of site area.

Supporting Studies: You are strongly encouraged to submit relevant technical reports, akin to what might be required at outline planning application stage, in support of your submission. The studies should focus on the high-level impacts of the site's development (based on an indicative scheme) and identify what measures will be put in place to address those impacts. The following are likely to be particularly relevant:

- **Transport Assessment**

Previous experience has shown that the impact of proposed developments on the existing highways network can often be the critical consideration.

For larger schemes where a Transport Assessment (TA) is required it is important to show that the cumulative impact of developments is transparently considered in the submission. This will normally involve, at least, localised modelling of impacts (particularly junctions) on a cumulative basis and the commensurate mitigation should the cumulative impact be above the design capacity of the network. Mitigation may well be a combination of capacity improvements (capable of passing the safety audits) and delivering robust sustainable transport.

For smaller sites of up to 100 dwellings a Transport Statement (TS) would provide the appropriate level of detail.

All TS/TA reports should be prepared in accordance with the planning practice guidance on 'Travel Plans, Transport Assessments and Statements' (March 2014, Ministry of Housing, Communities and Local Government). Consideration must be given to whether a suitable and safe access can be created with the public highway (including additional

emergency/secondary access points for larger sites in accordance with Manual for Streets and Kent Design Guide) in addition to investigation of road safety implications, accessibility to sustainable transport infrastructure and services and, particularly importantly, network capacity impacts.

Site promoters are encouraged to seek advice from the Highway Authority. A pre-application charge will apply for a formal written response (see link below).

<https://www.kent.gov.uk/waste-planning-and-land/planning-applications/planning-advice/highway-pre-application-advice>

•Landscape & Visual Impact Assessment

A landscape and visual appraisal should be submitted in all cases where sites are in, or adjacent to, sensitive landscapes (land with an international, national, regional or local designation). In other cases, submissions should include an assessment of viewpoints.

The reports should focus on a baseline study and identification of constraints and opportunities with an appraisal of direct and indirect landscape and visual effects and consider the potential for mitigation and enhancement. Visual assessments should establish where the site is visible from, who the receptors are, and the nature of those views and visual amenity.

The scope and content will vary on a case by case basis but should broadly comply with the principles of the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA 3).

Other assessments which may be relevant according to the specific characteristics of the site and/or the use proposed are:

•Minerals Assessment

A site within a Minerals Safeguarding Area which has the potential to sterilise the mineral shall be accompanied by a Minerals Assessment (unless it is covered by one of the exceptions in Policy DM 7 (as amended) of the Kent Minerals and Waste Local Plan 2013-30). Further information on the scope and content can be found in the Minerals and Waste Safeguarding Supplementary Planning Document which is available here:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1> .

Proposals which would adversely affect the continued lawful operation of minerals management, transportation and production facilities and waste management facilities are also covered (see Policy DM8 of the KMWLP).

•**Town centre uses**

Sequential and impact assessments in accordance with the National Planning Policy Framework

•**Air Quality Impact Assessment**

•**Flood Risk Assessment**

•**Phase 1 habitat survey**

•**Tree survey**

Note on availability: It is important that the submission includes confirmation from the landowner (or the person in legal control of the site) that the site will be available for the development being proposed. This is key to demonstrating that the site is genuinely available.

Addressing barriers to development: Those submitting sites should take a pro-active approach to identifying possible barriers to the successful development of their site and how these can and will be addressed in conjunction with their proposal.

Please submit your site form, plan and supporting information by **17th April 2023**:

By email: ldf@maidstone.gov.uk

By post: Strategic Planning – GTTS Call for Sites
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

SUBMISSION FORM (2023)

Internal use only:

Site reference:

Respondent id:

Section 1: Contact details

1. Name		
2. Organisation		
3. Address		
4. Telephone no.		
5. Email address		
6. Your status (please tick <input checked="" type="checkbox"/> all that apply)	Land Owner	
	Planning consultant	
	Land agent	
	Registered Social Landlord	
	Developer	
	Other (please specify)	

If you are representing another person, please provide their name, address and contact details:

7. Name		
8. Organisation		
9. Address		
10. Telephone no.		
11. Email address		
12. Their status (please tick <input checked="" type="checkbox"/> all that apply)	Land Owner	
	Planning consultant	

	Land agent	
	Registered Social Landlord	
	Developer	
	Other (please specify below)	
13. Do you have the landowner's permission to submit this site?		

- 14. If you are not the landowner, or are not working on behalf of the landowner, or the site is in multiple ownerships then please provide the name, address and contact details of the landowner(s):**

Section 2: Site details

15.Site name		
16.Site address		
17.Grid reference (Easting/Northing)		
18.Site area (ha)		
19.Description of site characteristics (e.g existing buildings, points of access, boundaries)		
20.Current land use		
21.Is the site brownfield / greenfield		
22.Relevant planning history (please quote planning application references)		
23.What uses is the site being promoted for: (please tick <input checked="" type="checkbox"/> all that apply and for mixed use sites, give the percentage for each use)	Gypsy and Traveller pitches	
	Travelling Showpeople plots	
	Gypsy and Traveller pitches (transit)	
	Travelling Showpeople plots (transit)	
<p>Please attach a map (preferably on an ordnance survey base and at 1:1250 scale) outlining the exact boundaries of the whole site and the part(s) that may be suitable for development.</p>		

Section 3: Suitability

<p>24. Accessibility (please tick <input checked="" type="checkbox"/> all that apply and provide known details)</p>	<p>Access (e.g. where does the site have access to the highway and what is the access)</p>	
	<p>Public Transport (type and proximity)</p>	
	<p>Services (e.g. education, health, shops)</p>	
	<p>Utilities (e.g. gas, electric, water, sewage, broadband)</p>	
	<p>Other (please specify below)</p>	
<p>25. Policy constraints (Please tick <input checked="" type="checkbox"/> all that apply and provide details)</p>	<p>Area of Outstanding Natural Beauty</p>	
	<p>Ancient Woodland</p>	
	<p>Sites of Special Scientific Interest</p>	
	<p>Green Belt</p>	

	MBLP Landscapes of Local Value (Policy SP17)	
	Local Nature Reserves	
	Local Wildlife Sites	
	Special Area of Conservation	
	Heritage (<i>e.g. Conservation Area, Listed buildings</i>)	
	Archaeology	
	Tree Preservation Order(s) / Veteran Trees	
	Air Quality Management Area	
	Other (please specify below)	
26. Tangible and infrastructure constraints (please tick <input checked="" type="checkbox"/> all that apply and provide details)	Flood risk	
	Drainage	
	Contamination /pollution	

	Land stability	
	Public Rights of Way	
	Utilities (underground)	
	Pylons	
	Hedgerows	
	Ecology (including ponds)	
	Neighbour/residential amenity	
	Other (please specify below)	
27. Please provide details on how identified constraints will be overcome (e.g. through mitigation) Please attach studies as separate documents to this form		

Section 4: Availability

<p>28. Is the site available for development now?</p>	
<p>29.If not, when will the site be available? (please specify year)</p>	
<p>30.What do you estimate the amount of development on the site to be? (please specify)</p>	
<p>31.When do you anticipate commencement on the site and completions? If completions are spread over a number of years please state the yield per year.</p>	<p>Commencement:</p> <p>Completions:</p>
<p>32.Is there a developer interested in the site? (please state name of the developer and the nature of interest)</p>	
<p>33. Are there any legal constraints on the site that may impede development? (please specify e.g. restrictive covenants, ransom strips)</p>	

Section 5: Achievability

34. Would the development be new build, involve a conversion or both?	
35. Would the development provide affordable housing? (Please state types)	
36. Are you aware of any exceptional issues that may affect site viability? (please specify)	
37. What, if any measures may be required to make the site viable for the development proposed?	

Section 6: Additional Information

This section of the submission form should be used to provide any other information in support of your site.

Maidstone Borough Council

Gypsy, Traveller and Travelling Showpeople Plan

**SCOPING, ISSUES AND OPTIONS CONSULTATION
RESPONSE FORM (Regulation 18a)**

FEBRUARY 2023



GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE PLAN: SCOPING, ISSUES & OPTIONS

Response form

***Name:**

Organisation (optional):

Client (optional):

***Address:**

Email:

*Please note: we are unable to consider your comments unless these details are fully completed.

How should I complete the form?

You do not need to answer every question; just answer the ones which are most relevant to you. You can complete it on line (<https://maidstone-consult.objective.co.uk/portal/>) or by printing or downloading this form.

Who should I send it to?

Please return your completed form to Strategic Planning, Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

OR email to ldf@maidstone.gov.uk.

Responses must be received by 5pm on Monday 17th April 2023.

How will you use my data?

All consultation comments will be made publicly available on the consultation portal (<https://maidstone-consult.objective.co.uk/portal/>) in due course. This is so that interested parties can view all the responses that have been received. Published information will include the comment and respondent name. All demographic and contact data will be removed. All data is processed in accordance with the Data Protection Act 2018. The consultation responses will be used to inform the next stages of the DPD.



Community Involvement and Supporting Evidence

1. Are there known individuals or groups which you recommend we consult with?

Empty response area for question 1.

2. Is there any additional supporting evidence required as part of this DPD process?

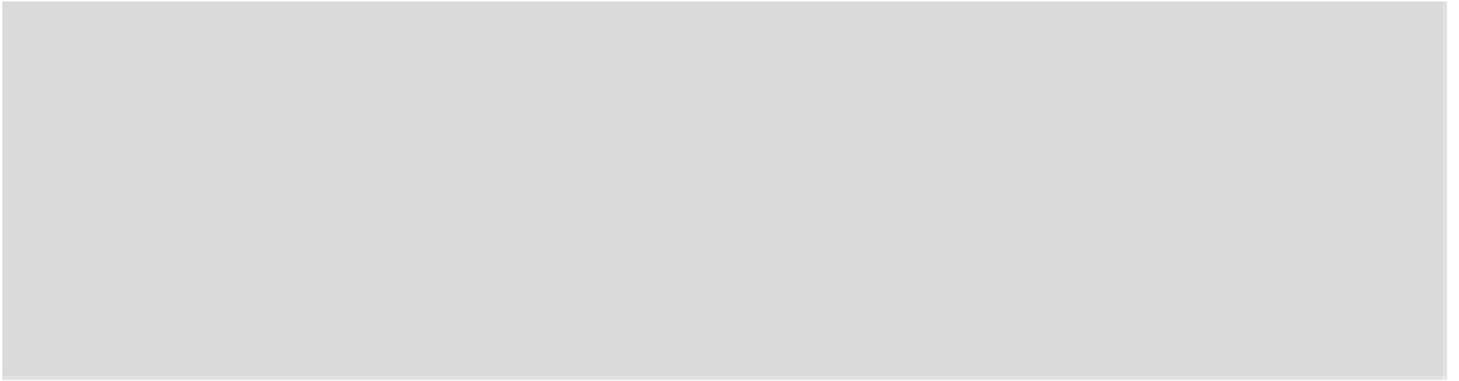
Empty response area for question 2.

Scope, Aims and Content

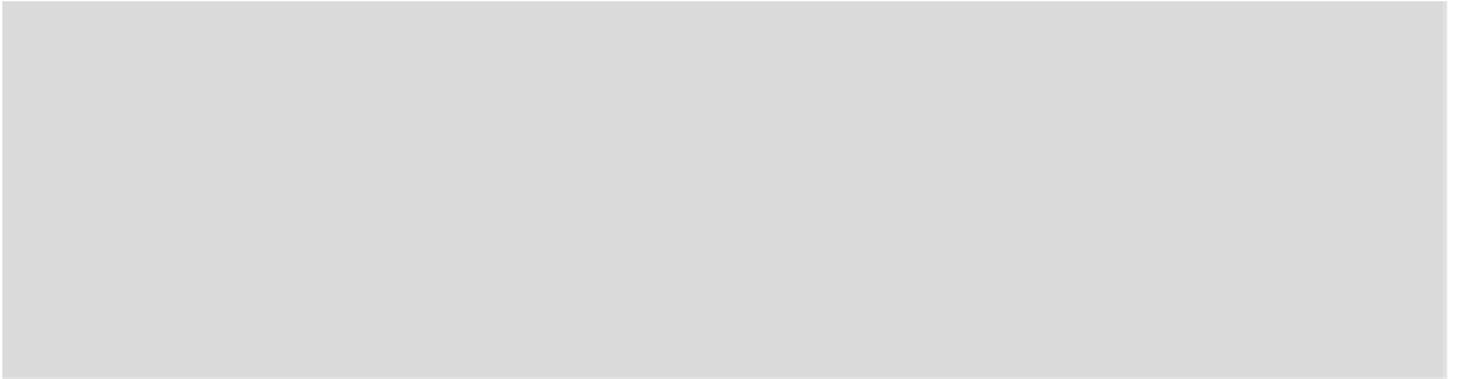
3. Do you agree with the scope of the DPD?

Empty response area for question 3.

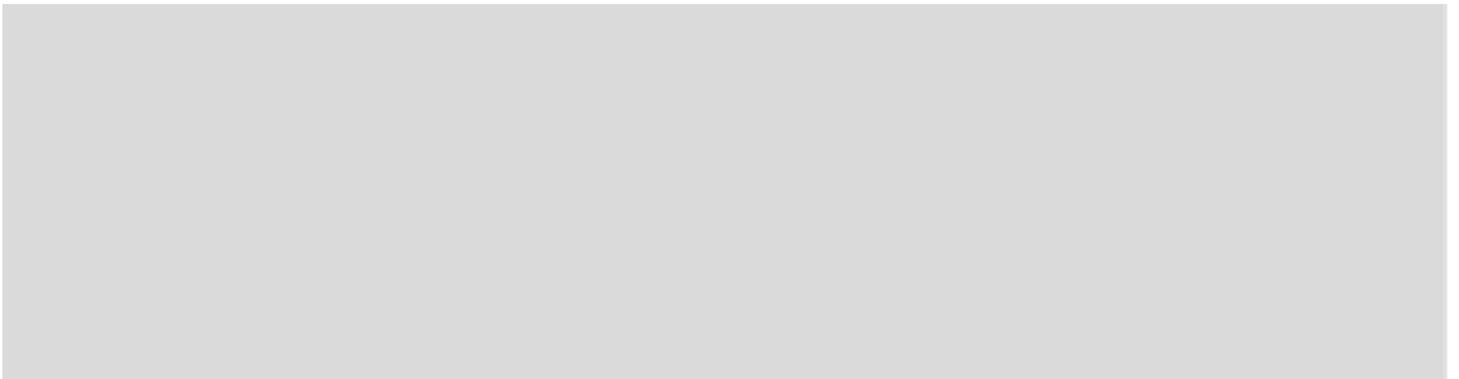
4. Do you agree with the aims of the DPD?



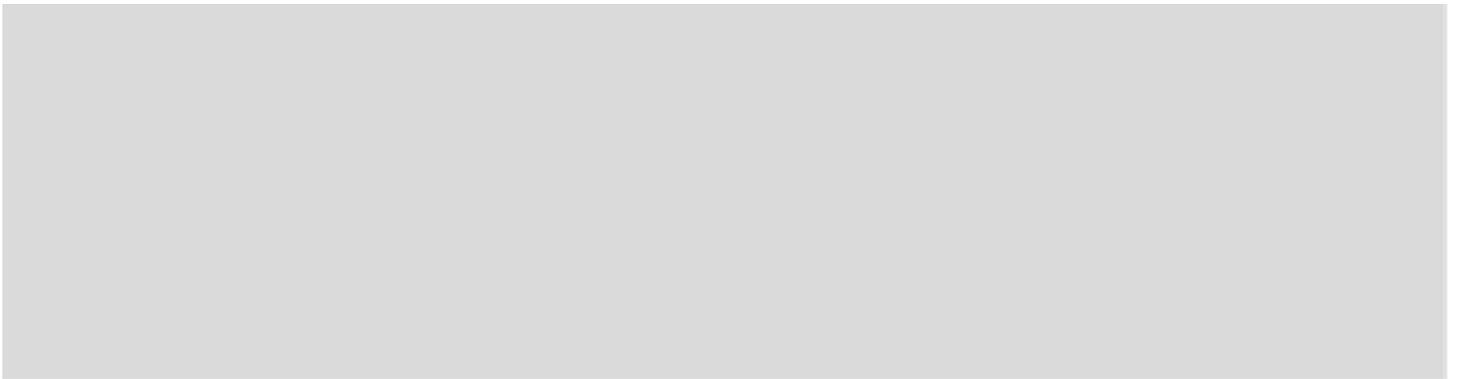
5. What are the strategic issues that should be addressed through strategic policies?



6. What site-specific issues should site allocation policies seek to address?



7. What do you think the development management policies should contain?



Need

8. Is there any additional evidence associated with need that we are unaware of that should be taken into consideration?

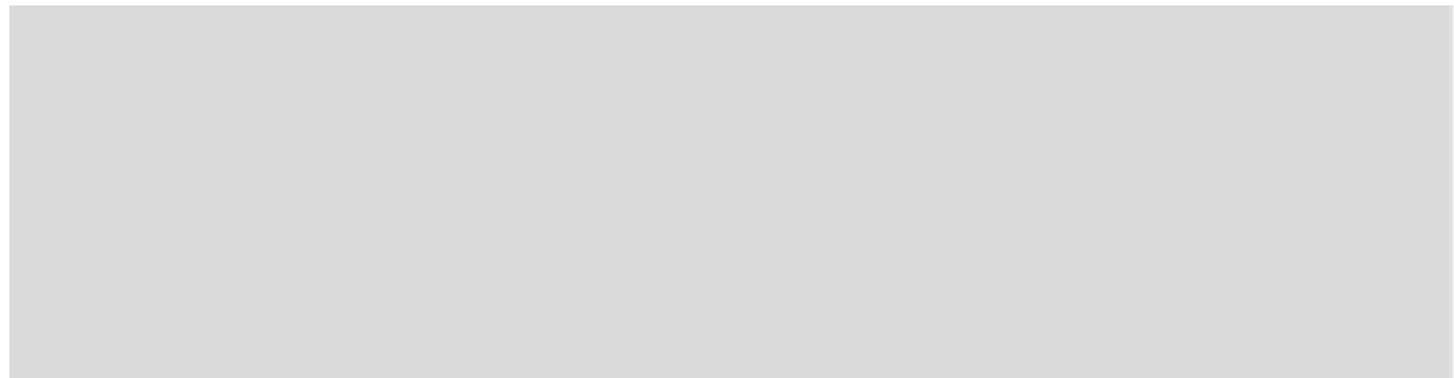


9. Do you agree with the Council's approach to seek to meet the full cultural need identified through this DPD?

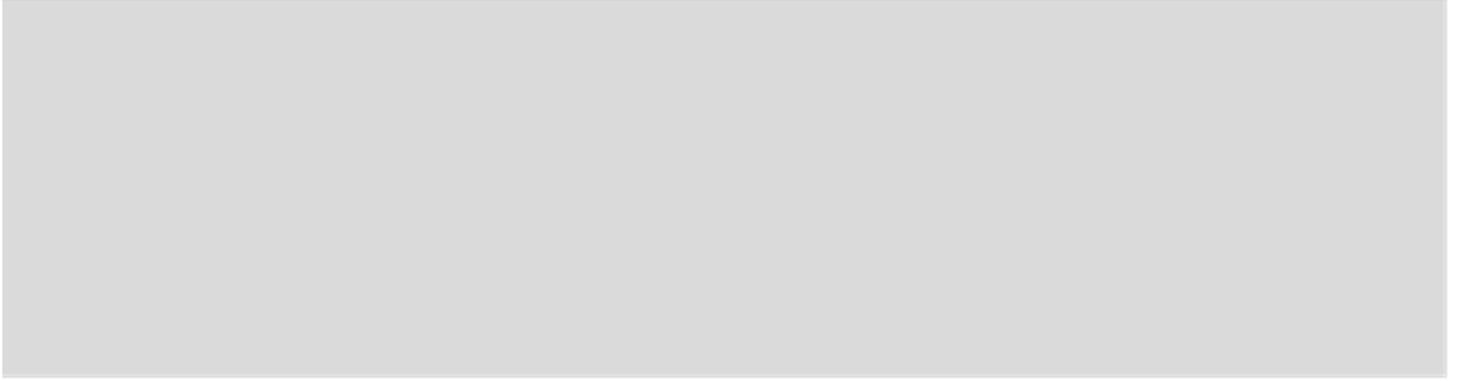


Site identification and assessment

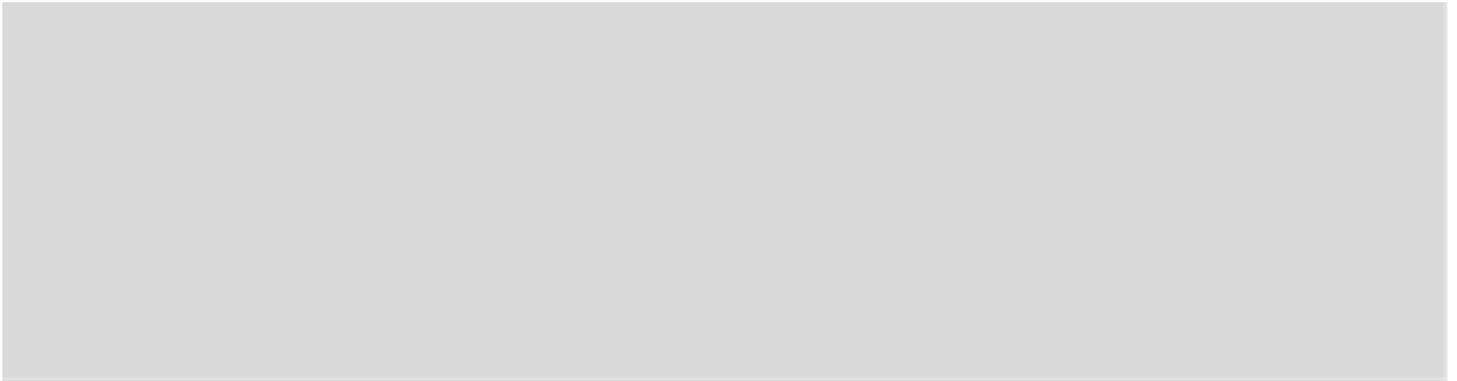
10. Are there any other methods of site identification that the Council should consider?



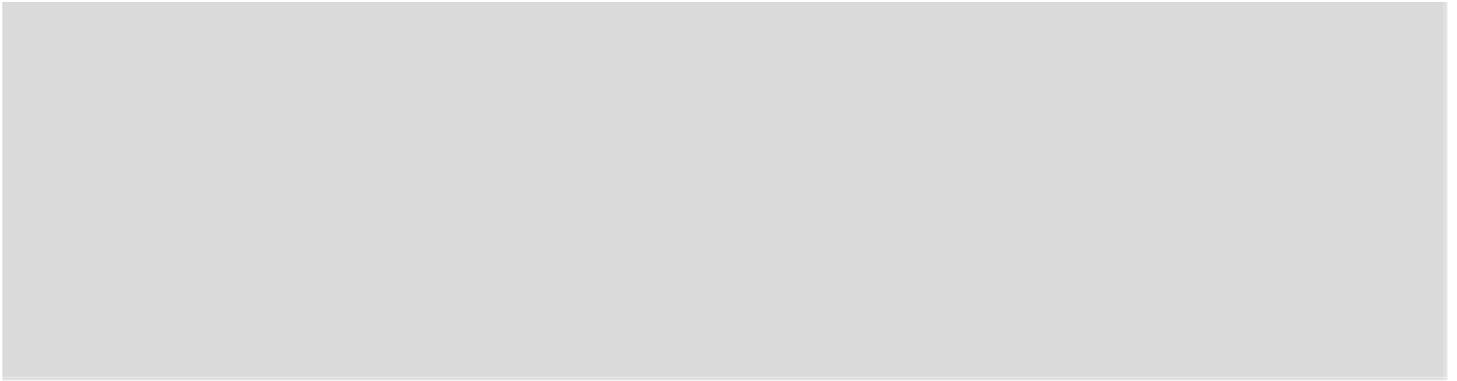
11. Is the proposed assessment process suitable? If not, what alternative method could be used?



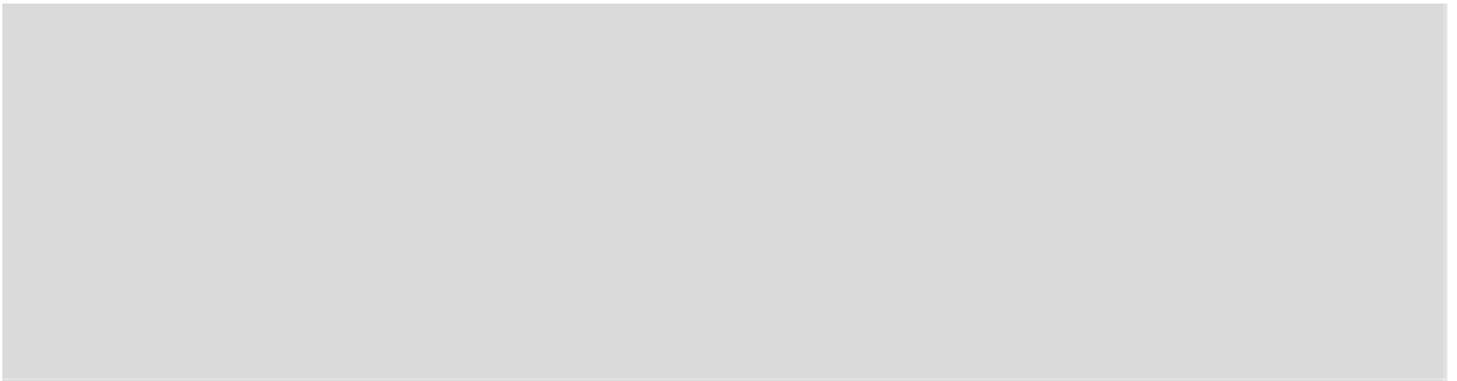
12. Have we used the correct sifting criteria to assess the potential sites? If not, what criteria should be used?



13. Have we used the correct detailed assessment criteria to assess the potential sites? If not, what criteria should be used?

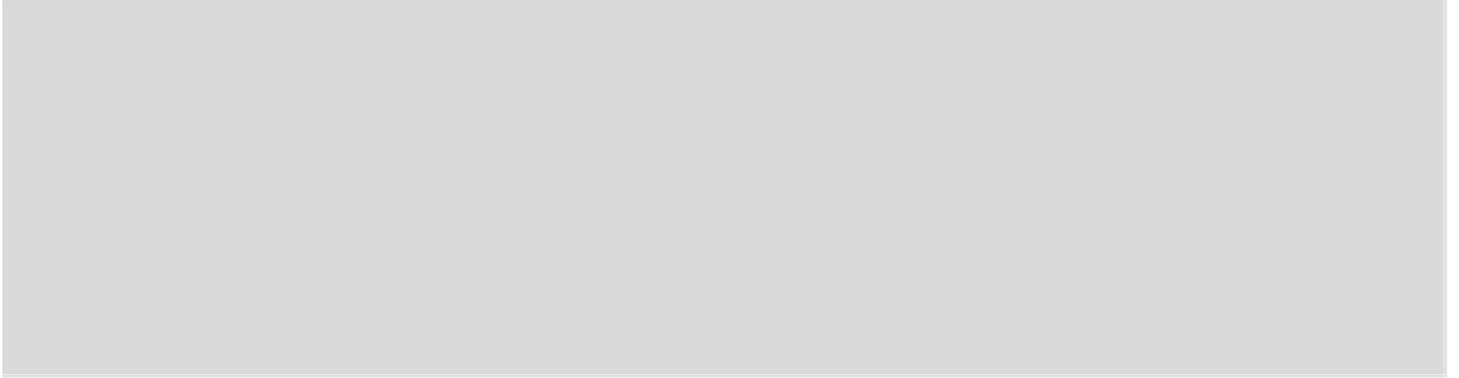


14. Do you agree with the use of a Pitch Deliverability Assessment to seek to meet some/all identified needs on suitable existing sites?

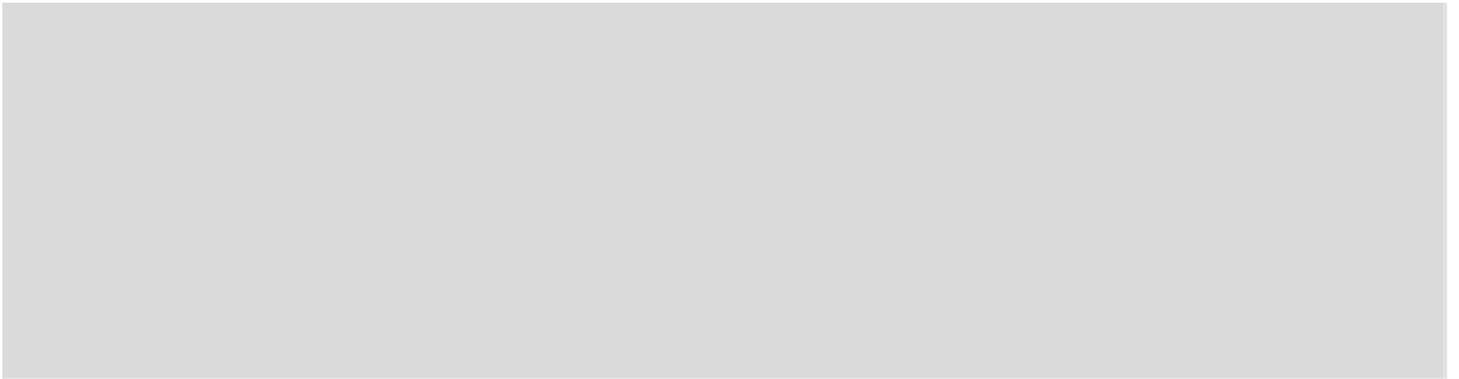


Additional sites

15. Are there any other options that the Council should consider to find suitable, available and deliverable sites?

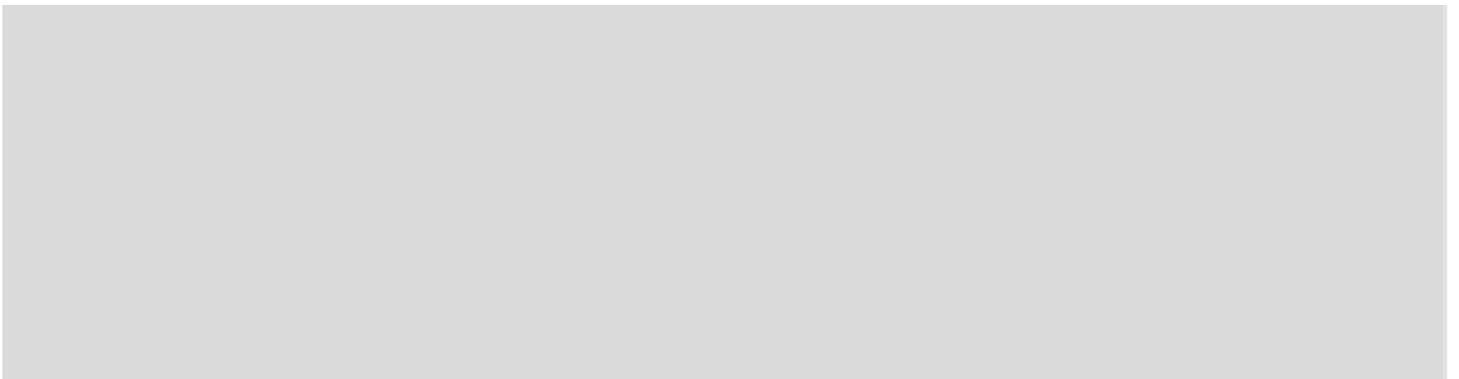


16. Do you own or know of any suitable sites which are available to help meet the Council's future need for Gypsies and Travellers?



Monitoring and Review

17. Are the monitoring indicators suitable and sufficient?



About you

1. Are you:

Male

Female

Non-binary

Other - please state

2. Which of the following age group do you fall into?

17 years and under

18-24

25-34

35-44

45-54

55-64

65-74

75+

3. Which of the following best describes your race or ethnicity?

White (English/Welsh/Scottish/Northern Irish/British/Irish /Gypsy/Irish Traveller)

Black/ Black British (African/ Caribbean)

Asian/Asian British (Indian, Pakistani/Bangladeshi/Chinese)

Mixed (White & Black Caribbean/ White & Black African/ White & Asian)

Other (Arab) Specify

4. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Yes

No

Prefer not to say

5. Please provide your home postcode





Maidstone Borough Council

Gypsy and Traveller Accommodation Assessment (GTAA)

Interim Report

January 2023



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Please note that this is an Interim GTAA Report. The data that has been used to complete the interim assessment of need was collected before and during the COVID-19 pandemic period when there were a range of travel and access restrictions put in place by the Government.

This resulted in a number of sites where it was not possible to complete household interviews as they were not accessible during the extended fieldwork period. It also meant that it was not possible to complete the planned engagement with households living in bricks and mortar.

Whilst it was not possible to engage with households living on all sites and yards in Maidstone, extensive modelling has been completed to seek to provide a robust estimate of need for the period to 2039/40. Work is currently underway to prepare a comprehensive update of the GTAA and this work is due to be completed by May 2023.

The Interim GTAA Report also takes account of any changes to legislation, policy and guidance that have been put in place since the baseline date of January 2021. These include the NPPF (2021), the PPG (2021), the Levelling Up and Regeneration Bill (2022), and the Court of Appeal judgement in *Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities and others* (2022).

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1. Executive Summary

Introduction and Methodology

- 1.1 The primary objective of this Interim Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showmen accommodation in Maidstone Borough Council (the Council).
- 1.2 Work to complete the GTAA commenced in November 2019 and it was possible to visit a large number of sites and yards in Maidstone to complete household interviews before the COVID-19 lockdown was put in place in March 2020. Following the lockdown, attempts were made to contact households and complete interviews over the telephone, and it was possible to complete a further proportion of the fieldwork remotely between March 2020 and January 2021.
- 1.3 However, at the time of reporting, it had not been possible to make contact with a total of 40 Gypsy and Traveller sites comprising 88 pitches. This means that interviews were completed on 79% of sites and yards in Maidstone and that it was not possible to complete interviews on 21% of sites and yards. It was also not possible to complete planned engagement with households living in bricks and mortar due to COVID-19 restrictions – although it was possible to complete interviews with 8 households in bricks and mortar through contacts provided during the site and yard interviews. As such, this Interim GTAA Report includes an analysis of need from sites where it was possible to complete household interviews, together robust with modelling of need for sites that it was not possible to visit.
- 1.4 Work has now commenced to complete an update of the GTAA including completing interviews on those sites where it was not possible to visit during the COVID lockdown period, together with a comprehensive review of all other sites and yards in Maidstone, and engagement with households living in bricks and mortar. It is anticipated that this review will be completed by May 2023.
- 1.5 The Interim GTAA provides a credible evidence base which can be used to aid the implementation of Local Plan Policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showmen plots for the period 2019 to 2039/40 to cover the new Maidstone Local Plan period and the 15-year requirements set out in PPTS. The outcomes of this study supersede the outcomes of any previous GTAAs for Maidstone Council.
- 1.6 The Interim GTAA has sought to understand the accommodation needs of the Gypsy, Traveller and Travelling Showmen population in Maidstone through a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites, yards and encampments.
- 1.7 A total of 267 interviews or proxy interviews were completed with Gypsies and Travellers living on sites or on the roadside in Maidstone; a total of 7 interviews were completed with Travelling Showmen; and a total of 8 interviews were completed with households living in bricks and mortar. In addition, a total of 11 stakeholder interviews were completed with Officers at Maidstone Borough Council, Kent County Council and neighbouring local planning authorities.

Key Emerging Findings

Pitch Needs – Gypsies and Travellers

- 1.8 Overall, the interim pitch needs for Gypsies and Travellers for the period 2019 to 2040 are set out below. Needs are set out for those households that met the planning definition of a Gypsy or Traveller; for any undetermined households¹ on sites that were visited where an interview was not able to be completed (either due to households refusing to be interviewed, or not being present despite up to three visits to each site) who may meet the planning definition; for any non-visited households on sites where it was not possible to make contact with site residents due to COVID-19 restrictions²; and for those households that did not meet the planning definition – although this is no longer a requirement for a GTAA.
- 1.9 Only the need from those households who met the planning definition and from those of the undetermined households who subsequently demonstrate that they meet it should be formally considered as need arising from the GTAA.
- 1.10 The need arising from households that met the planning definition should be addressed through site allocation/intensification/expansion Local Plan Policies as appropriate.
- 1.11 The Council will need to carefully consider how to address any need associated with undetermined/non-visited Travellers as it is unlikely that all this need will have to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan Policies, the Council should consider the use of a criteria-based policy (as suggested in PPTS) for any undetermined households, as well as to deal with any windfall applications, including those as a result of in-migration.
- 1.12 An example of a robust Criteria-Based Policy that has recently been through Examination can be found in the East Herts District Plan 2018. This was subject to an Examination in Public between October 2017 and January 2018 followed by a period of public consultation on the Main Modifications agreed through the Examination between February and March 2018. Following this, the Inspector issued her Final Report on the Examination of the East Herts District Plan 2018 in July 2018. The policy to refer to is *Policy HOU9 Gypsies and Travellers and Travelling Showmen*.
- 1.13 In general terms, the need for those households who did not meet the planning definition will need to be addressed as part of general housing need and either through separate Local Plan Policies, or through a wider Gypsy and Traveller Development Plan Document (DPD).
- 1.14 This approach is specifically referenced in the National Planning Policy Framework (February 2021). Paragraph 61 of the NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance. Paragraph 62 then states that [emphasis added] ‘*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, **travellers**, people who rent their homes and people wishing to commission or build their own homes*’. The footnote to this section states that ‘*Planning Policy*

¹ See Paragraphs 3.25-3.32 for further information on undetermined/non-visited households.

² See Chapter 3 for the methodology that was used to measure need from these households.

for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'

- 1.15 As an example, it is again useful to look at the East Herts District Plan 2018 that was found to be sound in an Inspectors Report that was issued in July 2018. The Local Plan contains *Policy HOU10 New Park Home Sites for Non-Nomadic (i.e. households that do not meet the planning definition of a Traveller) Gypsies and Travellers and Travelling Showmen*. This sets out that any applications for planning permission for park homes for Gypsies and Travellers and Travelling Showmen that do not meet the planning definition must be in accordance with the NPPF and PPTS and the criteria set out in Policy HOU10, and not under the criteria set out in *Policy HOU9 Gypsies and Travellers and Travelling Showmen*.
- 1.16 It is recognised that the Council are in the process of reviewing their Local Plan that sets out how overall housing need will be addressed. The findings of this report should be considered as part of future housing mix and type within the context of the assessment of overall housing need in relation to Gypsies, Travellers and Travelling Showmen.
- 1.17 There were 288 Gypsy or Traveller households identified in Maidstone that met the planning definition; 99 undetermined households on sites that were visited that may meet the planning definition; 88 non-visited households on sites that may meet the planning definition; and 40 households that did not meet the planning definition.
- 1.18 There is a need identified for **323 pitches from the 288 Gypsy and Traveller households that met the planning definition**. This is made up of 43 unauthorised pitches; 46 concealed or doubled-up households or single adults; 7 movement from bricks and mortar; 71 teenagers in need of a pitch in the next 5 years; 3 pitches with temporary planning permission; 9 from in-migration/roadside; and 146 from new household formation, using a growth rate of 1.95% derived from the household demographics. There is also supply from 2 vacant pitches on one of the public sites.
- 1.19 There is a need identified for **up to 132 pitches from the 99 undetermined Gypsy and Traveller households on sites where an interview was not able to be completed**. This is made up of 24 unauthorised pitches; 28 concealed or doubled-up households or single adults³; 33 teenagers in need of a pitch of their own in the next 5 years³; and new household formation of 47 from a maximum of 160 households (using the ORS national formation rate of 1.50%). If the ORS national average⁴ of 30% were applied this could result in a need for 40 pitches. If the locally derived proportion of households that met the planning definition (88%) were applied this could result in a need for 116 pitches.
- 1.20 There is a need identified for **up to 113 pitches from the 88 non-visited Gypsy and Traveller households**. This is made up of 18 unauthorised pitches, 25 concealed or doubled-up households or single adults³; 29 teenagers in need of a pitch of their own in the next 5 years³; and new household formation of 41 from a maximum of 142 households (using the ORS national formation rate of 1.50%). If the ORS national average of 30% were applied this could result in a need for 34 pitches. If the locally derived proportion of households that met the planning definition (88%) were applied this could result in a need for 99 pitches.
- 1.21 Whilst not now a requirement to include in a GTAA, there is a need identified for **36 pitches from the 40 Gypsy and Traveller households that did not meet the planning definition**. This is made

³ See Chapter 3 for details of how these figures were modelled.

⁴ Based on over 4,300 interviews completed by ORS across England.

up of 8 unauthorised pitches; 6 concealed or doubled-up households or single adults; 1 movement from bricks and mortar; 5 teenagers in need of a pitch in the next 5 years; 1 temporary pitch; 1 from in-migration/roadside; and 14 from new household formation, using a growth rate of 1.50% derived from the household demographics.

1.22 Figure 1 summarises the identified need and breaks this down by year periods.

Figure 1 – Need for Gypsy and Traveller households in Maidstone (2019-40)

Status	2019-24	2024-29	2029-34	2034-39	2039-40	Total
Meet Planning Definition	177	41	45	49	11	323
Undetermined	85	14	14	15	4	132
Not Visited	72	12	13	13	3	113
Do not meet Planning Definition	22	4	4	5	1	36
TOTAL	356	71	76	82	19	604

Plot Needs - Travelling Showmen

1.23 Overall, the interim plot needs for Travelling Showmen from 2019-2039/40 are set out below. Needs are set out for those households that met the planning definition of a Travelling Showperson; for those undetermined households where an interview was not able to be completed who may meet the planning definition; and for those households that did not meet the planning definition (although this is no longer a requirement for a GTAA).

1.24 Only the need from those households who met the planning definition and from those of the undetermined households who may subsequently demonstrate that they meet it should be considered as need arising from the GTAA.

1.25 The need arising from households that met the planning definition should be addressed through yard allocation/intensification/expansion in Local Plan Policies.

1.26 The Council will need to carefully consider how to address the needs associated with undetermined Travelling Showmen as it is unlikely that all of this need will have to be addressed through the provision of conditioned Travelling Showmen plots.

1.27 The need for those households who did not meet the planning definition will need to be considered as part of general housing need. See Paragraphs 1.10-1.13 for further details.

1.28 There are 4 Travelling Showperson yards in Maidstone. The GTAA has identified a total of 6 Travelling Showmen households in Maidstone that met the planning definition; 5 undetermined households on sites that were visited that may meet the planning definition; and 1 household that did not meet the planning definition.

1.29 There is a need identified for **5 plots from the 6 Travelling Showmen households that met the planning definition**. This is made up of 2 teenagers in need of a plot of their own in the next 5 years; and 3 from new household formation derived from the household demographics.

1.30 There is a need identified for **up to 2 plots from the 5 undetermined Travelling Showmen households** and this is all from new household formation. Given that a much higher proportion of Travelling Showmen meet the planning definition it is likely that all of the need from undetermined Showmen will come from households that meet the planning definition.

- 1.31 There is a need identified for **no plots from the 1 Travelling Showmen household that did not meet the planning definition** as there are no households with children.

Figure 2 – Need for Travelling Showmen households in Maidstone (2019-2040)

Status	2019-24	2024-29	2029-34	2034-39	2039-40	Total
Meet Planning Definition	2	2	1	0	0	5
Undetermined	0	1	0	1	0	2
Do not meet Planning Definition	0	0	0	0	0	0
TOTAL	2	3	1	1	0	7

Transit Recommendations

- 1.32 Due to low historic low numbers of unauthorised encampments, it is not recommended that there is a need for a formal public transit site in Maidstone at this time. The situation relating to levels of unauthorised encampments should continue to be monitored – for example a potential increase in the number of households travelling to seek to meet the current planning definition.
- 1.33 As well continuing to record information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar).
- 1.34 It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Kent-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.
- 1.35 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.
- 1.36 The term ‘negotiated stopping’ is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.negotiatedstopping.co.uk for further information.
- 1.37 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers.

2. Introduction

- 2.1 The primary objective of this Interim Gypsy and Traveller Accommodation Assessment (GTAA) is to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showmen accommodation in Maidstone. The outcomes of the study will supersede the outcomes of the previous Traveller and Travelling Showmen Accommodation Needs Assessments completed in Maidstone.
- 2.2 The study provides an evidence base to enable the Council to comply with their requirements towards Gypsies, Travellers and Travelling Showmen under the Housing Act 1985, Planning Policy for Traveller Sites (PPTS) 2015, the Housing and Planning Act (2016), the National Planning Policy Framework (NPPF) 2021, and the Planning Practice Guidance (PPG) 2021.
- 2.3 Work to complete the GTAA commenced in November 2019 and it was possible to visit a large number of sites and yards in Maidstone to complete household interviews before the COVID-19 lockdown was put in place in March 2020. Following the lockdown, attempts were made to contact households and complete interviews over the telephone, and it was possible to complete a further proportion of the fieldwork between March 2020 and July 2020. However, at the time of reporting, it has not been possible to make contact with households on a total of 40 sites comprising 88 pitches (21% of all sites and yards). It was also not possible to complete planned engagement with households living in bricks and mortar. As such, this GTAA Report includes an analysis of need from sites where it was possible to complete household interviews, together with modelling of need for sites that it was not possible to visit.
- 2.4 The GTAA provides a robust assessment of need for Gypsy, Traveller and Travelling Showmen accommodation in the study area. It is a credible evidence base which can be used to aid the implementation of Local Plan Policies and the provision of Traveller pitches and plots covering the period 2019 to 2039/40 to meet the new Maidstone Local Plan period and the 15-year requirements of the PPTS. As well as identifying current and future permanent accommodation needs, it also seeks to identify any need for the provision of transit sites or emergency stopping places.
- 2.5 We would note at the outset that the study covers the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showmen, but for ease of reference we have referred to the study as a Gypsy and Traveller (and Travelling Showmen) Accommodation Assessment (GTAA).
- 2.6 The baseline date for the study is January 2021 which was when the initial round of household interviews were completed.

Definitions

- 2.7 The planning definition for a Gypsy, Traveller or Travelling Showperson is set out in PPTS (2015). The previous definition set out in the Housing Act (2004) was repealed by the Housing and Planning Act (2016).

The Planning Definition in PPTS (2015)

- 2.8 For the purposes of the planning system, the definition was changed in PPTS (2015). The planning definition is set out in Annex 1 and states that:

For the purposes of this planning policy “gypsies and travellers” means:

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 Showmen or circus people travelling together as such.

In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life.*
- b) The reasons for ceasing their nomadic habit of life.*
- 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.*

For the purposes of this planning policy, “travelling Showmen” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

- 2.9 The key change that was made to both definitions was the removal of the term “*persons...who have ceased to travel permanently*”, meaning that those who have ceased to travel permanently will no longer fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

Definition of Travelling

- 2.10 One of the most important questions that GTAA’s will need to address in terms of applying the planning definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term ‘*nomadic*’.
- 2.11 **R v South Hams District Council (1994)** – defined Gypsies as “persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)” This includes ‘born’ Gypsies and Travellers as well as ‘elective’ Travellers such as New Age Travellers.
- 2.12 In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent

site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

- 2.13 In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.
- 2.14 The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family's recently approved Gypsy site sought judicial review of the local authority's decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.
- 2.15 That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.
- 2.16 **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.
- 2.17 The implication of these rulings in terms of applying the planning definition is that it will **only include those who travel (or have ceased to travel temporarily) for work purposes, or for seeking work, and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as holidays and visiting friends or relatives. It will not cover those who commute to work daily from a permanent place of residence (see APP/E2205/C/15/3137477).
- 2.18 It may also be that within a household some family members travel for nomadic purposes on a regular basis, but other family members stay at home to look after children in education, or other dependents with health problems etc. In these circumstances the household unit would be defined as travelling under the planning definition.
- 2.19 Households will also fall under the planning definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational, health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled for work in the past. In addition, households will also have to demonstrate that they plan to travel again for work in the future.
- 2.20 This approach was endorsed by a Planning Inspector in Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267) that was issued in December 2016. A summary can be seen below.

Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose... This situation is no different from that of many landlords and property investors or indeed

anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work... Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment... I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.

- 2.21 This was further reinforced in a more recent Decision Notice for an appeal in Norfolk that was issued in February 2018 (Ref: APP/V2635/W/17/3180533) that stated:

As discussed during the hearing, although the PPTS does not spell this [the planning definition] out, it has been established in case law (R v South Hams DC 1994) that the nomadism must have an economic purpose. In other words, gypsies and travellers wander of travel for the purposes of making or seeking their livelihood.

Legislation and Guidance for Gypsies and Travellers

- 2.22 Decision-making for policy concerning Gypsies, Travellers and Travelling Showmen sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following key pieces of legislation and guidance are relevant when developing policies relating to Gypsies, Travellers and Travelling Showmen:

- » The Housing Act, 1985
- » Planning Policy for Traveller Sites (PPTS), 2015
- » The Housing and Planning Act, 2016
- » National Planning Policy Framework (NPPF), 2021
- » Planning Practice Guidance⁵ (PPG), 2021

- 2.23 In addition, Case Law, Ministerial Statements, the outcomes of Local Plan Examinations and Planning Appeals, and Judicial Reviews need to be taken into consideration. Relevant examples have been included in this report.

- 2.24 The primary guidance for undertaking the assessment of housing need for Gypsies, Travellers and Travelling Showmen is set out in the PPTS (2015). It should be read in conjunction with the National Planning Policy Framework (NPPF). In addition, the Housing and Planning Act makes provisions for the assessment of need for those Gypsy, Traveller and Travelling Showmen households living on sites and yards who do not meet the planning definition – through the assessment of all households living in caravans.

⁵ With particular reference to the sections on *Housing needs of different groups* (July 2019).

Planning Policy for Traveller Sites (PPTS) 2015

2.25 PPTS (2015), sets out the direction of Government policy. As well as introducing the planning definition of a Traveller, PPTS is closely linked to the NPPF. Among other objectives, the aims of the policy in respect of Traveller sites are (PPTS Paragraph 4):

- » *Local planning authorities should make their own assessment of need for the purposes of planning.*
- » *To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.*
- » *To encourage local planning authorities to plan for sites over a reasonable timescale.*
- » *That plan-making and decision-taking should protect Green Belt from inappropriate development.*
- » *To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites.*
- » *That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.*
- » *For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.*
- » *To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.*
- » *To reduce tensions between settled and Traveller communities in plan-making and planning decisions.*
- » *To enable provision of suitable accommodation from which Travellers can access education, health, welfare, and employment infrastructure.*
- » *For local planning authorities to have due regard to the protection of local amenity and local environment.*

2.26 In practice, the document states that (PPTS Paragraph 9):

- » *Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showmen, which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

2.27 PPTS goes on to state (Paragraph 10) that in producing their Local Plan local planning authorities should:

- » *Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.*
- » *Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.*
- » *Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has*

special or strict planning constraints across its area (local planning authorities have a Duty-to-Cooperate on strategic planning issues that cross administrative boundaries).

- » *Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.*
- » *Protect local amenity and environment.*

2.28 Local Authorities now have a duty to ensure a 5-year land supply to meet the identified needs for Traveller sites. However, PPTS 2015 also notes in Paragraph 11 that:

- » *Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of Travellers, while respecting the interests of the settled community.*

National Planning Policy Framework (NPPF) 2021

2.29 The most recent version of the NPPF was issued in July 2021. Paragraph 61 of the NPPF sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance.

2.30 Paragraph 62 then states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, **travellers**, people who rent their homes and people wishing to commission or build their own homes'.* The footnote to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*

2.31 This essentially sets out that the needs of households that meet the planning definition should be assessed under the PPTS and that the needs of households that are not found to meet the planning definition should be assessed as part of the wider housing needs of an area.

2.32 In an Appeal Decision that was published in March 2020 for an appeal in Central Bedfordshire (APP/P0240/C/18/3213822) the Inspector concluded in relation to Paragraph 61 of the NPPF that:

It seems to me that this wording makes clear that it is only those meeting that definition that should be included in an assessment of need for 'planning definition' travellers and that gypsies who have ceased travelling should be counted and provided for elsewhere and this is the approach proposed in the emerging LP. This does not, of course mean that these gypsies should be allocated 'bricks and mortar' type housing. They will also need a suitable supply of caravan sites to meet their needs.

Levelling-up and Regeneration Bill (2022)

2.33 Among other things, this Bill seeks to make provision about town and country planning. Whilst there is currently no specific reference to changes to policy and guidance for Gypsies and Travellers, the Council may need to consider the outcomes of any changes to planning legislation that may impact on the accommodation needs of Gypsies and Travellers.

Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities and others [2022]

- ^{2.34} In October 2022 the Court of Appeal handed down judgment in *Lisa Smith v The Secretary of State for Levelling Up, Housing & Communities [2022] EWCA Civ 1391*. The case was a challenge to a specific appeal decision and concerned whether the planning definition of Gypsies and Travellers contained in Annex 1 of the PPTS (2015) is discriminatory against Travellers who are settled and who no longer travel for work. The Court of Appeal allowed the appeal and quashed the Inspectors decision from 2018 and referred the case back to The Secretary of State for redetermination.
- ^{2.35} Whilst certain parts of the PPTS planning definition of a Traveller were found to be discriminatory, as the PPTS 2015 itself was not the subject of the case it has not been quashed or declared unlawful at this time.
- ^{2.36} It is too early to properly identify the impact that the judgement will have on an assessment of need for Travellers. However, the approach taken by ORS does include an assessment of need for all Travellers, and should any changes be made to the PPTS planning definition of a Traveller, the outcomes of the GTAA can be amended accordingly.

3. Methodology

Background

- 3.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible Gypsy, Traveller and Travelling Showmen Accommodation Needs Assessments. This has been updated in light of changes to PPTS in August 2015, the Housing and Planning Act (2016), the NPPF (2021) and the PPG in 2021. It has also responded to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.
- 3.2 The methodology, including some changes to fieldwork and needs analysis, was revised in 2020 to take account of travel and social distancing restrictions as a result of COVID-19.
- 3.3 PPTS (2015) contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showmen.
- 3.4 ORS would note that since the changes to the PPTS in August 2015 the ORS GTAA methodology has been repeatedly found to be sound and robust, including through Local Plan Examinations in Bedford, Blaby, Cambridge, Castle Point, Central Bedfordshire, Chelmsford, Cheltenham, Cotswold, Daventry, East Hertfordshire, Gloucester, Maldon, Milton Keynes, Newham, Runnymede, South Cambridgeshire, South Northamptonshire, Tewkesbury, and Waverley.
- 3.5 An Appeal Decision for a Hearing in Central Bedfordshire (APP/P0240/C/18/3213822) that was issued in March 2020 concluded:
- '...whilst there have been some queries in previous appeal decisions over the conclusions of other GTAAs produced by ORS, the methodology, which takes into account the revisions made in 2015 to the Government's Planning Policy for Traveller Sites (PPTS), has nevertheless been accepted by Inspectors in a considerable number of Local Plan Examinations.'*
- 3.6 The Inspector for the East Herts District Plan 2018 also found the evidence base in relation to Gypsies and Travellers to be sound in her Inspection Report that was issued in July 2018. She concluded:
- 'The need of the travelling community has been carefully and robustly assessed and locations to meet identified needs have been allocated for the plan period. Policy HOU9 sets out the need for 5 permanent pitches for Gypsies and Travellers... the approach to the provision of housing is comprehensive, positively prepared, appropriate to the needs of the area and consistent with national policy.'*

Glossary of Terms/Acronyms

3.7 A Glossary of Terms/Acronyms can be found in **Appendix A**.

Desk-Based Review

3.8 ORS collated a range of secondary data that was used to support the study. This included:

- » Census data.
- » Traveller Caravan Count data.
- » Records of unauthorised sites/encampments.
- » Information on planning applications/appeals.
- » Information on enforcement actions.
- » Existing Needs Assessments and other relevant local studies.
- » Existing national and local policy, guidance, and best practice.

Stakeholder Engagement

3.9 Engagement was undertaken with key Council Officers from Maidstone through telephone interviews. Five interviews were completed with Council Officers from the study area. In addition, an interview was completed with an Officer from Kent County Council.

Working Collaboratively with Neighbouring Planning Authorities

3.10 To help support the Duty-to-Cooperate and provide background information for the study, telephone interviews were conducted with Planning Officers in neighbouring planning authorities. These interviews will help to ensure that wider issues that may impact on this project are fully understood. This included interviews with Officers from the Councils set out below:

- » Ashford Borough Council.
- » Medway Council.
- » Swale Borough Council.
- » Tonbridge and Malling Borough Council.
- » Tunbridge Wells Borough Council.

Survey of Travelling Communities

3.11 As a result of travel and social distancing restrictions due to COVID-19 in March 2020 a 2-stage methodology was used to try and complete the site and yard fieldwork.

Stage 1 – Face-to-Face Interviews (November 2019-March 2020)

3.12 Through the desk-based research and the stakeholder interviews, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on all occupied pitches and plots.

- 3.13 In order to gather the robust information needed to assess households against the planning definition of a Traveller, up to 3 visits were made to households where it was not initially possible to conduct an interview because they were not available at the time.
- 3.14 Our experience suggests that an attempt to interview households on all pitches is more robust. A sample-based approach often leads to an under-estimate of need – and is an approach which is regularly challenged by the Planning Inspectorate and at Planning Appeals.
- 3.15 ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The site interview questions that were used (see **Appendix E**) have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the planning definition. Members of ORS’ dedicated team of experienced Researchers who work on our GTAA studies across England and Wales sought to visit all sites and yards. Researchers attempted to conduct semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and travelling characteristics. Researchers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.
- 3.16 Researchers also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.
- 3.17 Where it was not possible to undertake an interview, Researchers sought to capture as much information as possible about each pitch through a proxy interview from sources including neighbouring residents and site management (if present).
- 3.18 Researchers also distributed copies of an information leaflet that was prepared by Friends, Families and Travellers explaining the reasons for the need to complete the household interview as part of the GTAA process.

Figure 3 – Friends, Families and Traveller Leaflet



Stage 2 – Telephone Interviews (April 2020-January 2021)

- 3.19 Following the travel and social distancing restrictions as a result of COVID-19 that were put in place in March 2020, ORS' Researchers sought to complete any outstanding site and yard interviews over the telephone. Letters and reminder letters were sent to residents on all sites and yard where contact had not been able to be made during the face-to-face interviews. The wording of the letters was agreed with members of the Travelling Community, and asked households to call ORS Researchers to complete an interview over the telephone. In addition, for sites where some contact had been made but where not all interviews had been completed, ORS Researchers contacted households who had been interviewed and asked them to share our contact details with other households, or to provide information to complete a proxy interview. Finally, ORS worked with Officers from Kent County Council who are responsible for managing the public sites in Maidstone to obtain details of households where it was not possible to complete an interview.
- 3.20 Between July 2020 and January 2021 when some of the travel and social distancing restrictions were relaxed in England, ORS completed a detailed COVID-19 Risk Assessment that allowed for limited fieldwork activities to resume. At the time of the fieldwork these were restricted to making observational visits to sites to confirm site names, occupancy levels, and where possible to share contact details whilst observing social distancing requirements.

Engagement with Bricks and Mortar Households

- 3.21 The 2011 Census recorded 168 households that were identified as either Gypsies or Irish Travellers who lived in a house, bungalow or flat in Maidstone.
- 3.22 ORS seek to apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan Examinations and Planning Appeals. Contacts are sought through a range of sources including the interviews with people on existing sites and yards; intelligence from the stakeholder interviews; and other local knowledge from stakeholders. Through this approach the GTAA endeavoured to do everything to give households living in bricks and mortar the opportunity to make their views known during the face-to-face phase of the fieldwork.
- 3.23 In addition, a series of drop-in sessions were planned for April 2020 in areas where the 2011 Census showed that there were higher than average numbers of Gypsies and Irish Travellers living in bricks and mortar. Unfortunately, due to the travel and social distancing restrictions due to COVID-19, it was not possible to hold these sessions and they will be rearranged when the update to the GTAA is completed in 2023.
- 3.24 As a rule, ORS do not make any assumptions on the overall needs from household in bricks and mortar based on the outcomes of any interviews that are completed, as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. ORS work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity put in place.

Timing of the Fieldwork

- 3.25 ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. ORS would normally aim to complete fieldwork during the non-travelling season, and also avoid days of known local or national events. However, due to COVID-19 the fieldwork was completed over an extended period between November 2019 and January 2021.

Applying the PPTS (2015) Planning Definition

- 3.26 The primary change to PPTS (2015) in relation to the assessment of need was the change to the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS sought to collect information necessary to assess each household against the planning definition. The revised PPTS was issued in 2015 and a number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied (see Paragraphs 2.20 and 2.21 for examples) – these support the view that household members need to be able to demonstrate that they travel for work purposes, or for seeking work, to meet the planning definition, and stay away from their usual place of residence when doing so, or have ceased to travel for work purposes temporarily due to education, ill health or old age.
- 3.27 The household survey included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:
- » Whether any household members have travelled in the past 12 months.
 - » Whether household members have ever travelled.
 - » The main reasons for travelling.
 - » Where household members travelled to.
 - » The times of the year that household members travelled.
 - » Where household members stay when they are away travelling.
 - » When household members stopped travelling.
 - » The reasons why household members stopped travelling.
 - » Whether household members intend to travel again in the future.
 - » When and the reasons why household members plan to travel again in the future.
- 3.28 When the household survey was completed, the answers from these questions on travelling were used to determine the status of each household against the planning definition in PPTS (2015). Through a combination of responses, households need to provide sufficient information to demonstrate that household members travel for work purposes, or for seeking work, and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily due to education, ill health or old age, and plan to travel again for work purposes in the future. This included information on the type of work that is undertaken; which family members travelled for work; the times of year that family members travel for work; the duration of trips for work; and where family members stay when travelling away from home for work.
- 3.29 The same definition applies to Travelling Showmen as to Gypsies and Travellers.

- 3.30 Households that need to be considered in the GTAA fall under one of three classifications that will determine whether their housing needs will need to be assessed in the GTAA. Only those households that meet, or may meet, the planning definition will form the components of need to be formally included in the GTAA:
- » Households that travel under the planning definition.
 - » Households that have ceased to travel temporarily under the planning definition.
 - » Households where an interview was not possible who may fall under the planning definition.
- 3.31 Whilst the needs of those households that do not meet the planning definition no longer need to be included in a GTAA, they have been assessed and included in this report to provide the Council with components of need to consider as part of their work on wider housing needs assessments. This is consistent with the requirements of the NPPF (2021).

Undetermined and Not Visited Households

- 3.32 As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed, households that were not present during the fieldwork period, or on sites where it was not possible to visit due to COVID-19 restrictions) need to be assessed as part of the GTAA where they are believed to be Gypsies and Travellers who may meet the planning definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed; an approach has been taken that seeks an estimate of potential need from these households. This will be an additional need figure over and above the need identified for households that do meet the planning definition.
- 3.33 The estimate seeks to identify potential current and future need from any pitches known to be temporary or unauthorised; though modelling potential need from concealed and doubled-up households and from teenagers; and through new household formation. For the latter the ORS national rate of 1.50% has been used as the demographics of residents are unknown.
- 3.34 ORS believe it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.
- 3.35 However, data that has been collected from over 5,000 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall approximately 30% of households who have been interviewed meet the planning definition (this rises to 70% for Travelling Showmen based on over 300 interviews that have been completed) – and in some local authorities, no households meet the planning definition.
- 3.36 ORS are not implying that this is an official national statistic - rather a national statistic based on the outcomes of our fieldwork since the introduction of PPTS (2015). It is estimated that there are 14,000 Gypsy and Traveller pitches in England and ORS have spoken with households on a representative range of sites. It is ORS' view therefore that this is the most comprehensive national statistic in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.

- 3.37 Therefore, it is likely that only a proportion of the potential need identified from undetermined and not visited households will need conditioned Gypsy and Traveller pitches, and that the needs of the remainder will need to be addressed through separate Local Plan Policies.
- 3.38 The ORS methodology to address the need arising from undetermined/not visited households was supported by the Planning Inspector for a Local Plan Examination for Maldon District Council, Essex. In his Report that was published on 29th June 2017 he concluded:

The Council's stance is that any need arising from 'unknowns' should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist.

Households that Do Not Meet the Planning Definition

- 3.39 Household where household members do not travel for work now fall outside the planning definition of a Traveller. However Romany Gypsies, Irish and Scottish Travellers may be able to claim 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 (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to 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. Draft Guidance⁶ related to this section of the Act has been published setting out how the government would 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 need to be assessed as part of the wider housing needs of the area, or through a separate Gypsy and Traveller DPD, and will form a subset of the wider need arising from households residing in caravans. This is echoed in the NPPF (2021).
- 3.40 Paragraph 62 of the NPPF states that [emphasis added] *'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, **travellers**, people who rent their homes and people wishing to commission or build their own homes'*. The footnote to this section states that *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.'*

Calculating Current and Future Need

- 3.41 To identify need, PPTS (2015) requires an assessment for current and future pitch requirements but does not provide a methodology for this. However, as with any housing assessment, the

⁶ Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats. DCLG (March 2016).

underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

Supply of Pitches

3.42 The first stage of the assessment sought to determine the number of occupied, vacant, and potentially available supply in the study area:

- » Current vacant pitches.
- » Pitches currently with planning consent due to be developed within 5 years.
- » Pitches vacated by people moving to housing.
- » Pitches vacated by people moving from the study area (out-migration).

3.43 It is important when seeking to identify supply from vacant pitches that they are in fact available for general occupation – i.e. on a public or social rented site, or on a private site that is run on a commercial basis with anyone being able to rent a pitch if they are available. Typically, vacant pitches on small private family sites are not included as components of available supply but can be used to meet any current and future need from the family living on the site.

Current Need

3.44 The second stage was to identify components of current need, which is not necessarily the need for pitches because they may be able to be addressed by space already available in the study area. It is important to address issues of double counting:

- » Households on unauthorised developments for which planning permission is not expected.
- » Concealed, doubled-up or over-crowded households (including single adults).
- » Households in bricks and mortar wishing to move to sites.
- » Households in need on waiting lists for public sites.

Future Need

3.45 The final stage was to identify components of future need. This includes the following four components:

- » Teenage children in need of a pitch of their own in the next 5 years.
- » Households living on sites with temporary planning permissions.
- » New household formation.
- » In-migration.

3.46 Household formation rates are often the subject of challenge at appeals or examinations. ORS firmly believe that any household formation rates should use a robust local evidence base, rather than simply relying on national precedent. The approach taken is set out in more detail in Chapter 7 of this report.

- 3.47 All of these components of supply and need are presented in tabular format which identify the overall net need for current and future accommodation for Gypsies, Travellers and Travelling Showmen. This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers and Travelling Showmen are identified separately.

Modelling Current and Future Need

- 3.48 Given the large number of households that it was not possible to complete an interview with as a result of travel and social distancing restrictions due to COVID-19, work was undertaken to model current need from concealed or doubled-up households and single adults, and from teenagers in need of a pitch of their own in the next 5 years. This was undertaken by calculating the average numbers of each component of need from the households where interviews were completed, and then applying these figures to the households where an interview was not able to be completed. This resulted in the following multipliers being applied:

- » Average number of concealed/doubled-up per household = 0.28.
- » Average number of teenagers in need of a pitch of their own per household = 0.33

Pitch Turnover

- 3.49 Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates. This approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches on sites are not available to meet any local need. The use of pitch turnover has been the subject of a number of Inspectors Decisions, for example APP/J3720/A/13/2208767 found a GTAA to be unsound when using pitch turnover and concluded:

West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However, the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration, yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.

- 3.50 In addition, a recent GTAA Best Practice Guide produced jointly by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:

Assessments involving any form of pitch turnover in their supply relies upon making assumptions, a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.

- 3.51 As such, other than current vacant pitches on sites that are known to be available, or pitches that are known to become available through the household interviews, pitch turnover has not been considered as a component of supply in this GTAA.

Transit Provision

- 3.52 GTAA studies require the identification of demand for transit provision. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population a range of sites can be developed to accommodate Gypsies and Travellers as they move through different areas.
- » **Transit sites** - full facilities where Gypsies and Travellers might live temporarily (for up to three months) – for example, to work locally, for holidays or to visit family and friends.
 - » **Emergency stopping places** - more limited facilities.
 - » **Temporary sites and stopping places** - only temporary facilities to cater for an event.
 - » **Negotiated stopping places** - agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time.
- 3.53 Transit sites serve a specific function of meeting the needs of Gypsy and Traveller households who are visiting an area or who are passing through on the way to somewhere else. A transit site typically has a restriction on the length of stay of usually around 12 weeks and has a range of facilities such as water supply, electricity, and amenity blocks.
- 3.54 An alternative to or in addition to a transit site is an emergency stopping place. This type of site also has restrictions on the length of time for which someone can stay on it but has much more limited facilities with typically only a source of water and chemical toilets provided.
- 3.55 Another alternative is ‘negotiated stopping’. The term ‘negotiated stopping’ is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.
- 3.56 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.
- 3.57 The Criminal Justice and Public Order Act 1994 (Section 62a) is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62a of the Act allows the police to direct trespassers to remove themselves and their vehicles and property from any land where a suitable transit pitch on a relevant caravan site is available within the same local authority area (or within the county in two-tier local authority areas).
- 3.58 Consideration will also have to be given to the Police, Crime, Sentencing and Courts Act which came in to force in June 2022. Part 4 of the Act gives the Police additional powers to deal with unauthorised encampments through new offences relating to residing on land without consent in or with a vehicle and new powers in relation to the seizure of property.

^{3.59} In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the Department for Levelling Up, Housing and Communities (DLUHC)⁷ Traveller Caravan Count. The outcomes of discussions with Council Officers and with Officers from neighbouring planning authorities were also taken into consideration when determining this element of need in the study area.

⁷ Formerly the Ministry for Housing, Communities and Local Government (MHCLG).

4. Gypsy, Traveller & Travelling Showmen Sites & Population

Introduction

- 4.1 One of the main considerations of this study is to provide evidence to support the provision of pitches and plots to meet the current and future accommodation needs of Gypsies, Travellers and Travelling Showmen. A pitch is an area normally occupied by one household, which typically contains enough space for one or two caravans but can vary in size⁸. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showmen, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by Travelling Showmen. Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers and plots for Travelling Showmen are required in the study area.
- 4.2 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of a Gypsy and Traveller site is the publicly provided residential site, which is provided by a Local Authority or by a Registered Provider (usually a Housing Association). Pitches on public sites can be obtained through signing up to a waiting list, and the costs of running the sites are met from the rent paid by the tenants (similar to social housing).
- 4.3 The alternative to a public residential site is a private residential site and yard for Gypsies, Travellers and Travelling Showmen. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing. Generally, the majority of Travelling Showmen yards are privately owned and managed.
- 4.4 The Gypsy, Traveller and Travelling Showmen population also has other types of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum occupancy period of residence which can vary from a few days or weeks to a period of months. An alternative to a transit site is an emergency or negotiated stopping place. This type of site also has restrictions on the length of time someone can stay on it but has much more limited facilities. Both of these two types of site are designed to accommodate, for a temporary period, Gypsies, Travellers and Travelling Showmen whilst they travel. A number of authorities also operate an accepted encampments policy where short-term stopovers are tolerated without enforcement action.
- 4.5 Further considerations for the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers or with the approval of the landowner, but for which they do not have planning

⁸ Whilst it has now been 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 [a static caravan or park home for example] and touring caravan, parking space for two vehicles and a small garden area.

permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

Sites and Yards in Maidstone

- 4.6 In Maidstone, at the base date for the GTAA, there were 2 public sites (32 pitches); 148 private sites with permanent planning permission (375 pitches); 2 sites with temporary planning permission (4 pitches); no sites that are tolerated for planning purposes; and 37 unauthorised sites (101 pitches). There were also 4 Travelling Showmen’s yards (17 plots) and there was no public transit provision. See **Appendix D** for further details.

Figure 4 - Total amount of provision in Maidstone (July 2020)

Category	Sites/Yards	Pitches/Plots
Public sites	2	32
Private with permanent planning permission	148	375
Private with temporary planning permission	2	4
Tolerated sites	0	0
Unauthorised sites	37	101
Public transit sites	0	0
Travelling Showmen yards	4	17
TOTAL	193	529

DLUHC Traveller Caravan Count

- 4.7 Another source of information available on the Gypsy, Traveller and Travelling Showmen population is the bi-annual Traveller Caravan Count which is conducted by each Local Authority in England on a specific date in January and July of each year and reported to DLUHC. This is a statistical count of the number of caravans on both authorised and unauthorised sites across England. With effect from July 2013 it was renamed the Traveller Caravan Count due to the inclusion of data on Travelling Showmen.
- 4.8 As this count is of caravans and not households, it makes it more difficult to interpret for a study such as this because it does not count pitches or resident households. The count is merely a ‘snapshot in time’ conducted by the Local Authority on a specific day, and any unauthorised sites or encampments which occur on other dates will not be recorded. Likewise, any caravans that are away from sites on the day of the count will not be included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the calculation of current and future need as the information collected during the site visits is seen as more robust and fit-for-purpose. However, the Caravan Count data has been used to *support* the identification of the need to provide for transit provision and this is set out later in this report.

5. Stakeholder Engagement

Introduction

- 5.1 ORS undertook a stakeholder engagement programme to complement the information gathered through interviews with members of the Travelling Community. This engagement took the form of telephone interviews.
- 5.2 The aim of the interviews was to provide a general understanding of current provision and possible future need; details about short-term encampments; details about transit provision; and details about any cross-border issues.
- 5.3 Five interviews were completed with Council Officers from the study area, and one interview was completed with an Officer from Kent County Council (KCC).
- 5.4 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on strategic planning issues that cross administrative boundaries (S.110 Localism Act 2011). In order to explore issues relating to cross boundary working, ORS interviewed a Planning Officer from five neighbouring local authorities:
- » Ashford Borough Council
 - » Medway Council
 - » Swale Borough Council
 - » Tonbridge & Malling Borough Council
 - » Tunbridge Wells Borough Council
- 5.5 Due to issues surrounding data protection, and in order to protect the anonymity of those who took part, this section presents a summary of the views expressed by interviewees and verbatim comments have not been used. The views expressed in this section of the report represent a balanced summary of the views expressed by stakeholders, and on the views of the individuals concerned, rather than the official policy of their Council or organisation.
- 5.6 It should be noted that the stakeholder interviews were completed during 2020 and will be updated as part of the review of the GTAA in 2023.

Views of Key Stakeholders and Council Officers in Maidstone

Accommodation Needs

- 5.7 Since the last GTAA, the Council introduced a new Allocation Scheme in April 2020 which indicates how applicants are assessed, and how vacant plots will be allocated
- 5.8 Most of the need identified in the last GTAA has been met through windfall provision.
- 5.9 It is believed that the public sites are currently meeting the need. This was proposed as there is generally not a great deal of demand for vacancies when they occur. However, feedback gathered by the Council does suggest that Travellers in the area predominantly favour having privately-owned sites, rather than living on a publicly owned one.

- 5.10 Funding has been earmarked to upgrade the facilities on the two public sites at Stilebridge and Water Lane. In addition to improving the living conditions for Travellers currently living at those sites, it is also hoped that the investment will encourage Travellers to stay on the site when the upgraded pitches become available.
- 5.11 It has been difficult to create new public provision due to intervention from local residents.
- 5.12 Maidstone have historically had a large travelling population due to landscaping and fruit picking work availability. Over the years that need has grown and it appears to be growing exponentially given that the families who are in Maidstone are also expanding.
- 5.13 Kent County Council own and manage 8 Public Gypsy and Traveller sites in total in Kent and manage 2 Sites on behalf of Maidstone Borough Council. The County Council also provide 'out of hours' cover for site management emergencies and management of unauthorised encampments.

Short-term Encampments and Transit Provision

- 5.14 Short-term unauthorised encampments are infrequent, and the numbers are said to be reducing over recent years.
- 5.15 This reduction was attributed to a change in the enforcement approach to encampments and then use of Community Protection Notices. However, the majority of encampments were only said to stay for 24-hour periods and only stop in the area as they pass through; these are also commonly the same family units each year.
- 5.16 There are ongoing transit provision discussions at a Kent-wide level as there is currently no such provision across the county. However, as of yet no authority has put themselves forward as a location to host a transit site.
- 5.17 The County Council are currently in negotiation with local Councils to address this problem and it is hoped that a negotiated site will be established soon in the North East of the County. However, transit provision is not solely a county matter. The districts have responsibility for their own GTAA assessments and the recommendations from the assessments will inform the need for appropriate transit or negotiated stopping sites provision.
- 5.18 The County Council also act as lead for the removal of all unauthorised encampments on Highways and County Council owned property or land.

Cross Border Issues

- 5.19 Kent-wide meetings are held to see how the authorities can better work together on Gypsy and Traveller issues. However, it was thought that greater sharing of the obligation to accommodate need in the County would be better than how need is currently and has previously been dealt with. This was suggested as it was believed that members of the settled community in areas with large Traveller populations often feel that other locations are not being suitably utilised.
- 5.20 Cross-border joint working was said to be getting better when it comes to dealing with unauthorised encampments. However, it was felt this is something that could be much improved to help deal with provision for public and private sites. It was felt that more formal joint working was needed and that the sharing of information could help to house Travellers that are in need of accommodation all across the County wherever there is existing availability at certain

locations. The belief is that this will help disperse the pressure that is put on authorities experiencing substantial need.

- 5.21 It was suggested that Maidstone and its neighbouring authorities are all complying with Duty to Cooperate, although it was suggested that the Duty to Cooperate should go further than it currently does – especially for those areas with high levels of local need.

Future Priorities

- 5.22 Maidstone have had difficulties in the past when trying to purchase a new site for public use. When it became publicly known that the Council were trying to purchase land for a new site then the local community pooled resources together in order to out-bid the Council for the land. Such barriers make it extremely difficult for the Council to be able to provide the necessary provision and they would ideally like to avoid such instances in the future.
- 5.23 It was felt that there is a lot of pressure on Maidstone, and the individual parishes, to deliver accommodation. This has an impact on the settled community which has resulted in the difficulties identifying new public sites. It was hoped that this burden would be shared more in the future.
- 5.24 Future priority for the County Council is to continue to apply pressure and work with local authorities to establish and open suitable transit site provision. This is to enable authorities to direct unauthorised encampments to more appropriate areas.

Neighbouring Authorities

Ashford Borough Council

- 5.25 With regard to overall accommodation need in Ashford, the views of the officer interviewed were as follows:
- » Since the last GTAA, Ashford have adopted a new Local Plan and three new pitches have been allocated across two sites and they are in the process of addressing the shortfall that remains. The most recent GTAA (2018) did not identify any need for Travelling Showmen accommodation in the borough.
 - » Through continuing work on sites, pitch assessments and bi-annual caravan counts, discrepancies and/or administrative errors in the 2018 GTAA data have been highlighted. However, these discrepancies have now been rectified, leading to the identification of an additional existing supply of 8 pitches in the borough, to that which was originally counted. The baseline has been updated to reflect the correct supply figure. Furthermore, there have also been a number of planning permissions granted for permanent pitches. This has provided an additional supply of 10 pitches.
 - » Ashford are aware of short-term unauthorised encampments occurring in the area. The 2018 GTAA recommended that given the level of unauthorised encampments, the Council should consider the provision of transit pitches either for the Borough specifically or as part of a Kent-wide response.

5.26 With regard to the subject of cross border issues and the Duty to Cooperate, the views of the officer interviewed were as follows:

- » In addition to the issue of Kent-wide transit provision, potential cross-border issues relate to sites/pitches that are on local authority boundaries. Ashford were aware that such circumstances need to be discussed at the site identification stage to meet the PPTS requirement of ensuring sites do not dominate the nearest settled community, even if outside the borough boundary.
- » In regard to cross-border joint working, Ashford are leading on establishing a joint Kent authority working group for Gypsy & Traveller issues, in particular for transit site issues.
- » It was felt that Ashford and all neighbouring authorities were complying with the Duty to Cooperate.

Medway Council

5.27 With regard to overall accommodation need in Medway, the views of the officer interviewed were as follows:

- » Since the last GTAA, Medway Council has granted 7 planning consents. These include permanent, personal, and temporary permissions., which has resulted in consent for 10 pitches. For Gypsies, Travellers and Travelling Showmen, the Council has also developed a draft policy for development management purposes and a site assessment process has also been developed.
- » Existing provision in Medway does not presently meet the needs of Travellers within the area. A total 26 pitches still need to be accounted for and the Council also need to identify a 5-year supply.
- » Transit provision was identified by the GTAA 2017 as a method to minimise and manage short-term unauthorised encampments within the authority.

5.28 With regard to the subject of cross border issues and the Duty to Cooperate, the views of the officer interviewed were as follows:

- » No specific cross-border issues were identified. At present, Medway Council is satisfied with the approach of neighbouring Local Planning Authorities in relation to how they are discharging their duties in relation to Gypsy, Traveller and Travelling Showmen accommodation.
- » In regard to cross-border joint-working ventures, Medway Council has participated in the Kent and Medway Local Planning Authority Gypsy and Traveller Working Group to manage the Local Plan evidence base.
- » It was believed that Medway and all neighbouring authorities are complying with the Duty to Cooperate.

Swale Borough Council

5.29 With regard to overall accommodation need in Swale, the views of the officer interviewed were as follows:

- » Since the last GTAA, Swale have carried out a 'call for sites' exercise to determine whether there might be the possibility of allocating sites. The Council have also reviewed their temporary and unauthorised sites and granted a degree of planning permission. Regarding Travelling Showmen, the Council have reviewed the existing unauthorised yard to consider whether it could be granted planning permission.
- » Swale currently have a need for 36 pitches to 2037/38 with 6 pitches in supply. Whilst a 5-year supply is not currently identified, Swale are confident that they can deliver the sites that are needed through windfall permissions.
- » Swale experience low levels of unauthorised encampments and no regular pattern is observed. The recent GTAA did not indicate a need for sizable transit provision in the area and agreed stopping places that were proposed to be adequate.

5.30 With regard to the subject of cross border issues and the Duty to Cooperate, the views of the officer interviewed were as follows:

- » No specific cross-border issues were identified.
- » Swale Council are open to helping with the GTAA work of neighbouring authorities and have attended county wide meetings on the topic of GTAA work. For such reasons it was believed that Swale and its neighbouring authorities were all complying with the Duty to Cooperate.

Tonbridge and Malling Borough Council

5.31 With regard to overall accommodation need in Tonbridge and Malling, the views of the officer interviewed were as follows:

- » Since the last update of the GTAA (2018), the Council prepared and submitted a new Local Plan. However, in July 2021, the Council agreed to withdraw the Local Plan. This was in response to the government Planning Inspectors' findings. As a result, the Council have started to review and refresh the Plan.
 - » Three sites with temporary permissions were granted permanent planning permission during 2019.
 - » Tonbridge and Malling have identified a total of 108 Gypsy and Traveller households living in bricks and mortar in the area. The future housing needs of those families will be assessed as part of the settled community through the Strategic Housing Market Assessment (SHMA).
 - » Tonbridge and Malling commonly experience a number of unauthorised encampments each year. The maximum number of caravans reported was 20 in 2017 and 12 in 2016. After the 2018 GTAA identified a need for Transit provision in the area, Tonbridge and Malling made enquiries with other Kent Districts to see if there were any opportunities for a joint/sub-regional approach.

5.32 With regard to the subject of cross border issues and the Duty to Cooperate, the views of the officer interviewed were as follows:

- » No specific issues were raised concerning how each neighbouring authority has been trying to meet its need. However, a recent example was discussed where a recent unauthorised encampment moved into the area from Maidstone Borough.
- » Tonbridge and Malling regularly engage in cross-border joint-working through the Kent Planning Policy Officer’s Forum, which has recently included general Gypsy & Traveller issues on its agendas. Tonbridge and Malling would also welcome discussions with Maidstone and other Kent Districts on the issue of transit provision.

Tunbridge Wells Borough Council

^{5.33} With regard to overall accommodation need in Tunbridge Wells, the views of the officer interviewed were as follows:

- » The last GTAA (2018) identified a need for 32 additional pitches. Since then the Council has granted planning consent for 4 additional pitches.
- » The GTAA recommended that the most appropriate way of meeting the need for additional pitches, which stems from the growth of existing families, should largely be through the intensification and/or expansion of existing sites. However, it cautioned that for some sites this may not be appropriate. The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission and also by reviewing appeal decisions.
- » Over the last five years, there has been an average of 6 unauthorised encampments each year. These are generally small encampments of short duration. It is understood that most unauthorised encampments have been due to specific family events (i.e. funerals and/or weddings). The 2018 GTAA did not identify a specific transit site need but suggested a ‘negotiated stopping places’ policy.

^{5.34} With regard to the subject of cross border issues and the Duty to Cooperate, the views of the officer interviewed were as follows:

- » No specific cross-border issues with neighbouring authorities were identified.
- » With regard to cross-border joint-working ventures, preparation of the Tunbridge Wells 2018 GTAA included consultations with a range of stakeholders from neighbouring authorities. Gypsy and Traveller issues are similarly discussed on a regular basis through the Kent Planning Policy Officer’s Forum.
- » Gypsy and Traveller issues are a standing item on the regular Duty to Cooperate meetings that Tunbridge Wells officers hold with neighbouring local authorities. No awareness was identified of any parties not meeting the Duty to Cooperate.

Councillor and Parish Council Responses

^{5.35} To complement the Stakeholder Interviews and to enable early engagement with the settled community a link to a short online questionnaire was sent to all Borough Councillors and Parish Councils and a total of 21 online responses were received from 16 Parish Councils.

Figure 5 – Summary of Respondents

Parish Council	Position
Boughton Malherbe	Clerk
Boughton Monchelsea	Parish Clerk
Boxley	Parish Councillor
Bredhurst	Parish Clerk + Parish Councillor
Chart Sutton	Chair
Collier Street	Parish Councillor
East Sutton	Clerk
Headcorn	Parish Councillor + Chair + Vice Chair + Clerk
Hollingbourne	Parish Councillor
Linton	Parish Councillor
Marden	Parish Councillor
Sutton Valence	Clerk
Teston	Clerk
Ulcombe	Chairman + Clerk
Wormshill	Chair
Yalding	Clerk

5.36 The questionnaire included questions on the following broad subject areas:

- » Awareness of any Gypsy and Traveller sites
- » Any trends with regard to Gypsies and Travellers
- » What attracts Gypsies and Travellers to the area
- » Any kinds of seasonal fluctuations
- » Awareness of temporary stopping by travellers
- » Aware of any Travellers residing in bricks and mortar
- » Suitable land within parishes for Gypsy & Traveller pitches
- » Any other comments

5.37 A summary of views and responses that were submitted by Councillors and Parish Councils can be found below.

Awareness of any Gypsy and Traveller sites

- » Some Parish Councils do not regard the current site list for Maidstone as being correct. It was suggested that current site lists do not include many unofficial sites that are now considered tolerated sites. Some therefore believe the numbers are greater than those listed. Specific locations identified through their response that need updating include: Lenham Road; Love Lane; Bletchenden Road; Hammersteam; and Boarden.
- » One Parish Council also raised concern about the Martin's Garden site. Through a “bump” in the Headcorn and Ulcombe parish boundary, the site is said to be part

of Ulcombe. However, it was suggested that the site is much nearer to Headcorn High Street and that the resident's resort to Headcorn.

- » One Parish Council identified a site at Heath Road, Stilebridge Lane, to be added to the Council's list. It was also said that there is over a dozen pitches in Linton.
- » A Parish Council highlighted that the Petsfield site, Eastwood Road and stated that the exact number of pitches and residents there is unknown as the numbers are continually increasing. They have informed Maidstone Borough Council Planning Enforcement.
- » Two Parish Councils highlighted that they have more sites compared to other parishes in Maidstone, and that they have above the UK average of Gypsy and Traveller population.

Any trends with regard to Gypsies and Travellers

- » The most common trend experienced has been the increase in the number of privately-owned sites. This was said to include a mix of those with and without planning permission. Only one Parish Council stated that they have seen the loss of many sites in the area, over recent years. The loss was attributed to development in the area intended for residential and employment purposes.
- » Some parishes also suggested that they have observed an increase in the size of sites and the number of travellers in their areas.

What attracts Gypsies and Travellers to the area

- » Many parishes suggested that Travellers are attracted to Maidstone due to factors such as the already established Traveller community in the area, which is also connected to the historic, and current, availability of agricultural and civil engineering work opportunities.
- » Furthermore, the availability of suitable land, good transport links and locality to London were also identified as factors.
- » However, the most common reason identified concerned the assumed perception that the Travelling community have of Maidstone Borough Council, and its current Gypsy & Traveller policies. It was suggested that Travellers come to the area as Maidstone Borough Council are seen as being receptive to having more sites, and therefore readily accepting of applications and more likely to approve most. Furthermore, it was also suggested that costs associated with enforcement and appeal action prevent the council from upholding its countryside policies, which further encourages Travellers to settle in the area.

Any kinds of seasonal fluctuations

- » It was widely stated that there are no real fluctuations in Traveller movement and that the community are seen as permanent residents, as opposed to living a nomadic lifestyle.
- » However, some parishes reported that there is a reduction in the traveller population during the horse fair season.
- » Additionally, one parish also said that more unauthorised caravans are seen on existing and greenfield sites during Bank Holidays, although this view was not shared by other parishes.

Awareness of temporary stopping by Travellers

- » The only parishes to report instances of temporary stopping or encampments in their area were Boxley, Hollingbourne, Teston, and Yalding. These instances ranged from a few occasions per year where encampments stop for a number of nights while on their way to fairs and other events, to regular encampments at various locations within parishes.
- » Concern was raised regarding the potential disruption caused to settled communities near encampments, plus the monetary costs associated with cleaning sites following departure.

Aware of any Travellers residing in bricks and mortar

- » A number of reported being aware of Travellers in their area who live in bricks and mortar accommodation. Any additional details were passed on to Maidstone Borough Council.

Suitable land within parishes for Gypsy & Traveller pitches

- » Only one Parish put forward details of any land in the area which may be suitable for Gypsy and Traveller pitches. These details were passed on to Maidstone Borough Council.

Any other comments

- » Other comments received were broadly centred around three issues: 1) Divided community and tensions between Gypsies & Travellers and the settled community; 2) Expansion of the Gypsy & Traveller community; 3) Site quality, overcrowding and environmental damage. A summary of views can be found below:

Divided Community and Tensions between Gypsies & Travellers and the Settled Community

- » Parishes described a range of issues that are contributing to dividing communities and raising tensions between Gypsies & Travellers and the settled community.
- » There appears to be widespread resentment from some residents to what they feel is preferential treatment granted towards Gypsies & Travellers over the settled community. Examples include Gypsies & Travellers taking priority for school places; inequality in Gypsies & Travellers not having to comply with the same planning regulations as the settled community; the education and health needs of the settled community not being considered when they are applying for planning permission; and no consideration within planning regarding damage to the open countryside with the gradual increase and expansion of existing sites.
- » Another concern raised was the lack of consideration within planning to prevent concentrations of sites exceeding that of the settled community. Some parishes are worried that the density of the travelling community is such that it is beginning to dominate the settled community. It was hoped that concentrations would be considered more, as when the settled community are outnumbered it can often cause friction between Gypsies & Travellers and the settled community.
- » One Parish Council suggested that there should be more liaison between the Borough Council, Gypsies & Travellers, and the settled community to help when problems occur.

Expansion of the Gypsy & Traveller Community

- » Many parishes highlighted the increase in the number of sites in their area over recent years. One was of the view that Traveller sites should be spread over all the parishes in Maidstone. According to one, the PPTS 2015 clause citing ‘domination of the local community’ has to be seen in a broader context as opposed to simply looking at the physical distance of caravans from houses.
- » A Parish Council suggested that the larger the number of sites in a given area, the greater the difficulty in promoting integration and cohesion between the two communities.
- » One Parish Council want Maidstone Borough Council to form and publish a strategy for meeting the national requirements for provision of pitches for travellers so that any departures from it may stand some chance of enforcement action.

Site Quality, Overcrowding and Environmental Damage

- » One Parish Council suggested that Maidstone Borough is poorly served by public and affordable Gypsy & Traveller sites. It was stated that site quality and overcrowding issues at the public sites in the Borough highlight inadequacies in meeting the pitch need and proposed that “well located and properly equipped” public Gypsy and Traveller sites are “desperately” needed all across the Borough.

- » Parishes also advised that the constant expansion of Gypsy & Traveller sites is damaging the environment and the countryside.

6. Survey of Travelling Communities

Interviews with Gypsies and Travellers

- 6.1 One of the major components of this study was a detailed survey of the Gypsy and Traveller population living in the study area, and also efforts to engage with the bricks and mortar community – although this was impacted by COVID-19 travel and social distancing restrictions.
- 6.2 Through the desk-based research and stakeholder interviews ORS identified 2 public sites; 148 private sites with permanent planning permission; 2 private sites with temporary planning permission; no sites that are tolerated for planning purposes; and 37 unauthorised sites. There are also 4 Travelling Showmen’s yards.
- 6.3 The table below sets out the number of pitches/plots, the number of interviews that were completed, and the reasons why interviews were not completed. It is important to note that for the purposes of this Report that it was not possible to make contact with households on 40 sites due to COVID-19 travel and social distancing restrictions.
- 6.4 It should be noted that there were 51 vacant or unimplemented pitches and 27 pitches that were not occupied by Gypsies or Travellers. This gives a statistically robust adjusted response rate of 78% for sites where it was possible to make contact with residents.
- 6.5 During the period between commencing the GTAA and reporting no further transient households were identified to interview other than those who were interviewed.

Figure 6 - Sites and yards visited in Maidstone

Site Status	Pitches/Plots	Interviews	Reasons for not completing interviews/Additional interviews
Public Sites			
Stilebridge Caravan Site	18	2	16 x no contact
Water Lane Caravan Site	14	8	4 x no contact, 2 x vacant
Private Sites			
1 Oak Lodge	3	3	-
2 Oak Lodge	3	3	-
3 Oak Lodge	2	2	-
Abbeywood Stud Farm	1	1	-
Adj 8 Green Lane Cottages	2	0	2 x pitch not visited
Allotment Gardens	1	0	1 x no contact
Apple Blossom	3	0	1 x no contact and 2 x vacant
Ash Gardens/Plot 2 The Meadows	1	1	-
Benover Paddock	2	2	-
Blossom Lodge, Maplehurst Lane	1	1	-
Blossom Lodge, Stockett Lane	4	0	4 x pitch not visited
Blue Bell Farm	2	2	-
Bramblewood	7	7	-

Bramblewood Stables	5	0	5 x no contact
Bridgefield	4	0	4 x pitch not visited
Broken Tree	1	1	-
Caravan 2, Hawthorne Farm	2	2	-
Chart Hill Paddock	5	5	-
Chart View, 1	1	1	-
Chart View, 2	1	1	-
Cherry Tree Farm	2	0	2 x no contact
Cobnut Tree Place (Plot 1)	1	0	1 x no contact
Delilah Lodge	1	1	-
Detling Lime Works	1	0	1 x no contact
Dunroamin	4	1	3 x pitches not developed
Emmett Hill Nursery	2	0	2 x no contact
Fairway	2	2	-
Faithfield	1	1	-
Five Oak Stables	1	0	1 x no contact
Forstal Farm	1	1	-
Four Oakes (Plot 2)	3	3	-
Glovers Bridge	2	0	2 x pitch not visited
Golden Oaks	1	1	-
Granada	3	1	2 x pitches not set out
Great Love Farm	2	0	2 x pitches not there
Greenacre (Plot 5)	1	1	-
Greenfields	2	0	2 x no contact
Hawthorn Farm	2	0	2 x no contact
Hieland Glen	1	1	-
Highlands Farm	2	2	-
Horseshoe Paddock	3	3	-
Kilnwood Farm	2	2	-
Kwana	1	1	-
Land Adjacent Amsbury Cottage	1	0	1 x pitch not visited
Land adjacent The Glen	2	0	2 x pitch not visited
Land Adjacent to Five Kilns	2	0	2 x under construction
Land at Hawthorn Place	2	2	-
Land at Stockbury Valley/Longton Manor	4	4	-
Land East of Queen Street	1	0	1 x pitch not visited
Land North of Stilebridge Stableyard	3	0	3 x pitch not visited
Land off Clapper Lane (Oakhurst Lodge)	1	0	1 x pitch not visited
Land Rear of Orchard Farm Nursery (Orchard Place)	2	0	2 x no contact
Land Rear of Vine Cottage	7	0	7 x non-Travellers
Land South East of Stilebridge Lane (The Barn)	2	0	2 x no contact
Land West of Longend Lane (Longend Meadow)	2	2	-
Land West of The Barn	1	0	1 x no contact
Little Acre, Chart Hill Road	2	0	2 x pitch not visited
Little Acre, Marden Road	2	0	2 x pitch not visited

Little Appleby	4	4	-
Little Boarden	3	3	-
Little Clock House	2	0	2 x no contact
Little Oak Farm	3	0	3 x pitch not visited
Little Paddocks	1	0	1 x no contact
Longton Manor	3	0	3 x not yet built
Lorne Greenacre	3	1	1 x vacant, 1 x pitch does not exist
Love Lane Stables	1	1	-
Maplehurst Paddock	1	1	-
Martins Gardens	6	0	6 x non-Travellers
Meadow View	3	0	3 x no contact
Millfield Farm	2	1	1 x pitch not developed
Mulberry Farm	5	5	-
Neverend Lodge	1	1	-
Oak Lodge	3	3	-
Oak Lodge (1)	2	2	-
Oak Tree Farm	7	0	7 x pitch not visited
Oak Tree Farm / The Pond	1	1	-
Oak Tree Place	1	1	-
Oakland Place	2	2	-
Oaklands	1	1	-
Oaklands	1	0	1 x non-Travellers
Old Oak Paddocks	1	1	-
Orchard Drive	1	1	-
Orchard Farm Nursery	1	1	-
Orchard Farm Nursery (Plot 1)	1	1	-
Orchard Farm Nursery Plot 1 (Orchard Spot)	2	2	-
Orchard Farm Nursery Plot 2	3	0	3 x no contact
Orchard Place	2	0	2 x under construction
Part Norham Farm	4	4	-
Peacock Farm	1	0	1 x pitch not visited
Pear Paddock	2	2	-
Peas Place	1	1	-
Perfect Place	4	4	-
Petsfield	2	3	-
Plot 1, The Meadows / 1 Smiths Cottage	2	2	-
Plot 2, The Meadows/Ash Gardens	3	3	-
Plum Tree Farm	2	0	2 x pitch not visited
Plum Tree Lane	18	1	17 x not visited
Primrose Paddock	2	0	2 x pitch not visited
Quarter Paddocks	5	6	-
Romany Stables (White House Farm)	2	2	-
Rosegarden	2	0	2 x under construction
Roydon Farm	5	1	4 x non-Travellers
Seaview Farm	8	5	3 x under construction

Silverlees	2	1	1 x vacant
Smiths View, Adjacent The Potters	1	1	-
Somersby Stables	3	0	3 x no contact
Stable Paddocks	4	0	4 x pitch not visited
Stilebridge Stableyard	1	1	-
Ten Acre Farm	1	0	1 x no contact
The Acorns	1	1	-
The Caravan / North Road Folly	1	0	1 x pitch not visited
The Chances	4	4	-
The Coppice	1	1	-
The Glen	6	0	6 x pitch not visited
The Green Barn	1	0	1 x no contact
The Honeysuckles	1	1	-
The Keys	1	1	-
The Lodge	1	1	-
The Mellows (and The Chestfields)	2	2	-
The Oakes	1	1	-
The Old Woodyard	1	0	1 x pitch not visited
The Orchard, Copper Lane	5	5	-
The Orchard/The Willows/The Finches (Stilebridge Paddock)	3	3	-
The Orchards, Snowey Lane	10	0	1 x refusal, 9 x non-Travellers
The Paddocks, George Street	2	2	-
The Paddocks, Love Lane	1	1	-
The Rosings (Behind The Ewes)	1	1	-
The Stables (Brookfield Gardens and The Finches)	6	6	-
The Stables, Frittenden Road	2	2	-
The Three Sons, Parkwood Lane	2	3	-
The Vine	5	5	-
The Willows, Stilebridge Lane	2	0	2 x pitch not visited
The Willows, Lucks Lane	1	1	-
Three Acres	2	2	-
Tommy's Maize / The Mount	4	4	-
Twin Oaks	3	0	3 x pitch not visited
Two Acres	1	1	-
Udene Barn Stud	4	0	4 x pitch not visited
Wheatgratten	7	7	-
Whiteacres	4	0	4 x pitch not visited
Willow Gardens	5	1	4 x no contact
Willow Trees	2	2	-
Willows End	3	1	2 x vacant
Wind in The Willows	1	0	1 x pitch not visited
Woodside Place	5	5	-
Woodside View (Land south of New Barn Farm)	2	2	-
Yelsted Farm	1	0	1 x pitch not visited
Yelton	2	0	2 x pitch not visited
Temporary Sites			
Rosewood Farm	2	2	-

The Three Sons, Hampstead Lane	2	7	-
Tolerated Sites			
None	-	-	-
Unauthorised Sites			
Acers Place / Land Adjoining Greengates	2	2	-
Ash Tree Place	2	0	2 x no contact
Cherry Gardens	4	4	-
Chestfields	2	2	-
Eight Acres	1	0	1 x pitch not visited
Fairhaven	1	0	1 x pitch not visited
Flips Hole	2	2	-
Green Acres	8	8	-
Green Tops	1	1	-
Greengates	1	1	-
Hertsfield Farm	1	0	1 x pitch not visited
Horseshoes	1	0	1 x pitch not visited
Jack's Wood, (Land at Squirrel Wood)	1	1	-
Land Adj Forstal Farm	1	0	1 x pitch not visited
Land Adj Horseshoe Paddock	1	0	1 x pitch not visited
Land at Highlands Hill	1	0	1 x no contact
Land East of Blossom Lodge	7	0	7 x pitch not visited
Land East of Water Lane	2	2	-
Land Rear of Brickyard Cottages	3	2	1 x vacant
Land Rear of Little Neverend Farm	8	0	4 x no contact, 4 x under construction
Land Rear of Silverlees	8	0	8 x not built
Land Rear of The Meadows (Plots 1-10)	18	11	7 x no contact
Land South of Love Lane	1	0	1 x no contact
Little Appleby	2	2	-
Pear View	3	3	-
Plot 2, The Oakes	1	0	1 x pitch not visited
Plot 3 The Meadows (Vale End)	2	2	-
Plot 4 The Meadows	1	0	1 x pitch not visited
Plot A, Plum Tree Lane	1	0	1 x pitch not visited
Plot B, Plum Tree Lane	1	0	1 x pitch not visited
Plot C, Plum Tree Lane	3	0	3 x no contact
The Ash	2	2	-
The Ewes	1	1	-
The Green Barn	4	0	4 x no contact
The Paddocks, land west of Benover Road	1	0	1 x no contact
The Pottery	1	1	-
The Stables, Wagon Lane	1	0	1 x pitch not visited

Bricks and Mortar			
Various	8	8	-
Roadside			
Various	4	4	-
Travelling Showmen			
Fairview	6	6	-
Wickham Orchard	4	1	3 x no contact
Cobtree Meadows, Land Adjoining Greengates	2	0	2 x no contact
The Paddock	5	0	5 x non-Travellers
TOTAL	541	282	

Interviews with Gypsies and Travellers in Bricks and Mortar

- ^{6.6} Following all of the efforts that were made a total of 4 households living in bricks and mortar were interviewed and a further 4 were identified as being in need of a pitch through proxy interviews.

7. Current and Future Pitch Provision

Introduction

- 7.1 This section focuses on the pitch provision which is needed in the study area currently and to 2039/40. This includes both current unmet need and need which is likely to arise in the future⁹. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- 7.2 We would note that this section is based upon a combination of the on-site surveys, planning records and stakeholder interviews. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.
- 7.3 This section concentrates not only upon the total provision which is required in the area, but also whether there is a need for any transit sites and/or emergency stopping place provision.

New Household Formation Rates

- 7.4 Nationally, a household formation and growth rate of 3.00% net per annum¹⁰ has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for pitches unrealistically. In this context, ORS has prepared a *Technical Note on Household Formation and Growth Rates (2015)*. The main conclusions are set out here and the full paper is in **Appendix F**.
- 7.5 Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in caravan counts. However, caravan count data is unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.
- 7.6 The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.
- 7.7 The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and

⁹ See Paragraphs 3.41 and 3.42 for details of components on current and future need.

¹⁰ Page 25, *Gypsy and Traveller Accommodation Needs Assessments – Guidance (DCLG – 2007)* Now withdrawn.

Travellers (in addition research by ORS has identified a national growth rate of 1.00% for Travelling Showmen) and this has also been adjusted locally based on site demographics.

- 7.8 This view has been supported by Planning Inspectors in a number of Decision Notices. The Inspector for an appeal in Doncaster that was issued in November 2016 (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used concluded:

In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate, the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.50% but that a 2.50% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.50% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.50% figure is justified in the case of Doncaster.

- 7.9 Another more recent was in relation to an appeal in Guildford that was issued in March 2018 (Ref: APP/W/16/3165526) where the agent acting on behalf of the appellant again claimed that a rate closer to 3.00% should be used. The Inspector concluded:

There is significant debate about household formation rates and the need to meet future growth in the district. The obvious point to make is that this issue is likely to be debated at the local-plan examination. In my opinion, projecting growth rates is not an exact science and the debate demonstrates some divergence of opinion between the experts. Different methodologies could be applied producing a wide range of data. However, on the available evidence it seems to me that the figures used in the GTAA are probably appropriate given that they are derived by using local demographic evidence. In my opinion, the use of a national growth rate and its adaptation to suit local or regional variation, or the use of local base data to refine the figure, is a reasonable approach.

- 7.10 In addition, the Technical Note has recently been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice in December 2017. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit.

- 7.11 ORS assessments take full account of the net local household growth rate per annum calculated on the basis of demographic evidence from the site surveys, and the 'baseline' includes all current authorised households, all households identified as in current need (including concealed households, movement from bricks and mortar and those on waiting lists not currently living on a pitch or plot), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates, household dissolution, and in-/out-migration.

- 7.12 The household growth rate used for the assessment of future needs is informed by local evidence, and this demographic evidence is used to adjust the national growth rate of 1.50% up or down

based on the proportion of those aged under 18 (by planning status). In Maidstone, for households that met the planning definition 47% of residents were aged under 18. The national rate of 1.50% is based on 36% of residents aged under 18 so this has been adjusted to 1.95%. For households that did not meet the planning definition 36% of residents were aged under 18 so the national rate of 1.50% has been applied. The ORS national formation rate of 1.50% has been applied to undetermined households in the absence of any demographic data for these households.

- 7.13 Overall new household formation for those that met and did not meet the planning definition has also been adjusted to take account of teenagers in need of a pitch in the next 5 years who have already been identified as components of need. This eliminates any double counting in the assessment of need.
- 7.14 In addition, there were a large number of children and teenagers (72) identified through proxy interviews where it was not possible to determine their age. These have been apportioned to the population baseline based on the overall age profile for the children where it was possible to determine their age.

Breakdown by 5 Year Bands

- 7.15 In addition to tables which set out the overall need for Gypsies and Travellers, the overall need has also been broken down by 5-year bands as required by PPTS (2015). The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5 year need from teenage children, and net movement from bricks and mortar) in the first 5 years. In addition, the total net new household formation is split across the GTAA period based on the compound rate of growth that was applied rather than being split equally over time. There is also a split to provide need figures for the new Maidstone Local Plan period.

Applying the Planning Definition

- 7.16 As set out in Chapter 3, the outcomes from the household interviews were used to determine the status of each household against the planning definition in PPTS (2015). This assessment was based on the responses to the questions given to Researchers. Only those households that met the planning definition form the baseline of need in the GTAA. Need from undetermined households where an interview was not completed have been included as a potential additional component of need. Need from households that did not meet the planning definition has also been assessed to provide the Council with information on levels of need that – if not addressed through the Gypsy and Traveller DPD – will have to be considered as part of the wider housing needs of the area and through separate Local Plan Policies.
- 7.17 The table below sets out the planning status of households that were interviewed for the Maidstone GTAA. This includes any hidden households that were identified during the household interviews including concealed and doubled-up households or single adults, in-migration and households living in bricks and mortar.

Figure 7 – Planning status of households in Maidstone

Status	Meet Planning Definition	Do Not Meet Planning Definition	Undetermined	Not Visited
Gypsies and Travellers				
Public Sites	0	13	22	0
Private Sites	207	15	57	70
Temporary	13	1	0	0
Tolerated	0	0	0	0
Unauthorised	52	9	20	18
Bricks and Mortar	7	1	0	0
Roadside	9	1	0	0
Sub-Total	288	40	99	88
Travelling Showmen				
Private Yards	6	1	5	0
Sub-Total	6	1	5	0
TOTAL	294	41	104	88

- 7.18 Figure 7 shows that for Gypsies and Travellers 288 households (88%), and for Travelling Showmen 6 households (86%) met the planning definition of a Traveller in that ORS were able to determine that household members travel for work purposes, or for seeking work, and stay away from their usual place of residence or have ceased to travel temporarily.
- 7.19 A total of 40 Gypsy and Traveller households (12%) and 1 Travelling Showmen households (14%) did not meet the planning definition as they were not able to demonstrate that household members travel away from their usual place of residence for the purpose of work, or seeking work, or that they have ceased to travel temporarily due to children in education, ill health or old age.
- 7.20 It was not possible to make contact with households on 99 Gypsy and Traveller pitches on 53 sites and with households on 5 Travelling Showmen plots on 3 yards that were visited as they either refused to be interviewed or were not present during the extended fieldwork period.
- 7.21 It was also not possible to make contact with any households living on 88 Gypsy and Traveller pitches on 40 sites as a result of COVID-19 restrictions.

Interviews with Gypsies and Travellers in Bricks and Mortar

- 7.22 Following all of the efforts that were made it was possible to complete an interview or proxy interview with a total of 8 households living in bricks and mortar. A total of 7 met the planning definition and 1 did not, and all expressed a need to move to a site in Maidstone.

Migration/Roadside

- 7.23 The study has also sought to address in-migration (households requiring accommodation who move into the study area from outside) and out-migration (households moving away from the study area). Site surveys typically identify only small numbers of in-migrant and out-migrant households and the data is not normally robust enough to extrapolate long-term trends. At the national level, there is nil net migration of Gypsies and Travellers across the UK, but the assessment has taken into account local migration effects on the basis of the best evidence available.

- 7.24 Evidence drawn from stakeholder and household interviews has been considered alongside assessments of need that have been completed in other nearby local authorities. The household interviews identified a total of 9 households that have been displaced from Maidstone who are living on the roadside and who are seeking to move back to family sites. ORS have found no firm evidence from other local studies that have been completed recently of any additional households wishing to move to Maidstone. Therefore, apart from the identified in-migration, net migration to the sum of zero has been assumed for the GTAA – which means that net pitch requirements are driven by locally identifiable need rather than speculative modelling assumptions.
- 7.25 It is important to note that any future demand for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based Local Plan Policy. This additional need should not be assessed against levels of need identified in the GTAA or to contribute towards supply to meet this need.

Pitch Needs – Gypsies and Travellers that meet the Planning Definition

- 7.26 The 408 households that met the planning definition were found on the private, temporary, and unauthorised sites, as well as from bricks and mortar and in-migration/roadside.
- 7.27 Analysis of the household interviews indicated that there is a current need for 46 pitches from concealed or doubled-up households or adults; 43 pitches from households on unauthorised sites; and 7 movement from bricks and mortar. The future need identified is for 71 pitches for teenage children living on site who are in need of a pitch of their own in the next 5 years; 3 pitches for households on sites with temporary planning permission; 9 pitches from in-migration or roadside; and 146 pitches as a result of new household formation, using a rate of 1.95% derived from the demographics of the residents. There is also supply from 2 vacant pitches on public sites. Therefore, the overall level of need identified for those households who met the planning definition of a Gypsy or Traveller is for **323 pitches** over the GTAA period.
- 7.28 Whilst there were 49 pitches on sites with permanent planning permission that were either vacant, unimplemented, or un-developed, these were all on private sites and are not considered to be available supply as required by the PPTS. However, it is anticipated that these pitches will meet some of the current and future need identified from these sites.
- 7.29 Many of the households that were interviewed on private sites in Maidstone also stated that they have sufficient land and a means to deliver additional pitches on their sites to meet the current and future needs for their families.

Figure 8 – Need for Gypsy and Traveller households in Maidstone that met the Planning Definition (2019-40)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	2
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	2
Current Need	
Households on unauthorised developments	43
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	46
Movement from bricks and mortar	7
Households on waiting lists for public sites	0
Total Current Need	96
Future Need	
5 year need from teenage children - Sites	71
Households on sites with temporary planning permission	3
In-migration	9
New household formation	146
<i>(Household base 365 and formation rate 1.95%)</i>	
Total Future Needs	229
Net Pitch Need = (Current and Future Need – Total Supply)	323

Figure 9 – Need for Gypsy and Traveller households in Maidstone that met the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	177	41	45	49	11	323

Pitch Needs – Undetermined/Not Visited Gypsies and Travellers

- 7.30 Whilst it was not possible to determine the planning status of a total of 99 households on sites that were able to be visited/contacted as they either refused to be interviewed or were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be Gypsies and Travellers and may meet the planning definition.
- 7.31 In addition, it was not possible to complete visits to 40 sites with a total of 88 pitches due to COVID-19 travel and social distancing restrictions. The needs of these households also need to be recognised by the GTAA as they are believed to be Gypsies and Travellers and may meet the planning definition.
- 7.32 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.
- 7.33 However, data that has been collected from over 5,000 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 30% of households that have been interviewed meet the planning definition.
- 7.34 This would suggest that it is likely that only a proportion of the potential need identified from these undetermined households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means.
- 7.35 In addition, due to the high numbers of undetermined households at the time of preparing this GTAA Report, additional need from concealed or doubled-up households or single adults and need from teenagers who will need a pitch of their own in the next 5 years has been modelled based on the average numbers per household for the 255 households that were interviewed. This resulted in the following multipliers being applied. The modelled need is also included in the base for the calculation of new household formation:
- » Average number of concealed/doubled-up per household = 0.28.
 - » Average number of teenagers in need of a pitch of their own per household = 0.33
- 7.36 There were 99 occupied Gypsy and Traveller households on sites that were visited where it was not possible to complete an interview. **Need for up to 132 pitches** has been identified from these households. This is made up of 24 pitches on sites that are unauthorised; a modelled estimate of 28 pitches from concealed or doubled-up households or single adults; a modelled estimate of 33 pitches from teenagers in need of a pitch of their own in the next 5 years; and 47 pitches from new household formation using the ORS national formation rate of 1.50%¹¹. As set out in above, it is likely that only a proportion of these households will meet the planning definition. If the ORS

¹¹ The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

national average of 30% were to be applied the need identified from undetermined households could be for 40 pitches. If the locally derived proportion of households that met the planning definition (88%) were to be applied this could rise to 116 pitches.

- 7.37 There were 88 occupied Gypsy and Traveller households on sites that were not visited at the time of reporting due to COVID19. **Need for up to 113 pitches** has been identified from these households. This is made up of 18 pitches on sites that are unauthorised; a modelled estimate of 25 pitches from concealed or doubled-up households or single adults; a modelled estimate of 29 pitches from teenagers in need of a pitch of their own in the next 5 years; and 41 pitches from new household formation using the ORS national formation rate of 1.50%¹². As set out in above, it is likely that only a proportion of these households will meet the planning definition. If the ORS national average of 30% were to be applied the need identified from undetermined households could be for 34 pitches. If the locally derived proportion of households that met the planning definition (88%) were to be applied this could rise to 99 pitches.
- 7.38 Need from Undetermined and Not Visited households should be addressed through a Criteria-Based Local Plan Policy as set out in the Executive Summary, Chapter 3 and in the Conclusions to this report.
- 7.39 Tables setting out the components of need for undetermined households can be found in **Appendix B**.

Pitch Needs - Gypsies and Travellers that do not meet the Planning Definition

- 7.40 It is not now a requirement for a GTAA to include an assessment of need for households that did not meet the planning definition. However, this assessment has been completed to provide the Council with information on levels of need that will have to be addressed through separate Local Plan Policies – as set out in the NPPF, or through a Gypsy and Traveller DPD. On this basis, it is evident that whilst the needs of the 40 households who did not meet the planning definition will represent only a very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in place to properly address these needs – especially as many identified as Irish and Romany Gypsies and may claim that the Council should meet their housing needs through culturally appropriate housing.
- 7.41 Analysis of the household interviews indicated that there is a need from 6 concealed or doubled-up households or single adults; 8 from households on unauthorised sites; 1 movement from bricks and mortar; 5 from teenagers who will need a pitch of their own in the next 5 years; 1 household on a site with temporary planning permission; 1 from in-migration/roadside; and 14 from new household formation using a formation rate of 1.50% derived from the household demographics. Therefore, the overall level of need for those households who did not meet the planning definition of a Gypsy or Traveller is for **36 pitches** over the GTAA period. A summary of this need for households that did not meet the planning definition can be found in **Appendix C**.

¹²The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

Travelling Showmen Needs

Plot Needs – Travelling Showmen

- 7.42 There were 4 Travelling Showperson yards identified in Maidstone and interviews or proxy interviews were completed with the majority of households. One of the yards was not occupied by Travellers.
- 7.43 Analysis of the household interviews for households that met the planning definition indicated that there is a need for 2 plots for teenagers in need of a plot of their own in the next 5 years; and a need for 3 plots from new household formation derived from the household demographics. Therefore, the overall level of need for those households who met the planning definition of a Travelling Showperson is for **5 plots** over the GTAA period.

Figure 10 – Need for Travelling Showmen households in Maidstone that met the Planning Definition (2019-40)

Travelling Showmen - Meeting Planning Definition	Pitches
Supply of Plots	
Supply from vacant public and private plots	0
Supply from plots on new yards	0
Plots vacated by households moving to bricks and mortar	0
Plots vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Total Current Need	0
Future Need	
5 year need from teenage children	2
Households on yards with temporary planning permission	0
In-migration	0
New household formation	3
<i>(Formation from household demographics)</i>	
Total Future Needs	5
Net Plot Need = (Current and Future Need – Total Supply)	5

Figure 11 – Need for Travelling Showmen households in Maidstone that met the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	2	2	1	0	0	5

- 7.44 Need for **2 plots** was identified from the 5 undetermined households where it was not possible to complete and interview and this was all from new household formation, and there was no need identified from the 1 household that did not meet the planning definition of a Travelling Showperson.

Transit Requirements

- 7.45 When determining the potential need for transit provision the assessment has looked at data from the DLUHC Traveller Caravan Count, the outcomes of the stakeholder interviews and records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

DLUHC Traveller Caravan Count

- 7.46 Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Traveller Caravan Count is a count of caravans and not households. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) 'snapshot in time' conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise, any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.
- 7.47 Data from the Traveller Caravan Count has recorded no unauthorised caravans on sites not owned by Travellers since 2016.

Stakeholder Interviews and Local Data

- 7.48 The stakeholder interviews identified that short-term unauthorised encampments are infrequent in Maidstone, and that numbers have generally been reducing over recent years. This reduction has been attributed to a change in the enforcement approach to encampments and the use of Community Protection Notices. However, the majority of encampments were only said to stay for 24-hour periods and only stop in the area as they pass through; these are also commonly the same family units each year.
- 7.49 There are no public transit sites in Maidstone or in Kent, and there are ongoing transit provision discussions at a Kent-wide level.
- 7.50 Information held by the Council recorded a total of 9 encampments in 2016, 14 encampments in 2017, 9 encampments in 2018 and 9 encampments in 2019.
- 7.51 Further analysis has been undertaken where the number of caravans at each encampment have been recorded. This shows that the majority of encampments (59%) in Maidstone are made of 5 or less caravans and that only 13% of encampments are made up of 11 or more caravans. This is important when planning the type and size of transit provision that may be needed to address problems associated with unauthorised encampments.
- 7.52 There are a number of locations in Maidstone that appear to be popular with Travellers in recent years and these include Cumberland Green (6 encampments since 2016), Mote Park Leisure Centre (5), Gatland Lane Recreation Ground (4), Maidstone Leisure Centre (4) and Willington Street Park & Ride (4).

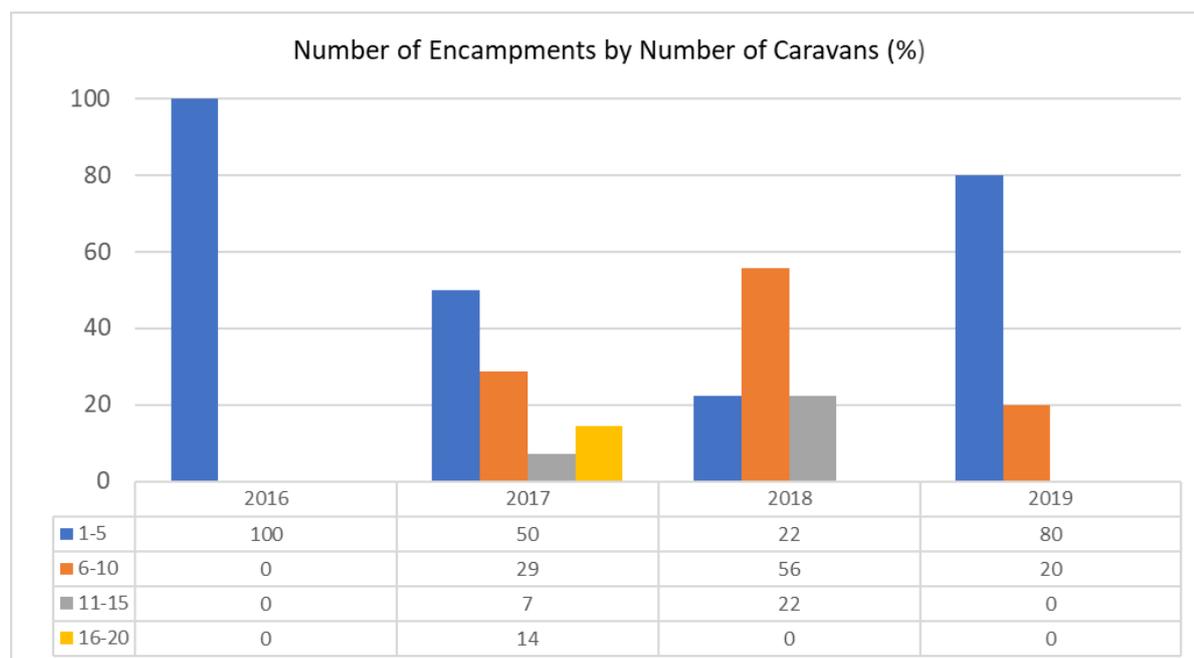
Figure 12 – Number of encampments by number of caravans

Year	1-5	6-10	11-15	16-20	Total
2016	9	0	0	0	9
2017	7	4	1	2	14
2018	2	5	2	0	9
2019	4	1	0	0	5
TOTAL	22	10	3	2	37

Figure 13 – Number of encampments by number of caravans (%)

Year	1-5	6-10	11-15	16-20	Total
2016	100	0	0	0	100
2017	50	29	7	14	100
2018	22	56	22	0	100
2019	80	20	0	0	100
TOTAL	59	27	8	5	100

Figure 14 – Number of encampments by number of caravans (%)



Potential Implications of PPTS (2015)

7.53 It has been suggested that there will need to be an increase in transit provision across the country as a result of changes to PPTS leading to more households travelling. This may well be the case, but evidence from the Traveller Caravan Count does not currently suggest an increase in numbers of unauthorised non-tolerated is occurring. Any recommendations for future transit provision will need to make use of a robust local evidence base.

Transit Recommendations

7.54 Due to low historic low numbers of unauthorised encampments, it is not recommended that there is a need for a formal public transit site in Maidstone at this time. The situation relating to

levels of unauthorised encampments should continue to be monitored – for example a potential increase in the number of households travelling to seek to meet the current planning definition.

- 7.55 As well continuing to record information on the size and duration of the encampments, this monitoring should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area. This information could be collected as part of a Welfare Assessment (or similar).
- 7.56 It is recommended that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a Kent-wide basis. This will establish whether there is a need for investment in any new transit provision or emergency stopping places, or whether a managed approach is preferable.
- 7.57 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.
- 7.58 The term ‘negotiated stopping’ is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent ‘built’ transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides. See www.negotiatedstopping.co.uk for further information.
- 7.59 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold-water supply; portaloos; sewerage disposal point and refuse disposal facilities.

8. Conclusions

8.1 This study provides a robust evidence base to enable the Council to assess the housing needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showmen under the Housing Act 1985, Planning Policy for Traveller Sites (PPTS) 2015, the Housing and Planning Act 2016, the National Planning Policy Framework (NPPF) 2021 and the Planning Practice Guidance (PPG) 2021. It also provides the evidence base which can be used to support Local Plan Policies. Whilst the need evidenced at individual sites is not included in this report, additional evidence will be provided to the Council to enable them to allocate pitches and to investigate opportunities for the intensification or expansion of sites.

Gypsies and Travellers

8.2 In summary there is a need for:

- » 323 pitches in Maidstone over the Interim GTAA period to 2037 for Gypsy and Traveller households that met the planning definition.
- » 132 pitches for undetermined Gypsy and Traveller households that may meet the planning definition on sites that were visited.
- » 113 pitches for Gypsy and Traveller households who may meet the planning definition on sites that were not visited.
- » 36 pitches for Gypsy and Traveller households who did not meet the planning definition.

8.3 In general terms need identified in a GTAA is seen as need for pitches. As set out in Chapter 4 of this report, 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.

8.4 It is recommended that alternative approaches should be considered when seeking to address the levels of need identified in this Interim GTAA, especially when seeking to meet the need on existing private sites.

8.5 The Council should consider exploring opportunities to intensify or expand existing private sites in order for them to accommodate additional pitches or accommodation units. This approach could help to address levels of need for single concealed or doubled-up adults and from teenagers who will be in need of a pitch of their own in the next 5 years. In the short to medium term it is unlikely that the accommodation need of these individuals will need to be met through traditional pitches as set out in Paragraph 8.3 above. It is common for conditions in Decision Notices for Travellers sites to simply place limits on the numbers and types of caravans as opposed to placing limits on the number of pitches.

8.6 Future need from new household formation could also be met through natural turnover of pitches over time.

8.7 Given that many of the households that were interviewed on private sites in Maidstone stated that they have sufficient land and a means to deliver additional pitches to meet their current and

future needs, it is also recommended that the Council complete a Pitch Deliverability Assessment to identify the levels of need that can be met on existing sites in Maidstone with a view to trying to minimise the need to identify any new sites to meet current and future need.

- 8.8 Following the considerations set out above, it is recommended that need for households that met the PPTS planning definition is addressed through a combination of specific pitch allocations relating to the intensification or expansion of existing sites – considering some of the alternative approaches set out above.
- 8.9 It is recommended that need for households that meet the PPTS planning definition is addressed through new pitch allocations and the intensification or expansion of existing sites – considering some of the alternative approaches set out above. Given that the majority of identified need comes from households living on private sites it is likely that it will need to be addressed through the provision of private pitches or sites. As set out in Paragraph 8.1 the Council will be provided with additional information that will allow them to consider sites that are suitable for intensification or expansion.
- 8.10 The Council will need to carefully consider how to address any needs from undetermined households, from households seeking to move to Maidstone (in-migration), or from households currently living in bricks and mortar. In terms of Local Plan Policies, the Council should consider the use of a robust Criteria-Based Local Policy (as suggested in PPTS).
- 8.11 In general terms, it is the Government’s intention that the need for those households who do not fall within the PPTS planning definition should be met as part of general housing need, and through other Local Plan Housing Policies, this is reflected in the NPPF (2021).
- 8.12 It is recognised that the Council are in the process of reviewing their Local Plan that sets out how overall housing need will be addressed. It is also understood that the Council are in the process of preparing a separate Gypsy and Traveller DPD. The findings of this report should be considered as part of future housing mix and type within the context of the assessment of overall housing need in relation to Gypsies, Travellers and Travelling Showmen.

Travelling Showmen

- 8.13 The Interim GTAA identifies a need for 5 plots for households that met the planning definition and 2 plots for undermined households. There was no need identified for the household that did not meet the planning definition.

Transit Provision

- 8.14 Due to low historic low numbers of unauthorised encampments, and the existence of some private transit pitches, it is not recommended that there is a need for a formal public transit site in Maidstone at this time. However, there is a need for a more strategic approach to transit provision across Kent to consider the establishment of a network of emergency stopping places to enable the Police to use their powers to move household on.
- 8.15 In the short-term the Council should continue to use its current approach when dealing with unauthorised encampments and management-based approaches such as negotiated stopping agreements could also be considered.

Summary of Need to be Addressed

- 8.16 Taking into consideration all of the elements of need that have been assessed, together with the assumptions on the proportion of undetermined households that are likely to meet the planning definition, the table below sets out the likely number of pitches that will need to be addressed either as a result of the GTAA, or through the Councils Housing Need Assessment (HNA) process and through separate Local Plan Policies.
- 8.17 Total need from Gypsy and Traveller households that met the planning definition; from undetermined households that may meet the planning definition; and from households that did not meet the planning definition is for 604 pitches.
- 8.18 The tables below break total need down by:
- » The number that met the planning definition.
 - » The likely proportion of need from undetermined households that will meet the planning definition. It does this by taking 30% (the ORS national average of Gypsies and Travellers that meet the planning definition) of need from undetermined households and 88% (the locally derived proportion that met the planning definition).
 - » The number that did not meet the planning definition; and
 - » The likely proportion of need from undetermined households that will not meet the planning definition. It does this by taking 70% (the ORS national average of Gypsies and Travellers that do not meet the planning definition) of need from undetermined households and 12% (the locally derived proportion that did not meet the planning definition).
- 8.19 Need from households that meet or are likely to meet the planning definition will need to be addressed through Gypsy and Traveller Local Plan Policy through a combination of site allocations and through a Criteria-Based Policy.
- 8.20 Need for households that did not meet the planning definition will need to be met through other Local Plan Housing Policies.

Figure 15 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – ORS National %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition ¹³	323	-	323
30% Undetermined Need ¹⁴	40	-	40
30% Not Visited Need ¹⁵	34	-	34
Do Not Meet Planning Definition ¹⁶	-	36	36
70% Undetermined Need ¹⁷	-	92	92
70% Not Visited Need ¹⁸	-	79	79
TOTAL	397	207	604

Figure 16 – Need for Gypsy and Traveller households broken down by Local Plan Policy Type – Maidstone %

Delivery Status	Gypsy & Traveller Policy	Housing Policy	TOTAL
Meet Planning Definition ¹³	323	-	323
88% Undetermined Need ¹⁴	116	-	116
88% Not Visited Need ¹⁵	99	-	99
Do Not Meet Planning Definition ¹⁶	-	36	36
12% Undetermined Need ¹⁷	-	16	16
12% Not Visited Need ¹⁸	-	14	14
TOTAL	538	66	604

Reason for an Increase in Need in Maidstone

- 8.21 The previous GTAA for Maidstone that was published in 2012 identified a need for 187 pitches for Gypsies and Travellers for the period 2011-2026. This is significantly lower than the need figures that have been identified in this Interim GTAA which has identified a need for 604 Gypsy and Traveller pitches.
- 8.22 There are a number of reasons that can be identified as contributing towards this increased level of need in Maidstone when the Interim GTAA is compared to the 2012 GTAA:
- » **Higher site baseline:** In 2012 there were 115 sites and 233 pitches, and in 2021 there were 189 sites and 512 pitches.
 - » **Improved response rate:** In 2012 the response rate was 34%, and in 2021 the response rate was 78%.
 - » **Improved methodology:** The Interim GTAA employed a more robust methodology in relation to identifying need from concealed and doubled-up households, and when providing an estimate of future need from new household formation.

¹³ Through site allocations, intensification and expansion of existing sites where possible.

¹⁴ Through a Criteria-Based Local Plan Policy.

¹⁵ Through a Criteria-Based Local Plan Policy.

¹⁶ Through other Local Plan Housing Policies.

¹⁷ Through other Local Plan Housing Policies.

¹⁸ Through other Local Plan Housing Policies.

- » **Unauthorised sites:** In 2012 there were 31 unauthorised sites with 51 unauthorised pitches that were not included in the overall need figure. In 2021 there were 37 unauthorised sites with 101 unauthorised pitches that have been included in the overall need figure.
- » **Higher population baseline:** Given that a significantly higher number of household interviews were completed, the baseline for the estimate of new household formation is higher than in 2012.
- » **Longer GTAA period:** The 2012 GTAA covered a 15-year period, whilst the Interim GTAA covers an 18-year period.

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Appendix A: Glossary of Terms / Acronyms used

Amenity block/shed	A building where basic plumbing amenities (bath/shower, WC, sink) are provided.
Bricks and mortar	Mainstream housing.
Caravan	Mobile living vehicle used by Gypsies and Travellers. Also referred to as trailers.
Chalet	A single storey residential unit which can be dismantled. Sometimes referred to as mobile homes.
Concealed household	Households, living within other households, who are unable to set up separate family units.
Doubling-Up	Where there are more than the permitted number of caravans on a pitch or plot.
Emergency Stopping Place	A temporary site with limited facilities to be occupied by Gypsies and Travellers while they travel.
Green Belt	A land use designation used to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
Household formation	The process where individuals form separate households. This is normally through adult children setting up their own household.
In-migration	Movement of households into a region or community
Local Plans	Local Authority spatial planning documents that can include specific policies and/or site allocations for Gypsies, Travellers and Travelling Showmen.
Out-migration	Movement from one region or community in order to settle in another.
Personal planning permission	A private site where the planning permission specifies who can occupy the site and doesn't allow transfer of ownership.
Pitch/plot	Area of land on a site/development generally home to one household. Can be varying sizes and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and Plots to Travelling Showmen yards.
Private site	An authorised site owned privately. Can be owner-occupied, rented or a mixture of owner-occupied and rented pitches.

Site	An area of land on which Gypsies, Travellers and Travelling Showmen are accommodated in caravans/chalets/vehicles. Can contain one or multiple pitches/plots.
Social/Public/Council Site	An authorised site owned by either the local authority or a Registered Housing Provider.
Temporary planning permission	A private site with planning permission for a fixed period of time.
Tolerated site/yard	Long-term tolerated sites or yards where enforcement action is not expedient, and a certificate of lawful use would be granted if sought.
Transit provision	Site intended for short stays and containing a range of facilities. There is normally a limit on the length of time residents can stay.
Unauthorised Development	Caravans on land owned by Gypsies and Travellers and without planning permission.
Unauthorised Encampment	Caravans on land not owned by Gypsies and Travellers and without planning permission.
Waiting list	Record held by the local authority or site managers of applications to live on a site.
Yard	A name often used by Travelling Showmen to refer to a site.

DLUHC	Department for Levelling Up, Housing and Communities.
GTAA	Gypsy and Traveller Accommodation Assessment
GTANA	Gypsy and Traveller Accommodation Needs Assessment
HEDNA	Housing and Economic Development Needs Assessment
HNA	Housing Need Assessment
LPA	Local Planning Authority
MHCLG	Ministry of Housing, Communities and Local Government
NPPF	National Planning Policy Framework
ORS	Opinion Research Services
PPG	Planning Policy Guidance
PPTS	Planning Policy for Traveller Sites
SHMA	Strategic Housing Market Assessment
TSP	Travelling Showmen

Appendix B: Undetermined Households

Figure 17 - Need for undetermined Gypsy and Traveller households in Maidstone (2019-40)

Gypsies and Travellers – Undetermined	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	24
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	28
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	52
Future Need	
5 year need from teenage children	33
Households on sites with temporary planning permission	0
In-migration	0
New household formation	47
<i>(Household base 160 and formation rate 1.50%)</i>	
Total Future Needs	80
Net Pitch Need = (Current and Future Need – Total Supply)	132

Figure 18 – Need for undetermined Gypsy and Traveller households in Maidstone by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	85	14	14	15	4	132

Figure 19 - Need for Not Visited Gypsy and Traveller households in Maidstone (2019-40)

Gypsies and Travellers – Not Visited	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	18
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	25
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	43
Future Need	
5 year need from teenage children	29
Households on sites with temporary planning permission	0
In-migration	0
New household formation	41
<i>(Household base 142 and formation rate 1.50%)</i>	
Total Future Needs	70
Net Pitch Need = (Current and Future Need – Total Supply)	113

Figure 20 – Need for Not Visited Gypsy and Traveller households in Maidstone by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	72	12	13	13	3	113

Figure 21 - Need for undetermined Travelling Showmen households in Maidstone (2019-40)

Travelling Showmen - Undetermined	Plots
Supply of Plots	
Supply from vacant public and private plots	0
Supply from plots on new yards	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public yards	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	2
<i>(Household base 5 and formation rate 1.50%)</i>	
Total Future Needs	2
Net Plot Need = (Current and Future Need – Total Supply)	2

Figure 22 – Need for undetermined Travelling Showmen households in Maidstone by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	0	1	0	1	0	2

Appendix C: Households that did not meet the Planning Definition

Figure 23 - Need for Gypsy and Traveller households in Maidstone that did not meet the Planning Definition (2019-40)

Gypsies and Travellers - Not Meeting Planning Definition		Pitches
Supply of Pitches		
Supply from vacant public and private pitches		0
Supply from pitches on new sites		0
Pitches vacated by households moving to bricks and mortar		0
Pitches vacated by households moving away from the study area		0
Total Supply		0
Current Need		
Households on unauthorised developments		8
Households on unauthorised encampments		0
Concealed households/Doubling-up/Over-crowding		6
Movement from bricks and mortar		1
Households on waiting lists for public sites		0
Total Current Need		15
Future Need		
5 year need from teenage children		5
Households on sites with temporary planning permission		1
In-migration/Roadside		1
New household formation		14
<i>(Household base 45 and formation rate 1.50%)</i>		
Total Future Needs		21
Net Pitch Need = (Current and Future Need – Total Supply)		36

Figure 24 – Need for Gypsy and Traveller households in Maidstone that did not meet the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	22	4	4	5	1	36

Figure 25 - Need for Travelling Showmen households in Maidstone that did not meet the planning definition (2019-40)

Travelling Showmen - Not Meeting Planning Definition	Plots
Supply of Plots	
Supply from vacant public and private plots	0
Supply from plots on new yards	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public yards	0
Total Current Need	0
Future Need	
5 year need from teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	0
<i>(No formation from 1 household)</i>	
Total Future Needs	0
Net Plot Need = (Current and Future Need – Total Supply)	0

Figure 26 – Need for Travelling Showmen households in Maidstone that did not meet the Planning Definition by 5-year periods

Years	0-5	6-10	11-15	16-20	21	Total
	2019-24	2024-29	2029-34	2034-39	2039-40	
	0	0	0	0	0	0

Appendix D: Site and Yard List (July 2020)

Site/Yard	Authorised Pitches or Plots	Unauthorised Pitches or Plots
Public Sites		
Stilebridge Caravan Site	18	-
Water Lane Caravan Site	14	-
Private Sites with Permanent Permission		
1 Oak Lodge	3	-
2 Oak Lodge	3	-
3 Oak Lodge	2	-
Abbeywood Stud Farm	1	-
Adj 8 Green Lane Cottages	2	-
Allotment Gardens	1	-
Apple Blossom	3	-
Ash Gardens/Plot 2 The Meadows	1	-
Benover Paddock	2	-
Blossom Lodge, Maplehurst Lane	1	-
Blossom Lodge, Stockett Lane	4	-
Blue Bell Farm	2	-
Bramblewood	7	-
Bramblewood Stables	5	-
Bridgefield	4	-
Broken Tree	1	-
Caravan 2, Hawthorne Farm	2	-
Chart Hill Paddock	5	-
Chart View, 1	1	-
Chart View, 2	1	-
Cherry Tree Farm	2	-
Cobnut Tree Place (Plot 1)	1	-
Delilah Lodge	1	-
Detling Lime Works	1	-
Dunroamin	4	-
Emmett Hill Nursery	2	-
Fairway	2	-
Faithfield	1	-
Five Oak Stables	1	-
Forstal Farm	1	-
Four Oakes (Plot 2)	3	-
Glovers Bridge	2	-
Golden Oaks	1	-
Granada	3	-

Great Love Farm	2	-
Greenacre (Plot 5)	1	-
Greenfields	2	-
Hawthorn Farm	2	-
Hieland Glen	1	-
Highlands Farm	2	-
Horseshoe Paddock	3	-
Kilnwood Farm	2	-
Kwana	1	-
Land Adjacent Amsbury Cottage	1	-
Land adjacent The Glen	2	-
Land Adjacent to Five Kilns	2	-
Land at Hawthorn Place	2	-
Land at Stockbury Valley/Longton Manor	4	-
Land East of Queen Street	1	-
Land North of Stilebridge Stableyard	3	-
Land off Clapper Lane (Oakhurst Lodge)	1	-
Land Rear of Orchard Farm Nursery (Orchard Place)	2	-
Land Rear of Vine Cottage	7	-
Land South East of Stilebridge Lane (The Barn)	2	-
Land West of Longend Lane (Longend Meadow)	2	-
Land West of The Barn	1	-
Little Acre, Chart Hill Road	2	-
Little Acre, Marden Road	2	-
Little Appleby	4	-
Little Boarden	3	-
Little Clock House	2	-
Little Oak Farm	3	-
Little Paddocks	1	-
Longton Manor	3	-
Lorne Greenacre	3	-
Love Lane Stables	1	-
Maplehurst Paddock	1	-
Martins Gardens	6	-
Meadow View	3	-
Millfield Farm	2	-
Mulberry Farm	5	-
Neverend Lodge	1	-
Oak Lodge	3	-
Oak Lodge (1)	2	-
Oak Tree Farm	7	-
Oak Tree Farm / The Pond	1	-
Oak Tree Place	1	-
Oakland Place	2	-
Oaklands	1	-
Oaklands	1	-
Old Oak Paddocks	1	-
Orchard Drive	1	-
Orchard Farm Nursery	1	-
Orchard Farm Nursery (Plot 1)	1	-
Orchard Farm Nursery Plot 1 (Orchard Spot)	2	-

Orchard Farm Nursery Plot 2	3	-
Orchard Place	2	-
Part Norham Farm	4	-
Peacock Farm	1	-
Pear Paddock	2	-
Peas Place	1	-
Perfect Place	4	-
Petsfield	2	-
Plot 1, The Meadows / 1 Smiths Cottage	2	-
Plot 2, The Meadows/Ash Gardens	3	-
Plum Tree Farm	2	-
Plum Tree Lane	18	-
Primrose Paddock	2	-
Quarter Paddocks	5	-
Romany Stables (White House Farm)	2	-
Rosegarden	2	-
Roydon Farm	5	-
Seaview Farm	8	-
Silverlees	2	-
Smiths View, Adjacent The Potters	1	-
Somersby Stables	3	-
Stable Paddocks	4	-
Stilebridge Stableyard	1	-
Ten Acre Farm	1	-
The Acorns	1	-
The Caravan / North Road Folly	1	-
The Chances	4	-
The Coppice	1	-
The Glen	6	-
The Green Barn	1	-
The Honeysuckles	1	-
The Keys	1	-
The Lodge	1	-
The Mellows (and The Chestfields)	2	-
The Oakes	1	-
The Old Woodyard	1	-
The Orchard, Copper Lane	5	-
The Orchard/The Willows/The Finches (Stilebridge Paddock)	3	-
The Orchards, Snowey Lane	10	-
The Paddocks, George Street	2	-
The Paddocks, Love Lane	1	-
The Rosings (Behind The Ewes)	1	-
The Stables (Brookfield Gardens and The Finches)	6	-
The Stables, Frittenden Road	2	-
The Three Sons, Parkwood Lane	2	-
The Vine	5	-
The Willows, Stilebridge Lane	2	-
The Willows, Lucks Lane	1	-
Three Acres	2	-

Tommy's Maize / The Mount	4	-
Twin Oaks	3	-
Two Acres	1	-
Udene Barn Stud	4	-
Wheatgratten	7	-
Whiteacres	4	-
Willow Gardens	5	-
Willow Trees	2	-
Willows End	3	-
Wind in The Willows	1	-
Woodside Place	5	-
Woodside View (Land south of New Barn Farm)	2	-
Yelsted Farm	1	-
Yelton	2	-
Private Sites with Temporary Planning Permission		
Rosewood Farm	2	-
The Three Sons, Hampstead Lane	2	-
Tolerated Sites		
None	-	-
Unauthorised Sites		
Acers Place / Land Adjoining Greengates	-	2
Ash Tree Place	-	2
Cherry Gardens	-	4
Chestfields	-	2
Eight Acres	-	1
Fairhaven	-	1
Flips Hole	-	2
Green Acres	-	8
Green Tops	-	1
Greengates	-	1
Hertsfield Farm	-	1
Horseshoes	-	1
Jack's Wood, (Land at Squirrel Wood)	-	1
Land Adj Forstal Farm	-	1
Land Adj Horseshoe Paddock	-	1
Land at Highlands Hill	-	1
Land East of Blossom Lodge	-	7
Land East of Water Lane	-	2
Land Rear of Brickyard Cottages	-	3
Land Rear of Little Neverend Farm	-	8
Land Rear of Silverlees	-	8
Land Rear of The Meadows (Plots 1-10)	-	18
Land South of Love Lane	-	1
Little Appleby	-	2
Pear View	-	3
Plot 2, The Oakes	-	1
Plot 3 The Meadows (Vale End)	-	2
Plot 4 The Meadows	-	1
Plot A, Plum Tree Lane	-	1

Plot B, Plum Tree Lane	-	1
Plot C, Plum Tree Lane	-	3
The Ash	-	2
The Ewes	-	1
The Green Barn	-	4
The Paddocks, land west of Benover Road	-	1
The Pottery	-	1
The Stables, Wagon Lane	-	1
TOTAL PITCHES	411	101
Travelling Showmen Yards		
Fairview	6	-
Wickham Orchard	4	-
Cobtree Meadows, Land Adjoining Greengates	2	-
The Paddock	5	-
TOTAL PLOTS	17	0

Appendix E: Household Interview Questions

GTAA Questionnaire 2019



INTERVIEWER: Good Morning/afternoon/evening. My name is < > from Opinion Research Services, working on behalf of XXXX Council.

The Council are undertaking a study of Gypsy, Traveller and Travelling Showpeople accommodation needs assessment in this area. This is needed to make sure that accommodation needs are properly assessed and to get a better understanding of the needs of the Travelling Community.

The Council need to try and speak with every Gypsy, Traveller and Travelling Showpeople household in the area to make sure that the assessment of need is accurate.

Your household will not be identified and all the information collected will be anonymous and will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households.

ORS is registered under the Data Protection Act 1998. Your responses will be stored and processed electronically and securely. This paper form will be securely destroyed after processing. Your household will not be identified to the council and only anonymous data and results will be submitted, though verbatim comments may be reported in full, and the data from this survey will only be used to help understand the needs of Gypsy, Traveller and Travelling Showpeople households

A General Information

A1	Name of planning authority: <i>INTERVIEWER please write in</i>		
A2	Date/time of site visit(s): <i>INTERVIEWER please write in</i>	DD/MM/YY	TIME
A3	Name of interviewer: <i>INTERVIEWER please write in</i>		
A4	Address and pitch number: <i>INTERVIEWER please write in</i>		
A5	Type of accommodation: <i>INTERVIEWER please cross one box only</i>		
	Council <input type="checkbox"/>	Private rented <input type="checkbox"/>	Private owned <input type="checkbox"/>
		Unauthorised <input type="checkbox"/>	Bricks and Mortar <input type="checkbox"/>
A6	Name of Family: <i>INTERVIEWER please write in</i>		
A7	Ethnicity of Family: <i>INTERVIEWER please cross one box only</i>		
	Romany Gypsy <input type="checkbox"/>	Irish Traveller <input type="checkbox"/>	Scots Gypsy or Traveller <input type="checkbox"/>
	New Traveller <input type="checkbox"/>	English Traveller <input type="checkbox"/>	Show Person <input type="checkbox"/>
		Welsh Gypsy <input type="checkbox"/>	Non-Traveller <input type="checkbox"/>
	Other (please specify)		
A8	Number of units on the pitch: <i>INTERVIEWER please write in</i>		
	Mobile homes	Touring Caravans	Day Rooms
	Other (please specify)		

A9 Is this site your main place of residence? If not where is it?
INTERVIEWER: Please cross one box only

Yes No

A10 How long have you lived here? If you have moved in the past 5 years, where did you move from? *INTERVIEWER: Please write in below*

Years	Months	If you have moved in the past 5 years, where did you move from? Include ALL moves
-------	--------	---

A11 Did you live here out of your own choice or because there was no other option? If there was no other option, why? *INTERVIEWER: Please cross one box only*

Choice No option

A12 Is this site suitable for your household? If so why and if not why not? (For example close to schools, work, healthcare, family and friends etc.)
INTERVIEWER: Please cross one box only

Yes No

A13 How many separate families or unmarried adults live on this pitch?
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

B Demographics

B1 Demographics — Household 1 *INTERVIEWER: Please write-in*

Person 1		Person 2		Person 3	
Sex	Age	Sex	Age	Sex	Age

Complete additional forms for each household on pitch *INTERVIEWER: Please write-in*

Person 4		Person 5		Person 6		Person 7		Person 8	
Sex	Age								

C Accommodation Needs

C1 How many families or unmarried adults living on this pitch are in need of a pitch of their own in the next 5 years? *INTERVIEWER: Please cross one box only*

INTERVIEWER: AN ADULT IS DEFINED AS 16+

1 2 3 4 5 6 7 8 9 10

Other Please specify

C2 How many of your children will need a home of their own in the next 5 years? If they live here now, will they want to stay on this site? If not, where would they wish to move? (e.g. other site, in bricks and mortar etc.) If they do not live on this site, where do they currently live and would they want to move on to this site or another local site if they could get a pitch? *INTERVIEWER: Please cross one box only*

1 2 3 4 5 6 7 8 9 10

Other *Please specify*

Details (Please specify)

D **Waiting List**

D1 Is anyone living here on the waiting list for a pitch in this area?
INTERVIEWER: Please cross one box only

Yes —————> Continue to D2
 No —————> Go to D4

D2 How many people living here are on the waiting list for a pitch in this area?
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

Other *(Please specify)*

Details (Please specify)

D3 How long have they been on the waiting list? *INTERVIEWER: Please cross one box only*

0-3 months 3-6 months 6-12 months 1-2 years 2+ years

Other *(Please specify)*

Details (Please specify)

D4 If they are not on the waiting list, do any of the people living here want to be on the waiting list? (INTERVIEWER if they do - please take their contact details)
INTERVIEWER: Please cross one box only

1 2 3 4 5 6 7 8 9 10

No Other *(Please specify)*

Details (Please specify) and take contact details)

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E		Future Accommodation Needs				
E1 Do you plan to move from this site in the next 5 years? If so, why?						
<i>INTERVIEWER: Please cross one box only</i>						
Yes	<input type="checkbox"/>	<i>If yes</i>	→	<i>Continue to E2</i>	If so, why? (please specify)	
No	<input type="checkbox"/>	<i>If no</i>	→	<i>Go to E5</i>		
E2 Where would you move to? <i>INTERVIEWER: Please cross one box only</i>						
Another site in this area <i>(specify where)</i>	A site in another council area <i>(specify where)</i>	Bricks and mortar in this area <i>(specify where)</i>	Bricks and mortar in another council area <i>(specify where)</i>	Other (e.g. land they own elsewhere) <i>(Please specify)</i>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Please specify where they would move to If they own land elsewhere - probe for details						
E3 If you want to move would you prefer to buy a private pitch or site, or rent a pitch on a public or private site? <i>INTERVIEWER: Please cross one box only</i>						
Private buy <input type="checkbox"/>	Private rent <input type="checkbox"/>		Public rent <input type="checkbox"/>			
E4 Can you afford to buy a private pitch or site? <i>INTERVIEWER: Please cross one box only</i>						
Yes <input type="checkbox"/>			No <input type="checkbox"/>			
E5 Are you aware of, or do you own any land that could have potential for new pitches? <i>INTERVIEWER: Please cross one box only</i>						
Yes <input type="checkbox"/>			No <input type="checkbox"/>			
Please ask for details on where land/site is located and who owns the land/site?						

F Travelling	
F1	<p>How many trips, living in a caravan or trailer, have you or members of your family made away from your permanent base in the last 12 months? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+ </p> <p style="text-align: center;"> ↓ Go to F6a } Continue to F2 </p>
F2	<p>If you or members of your family have travelled in the last 12 months, which family members travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> All the family Adult males Other If other, please specify </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p>
F3	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> Work Holidays Visiting family Fairs Other </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details / specify if necessary. If fairs—probe for whether this involves work </p>
F4	<p>At what time of year do you or family members usually travel? And for how long? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> All year Summer Winter </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> And for how long? </p>
F5	<p>Where do you or family members usually stay when they are travelling? <i>INTERVIEWER: Please cross all boxes that apply</i></p> <p style="text-align: center;"> LA transit sites Private transit sites Roadside Friends/family Other If other, please specify </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> INTERVIEWER: Ask F6a — F8 <u>ONLY</u> if F1 = 0. Otherwise, go to F9 </p>
F6a	<p>Are there any reasons why you don't you travel at the moment?</p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details </p>
F6b	<p>Have you or family members ever travelled? <i>INTERVIEWER: Please cross one box only</i></p> <p style="text-align: center;"> Yes <input type="checkbox"/> —————> Continue to F7 No <input type="checkbox"/> —————> Go to F9 </p>
F7a	<p>When did you or family members last travel? <i>INTERVIEWER: Please write in</i></p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details </p>
F7b	<p>What were the reasons for travelling? <i>INTERVIEWER: Please cross all that apply</i></p> <p style="text-align: center;"> Work Holidays Visiting family Fairs Other </p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </p> <p style="border: 1px solid black; padding: 2px; text-align: center;"> Details / specify if necessary. If fairs—probe for whether this involves work </p>

F8 Why do you not travel anymore? INTERVIEWER: Cross all boxes that apply & probe for details

- | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Children
in school | Ill health | Old age | Settled now | Nowhere
to stop | No work
opportunities | Other |
| <input type="checkbox"/> |

If other, please specify

Details about children in school, types of ill health, or looking after relative with poor health, and specific problems/issues relating to old age

F9 Do you or other family members plan to travel in the future?

INTERVIEWER: Please cross one box only

- | | | | |
|------------|--------------------------|--------|-----------------|
| Yes | <input type="checkbox"/> | —————> | Continue to F10 |
| No | <input type="checkbox"/> | —————> | Go to G1 |
| Don't know | <input type="checkbox"/> | —————> | Go to G1 |

F10 When, and for what purpose do you/they plan to travel?

Details

F11 Is there anything else you would like to tell us about your travelling patterns?

Details

G Any other information	
G1	Any other information about this site or your accommodation needs? INTERVIEWER: <i>Please write in</i>
	<p>Details (e.g. can current and future needs be met by expanding or intensifying the existing site?)</p>
G2	Site/Pitch plan? Any concerns? INTERVIEWER: Please sketch & write in
	<p>Sketch of Site/Pitch — any concerns?</p> <p>Are any adaptations needed?</p> <p>Why does the current accommodation not meet the household's needs; and could their needs could be addressed in situ e.g. extra caravans. This could cover people wanting to live with that household but who cannot currently</p>

H Bricks & Mortar Contacts	
H1 Contacts for Bricks and Mortar interviews? <i>INTERVIEWER: Please write in</i>	
Details	
Council contact?	
Would you like the council to contact you about any of the issues raised in this interview? Please note that although ORS will pass on your contact details to the Council we cannot guarantee when they will contact you?	
<i>INTERVIEWER: Please cross one box only</i>	
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<i>INTERVIEWER: Can I confirm your name and telephone number so that we can pass them on to the Council for this purpose only. Your details will only be used for this purpose and will not be passed onto anyone else.</i>	
Respondent's Name.....	<input type="text"/>
Respondent's Telephone.....	<input type="text"/>
Respondent's Email.....	<input type="text"/>
Interview log	
<i>INTERVIEWER: Please record the date and time that the interview was carried out</i>	
Date.....	<input type="text"/>
Time of interview.....	<input type="text"/>

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Appendix F: Technical Note on Household Formation and Growth Rates



Technical Note

Gypsy and Traveller Household Formation and Growth Rates

June 2020

Opinion Research Services



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Any press release or publication of this research requires the advance approval of ORS. Such approval will only be refused on the grounds of inaccuracy or misrepresentation.

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Household Growth Rates

Abstract and Conclusions

1. National and local household formation and growth rates are important components of Gypsy and Traveller accommodation assessments, but until 2013 little detailed work had been done to assess their likely scale. ORS undertook work in 2013 to assess the likely rate of demographic growth for the Gypsy and Traveller population and concluded that the figure could be as low 1.25% per annum, but that best available evidence supports a national net household growth rate of 1.50% per annum.
2. This analysis was produced as a separate document in 2013 and then updated in 2015 (www.opinionresearch.co.uk/formation2015) in light of comments from academics, planning agents and local authorities. The 2015 document was complex because there was still serious dispute as to the level of demographic growth for Gypsies and Travellers in 2015. However, ORS now consider these disputes have largely been resolved at Planning Appeals and Local Plan Examinations, so we consider that much of the supporting evidence is now no longer required to be in the document.
3. This current document represents a shortened re-statement to our findings in 2015 to allow for easier comprehension of the issues involved. It contains no new research and if reader wishes to see further details of the supporting information, they should review the more detailed 2015 report.

Introduction

4. Compared with the general population, the relative youthfulness of many Gypsy and Traveller populations means that their birth rates are likely to generate higher-than-average population growth, and proportionately higher *gross* household formation rates. However, while their *gross* rate of household growth might be high, Gypsy and Traveller communities' future accommodation needs are, in practice, affected by any reduction in the number of households due to dissolution and/or by movements in/out of the area and/or by transfers into other forms of housing. Therefore, the *net* rate of household growth is the *gross* rate of formation *minus* any reductions in households due to such factors.

Modelling Population and Household Growth Rates

5. The basic equation for calculating the rate of Gypsy and Traveller population growth seems simple: start with the base population and then calculate the average increase/decrease by allowing for births, deaths, in-/out-migration and household dissolution. Nevertheless, deriving satisfactory estimates is difficult because the evidence is often tenuous – so, in this context in 2013, ORS modelled the growth of the national Gypsy and Traveller population based on the most likely birth and death rates, and by using PopGroup (the leading software for population and household forecasting). To do so, we supplemented the available national statistical sources with data derived from our own surveys.

Migration Effects

6. Population growth is affected by national net migration and local migration (as Gypsies and Travellers move from one area to another). In terms of national migration, the population of Gypsies and Travellers is relatively fixed, with little international migration. It is in principle possible for Irish Travellers (based in Ireland) to move to the UK, but there is no evidence of this happening to a significant extent and the vast majority of Irish Travellers were born in the UK or are long-term residents.

Population Profile

7. The main source for the rate of Gypsy and Traveller population growth is the UK 2011 Census. The ethnicity question in the 2011 Census included for the first time 'Gypsy and Irish Traveller' as a specific category. While non-response bias probably means that the size of the population was underestimated, the age profile the Census provides is not necessarily distorted and matches the profile derived from ORS's extensive household surveys.

Table 1 - Age Profile for the Gypsy and Traveller Community in England (Source: UK Census of Population 2011)

Age Group	Number of People	Cumulative Percentage
Age 0 to 4	5,725	10.4
Age 5 to 7	3,219	16.3
Age 8 to 9	2,006	19.9
Age 10 to 14	5,431	29.8
Age 15	1,089	31.8
Age 16 to 17	2,145	35.7
Age 18 to 19	1,750	38.9
Age 20 to 24	4,464	47.1
Age 25 to 29	4,189	54.7
Age 30 to 34	3,833	61.7
Age 35 to 39	3,779	68.5
Age 40 to 44	3,828	75.5
Age 45 to 49	3,547	82.0
Age 50 to 54	2,811	87.1
Age 55 to 59	2,074	90.9
Age 60 to 64	1,758	94.1
Age 65 to 69	1,215	96.3
Age 70 to 74	905	97.9
Age 75 to 79	594	99.0
Age 80 to 84	303	99.6
Age 85 and over	230	100.0

Birth and Fertility Rates

8. The table above provides a way of understanding the rate of population growth through births. The table shows that surviving children aged 0-4 years comprise 10.4% of the Gypsy and Traveller population – which means that, on average, 2.1% of the total population was born each year (over the last 5 years). The same estimate is confirmed if we consider that those aged 0-14 comprise 29.8% of the Gypsy and Traveller population – which also means that almost exactly 2% of the population was born each year.
9. The total fertility rate (TFR) for the whole UK population is just below 2 – which means that on average each woman can be expected to have just less than two children who reach adulthood. We know of only one estimate of fertility rates of the UK Gypsy and Traveller community, in *'Ethnic identity and inequalities in*

Britain: The dynamics of diversity by Dr Stephen Jivraj and Professor Ludi Simpson (published May 2015). The authors use the 2011 Census data to estimate the TFR for the Gypsy and Traveller community as 2.75.

10. ORS used our own multiple survey data to investigate the fertility rates of Gypsy and Traveller women. The ORS data shows that on average Gypsy and Traveller women aged 32 years have 2.5 children (but, because the children of mothers above this age point tend to leave home progressively, full TFRs were not completed). On this basis it is reasonable to infer an average of 3 children per woman during her lifetime, which is broadly consistent with the estimate of 2.75 children per woman derived from the 2011 Census.

Death Rates

11. Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) *'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative'*, University of Sheffield).
12. Therefore, in our population growth modelling we used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 Census (and also in ORS's own survey data).

Modelling Outputs

13. If we assume a TFR of 3 and an average life expectancy of 72 years for Gypsies and Travellers, then the modelling, undertaken in PopGroup, projects the population to increase by 66% over the next 40 years – implying a population compound growth rate of 1.25% per annum. If we assume that Gypsy and Traveller life expectancy increases to 77 years by 2050, then the projected population growth rate rises to nearly 1.50% per annum. To generate an 'upper range' rate of population growth, we assumed an implausible TFR of 4 and an average life expectancy rising to 77 over the next 40 years – which then yields an 'upper range' growth rate of 1.90% per annum.

Household Growth

14. In addition to population growth influencing the number of households, the size of households also affects the number. Hence, population and household growth rates do not necessarily match directly, mainly due to the current tendency for people to live in smaller childless or single person households.
15. Because the Gypsy and Traveller population is relatively young and has many single parent households, a 1.25%-1.50% annual population growth could yield higher-than-average household growth rates, particularly if average household sizes fall or if younger-than-average households form. However, while there is evidence that Gypsy and Traveller households already form at an earlier age than in the general population, the scope for a more rapid rate of growth, through even earlier household formation, is limited.
16. Based on the 2011 Census, the table below compares the age of household representatives in English households with those in Gypsy and Traveller households – showing that the latter has many more household representatives aged under-25 years. In the general English population 3.60% of household representatives are aged 16-24, compared with 8.70% in the Gypsy and Traveller population. ORS's survey data shows that about 10% of Gypsy and Traveller households have household representatives aged under-25 years.

Table 2 - Age of Head of Household (Source: UK Census of Population 2011)

Age of household representative	Number of households - England	Percentage households - England	Number of households – Gypsy and Traveller	Percentage households – Gypsy and Traveller
Age 24 and under	790,974	3.6%	1,698	8.7%
Age 25 to 34	3,158,258	14.3%	4,232	21.7%
Age 35 to 49	6,563,651	29.7%	6,899	35.5%
Age 50 to 64	5,828,761	26.4%	4,310	22.2%
Age 65 to 74	2,764,474	12.5%	1,473	7.6%
Age 75 to 84	2,097,807	9.5%	682	3.5%
Age 85 and over	859,443	3.9%	164	0.8%
Total	22,063,368	100%	19,458	100%

17. The following table shows that the proportion of single person Gypsy and Traveller households is not dissimilar to the wider population of England; but there are more lone parents, fewer couples without children, and fewer households with non-dependent children amongst Gypsies and Travellers

Table 3 - Household Type (Source: UK Census of Population 2011)

Household Type	Number of households - England	Percentage households - England	Number of households – Gypsy and Traveller	Percentage households – Gypsy and Traveller
Single person	6,666,493	30.3%	5,741	29.5%
Couple with no children	5,681,847	25.7%	2345	12.1%
Couple with dependent children	4,266,670	19.3%	3683	18.9%
Couple with non-dependent children	1,342,841	6.1%	822	4.2%
Lone parent: Dependent children	1,573,255	7.1%	3,949	20.3%
Lone parent: All children non-dependent	766,569	3.5%	795	4.1%
Other households	1,765,693	8.0%	2,123	10.9%
Total	22,063,368	100%	19,458	100%

18. The key point, though, is that since 20% of Gypsy and Traveller households are lone parents with dependent children, and up to 30% are single persons, there is limited potential for further reductions in average household size to increase current household formation rates significantly – and there is no reason to think that earlier household formations or increasing divorce rates will in the medium term affect household formation rates. While there are differences with the general population, a 1.25%-1.50% per annum Gypsy and Traveller population growth rate is likely to lead to a household growth rate of 1.25%-1.50% per annum

Summary Conclusions

19. The best available evidence suggests that the net annual Gypsy and Traveller household growth rate is 1.50% per annum. Some local authorities might allow for a household growth rate of up to 2.50% per annum, to

provide a 'margin' if their populations are relatively youthful; but in areas where on-site surveys indicate that there are fewer children in the Gypsy and Traveller population, lower estimates should be used.

20. The outcomes of this Technical Note can be used to provide an estimate of local new household formation rates by adjusting the upper national growth rate of 1.50% based on local demographic characteristics.
21. In addition, in certain circumstances where the numbers of households and children are higher or lower than national data has identified, or the population age structure is skewed by certain age groups, it may not be appropriate to apply a percentage rate for new household formation. In these cases, a judgement should be made on likely new household formation based on the age and gender of the children identified in local household interviews. This should be based on the assumption that 50% of households likely to form will stay in any given area and that 50% will pair up and move to another area, while still considering the impact of dissolution. This is based on evidence from over 140 GTAA's that ORS have completed across England and Wales involving over 4,300 household interviews.

Call for Sites – Guidance on site submissions (2023)

In order for submissions to be considered fully, they should be submitted on the Call for Sites submission form, having regard to this guidance. **One form should be completed for each site put forward. Please ensure you include a map (preferably on an OS base and at 1:1250 scale) outlining the exact boundaries of the whole site and distinguishing the part(s) that you consider suitable for development.**

The form is available to download: <https://localplan.maidstone.gov.uk/home/gypsy-traveller-development-plan-document>

Site size threshold: Sites must be capable of delivering 1 or more pitch; there is no minimum threshold in terms of site area.

Supporting Studies: You are strongly encouraged to submit relevant technical reports, akin to what might be required at outline planning application stage, in support of your submission. The studies should focus on the high-level impacts of the site's development (based on an indicative scheme) and identify what measures will be put in place to address those impacts. The following are likely to be particularly relevant:

- **Transport Assessment**

Previous experience has shown that the impact of proposed developments on the existing highways network can often be the critical consideration.

For larger schemes where a Transport Assessment (TA) is required it is important to show that the cumulative impact of developments is transparently considered in the submission. This will normally involve, at least, localised modelling of impacts (particularly junctions) on a cumulative basis and the commensurate mitigation should the cumulative impact be above the design capacity of the network. Mitigation may well be a combination of capacity improvements (capable of passing the safety audits) and delivering robust sustainable transport.

For smaller sites of up to 100 dwellings a Transport Statement (TS) would provide the appropriate level of detail.

All TS/TA reports should be prepared in accordance with the planning practice guidance on 'Travel Plans, Transport Assessments and Statements' (March 2014, Ministry of Housing, Communities and Local Government). Consideration must be given to whether a suitable

and safe access can be created with the public highway (including additional emergency/secondary access points for larger sites in accordance with Manual for Streets and Kent Design Guide) in addition to investigation of road safety implications, accessibility to sustainable transport infrastructure and services and, particularly importantly, network capacity impacts.

Site promoters are encouraged to seek advice from the Highway Authority. A pre-application charge will apply for a formal written response (see link below).

<https://www.kent.gov.uk/waste-planning-and-land/planning-applications/planning-advice/highway-pre-application-advice>

•Landscape & Visual Impact Assessment

A landscape and visual appraisal should be submitted in all cases where sites are in, or adjacent to, sensitive landscapes (land with an international, national, regional or local designation). In other cases, submissions should include an assessment of viewpoints.

The reports should focus on a baseline study and identification of constraints and opportunities with an appraisal of direct and indirect landscape and visual effects and consider the potential for mitigation and enhancement. Visual assessments should establish where the site is visible from, who the receptors are, and the nature of those views and visual amenity.

The scope and content will vary on a case by case basis but should broadly comply with the principles of the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA 3).

Other assessments which may be relevant according to the specific characteristics of the site and/or the use proposed are:

•Minerals Assessment

A site within a Minerals Safeguarding Area which has the potential to sterilise the mineral shall be accompanied by a Minerals Assessment (unless it is covered by one of the exceptions in Policy DM 7 (as amended) of the Kent Minerals and Waste Local Plan 2013-30). Further information on the scope and content can be found in the Minerals and Waste Safeguarding Supplementary Planning Document which is available here:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies/minerals-and-waste-planning-policy#tab-1> .

Proposals which would adversely affect the continued lawful operation of minerals management, transportation and production facilities and waste management facilities are also covered (see Policy DM8 of the KMWLP).

- Town centre uses**

Sequential and impact assessments in accordance with the National Planning Policy Framework

- Air Quality Impact Assessment**

- Flood Risk Assessment**

- Phase 1 habitat survey**

- Tree survey**

Note on availability: It is important that the submission includes confirmation from the landowner (or the person in legal control of the site) that the site will be available for the development being proposed. This is key to demonstrating that the site is genuinely available.

Addressing barriers to development: Those submitting sites should take a pro-active approach to identifying possible barriers to the successful development of their site and how these can and will be addressed in conjunction with their proposal.

Please submit your site form, plan and supporting information by **5pm, 17th April 2023:**

By email: ldf@maidstone.gov.uk

By post: Strategic Planning – GTTS Call for Sites
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ



CALL FOR SITES SUBMISSION FORM (2023)

Internal use only:

Site reference:

Respondent id:

Section 1: Contact details

1. Name		
2. Organisation		
3. Address		
4. Telephone no.		
5. Email address		
6. Your status (please tick <input checked="" type="checkbox"/> all that apply)	Land Owner	
	Planning consultant	
	Land agent	
	Registered Social Landlord	
	Developer	
	Other (please specify)	

If you are representing another person, please provide their name, address and contact details:

7. Name		
8. Organisation		
9. Address		
10. Telephone no.		
11. Email address		
	Land Owner	

12.Their status (please tick <input checked="" type="checkbox"/> all that apply)	Planning consultant	
	Land agent	
	Registered Social Landlord	
	Developer	
	Other (please specify below)	
13.Do you have the landowner's permission to submit this site?		

14. If you are not the landowner, or are not working on behalf of the landowner, or the site is in multiple ownerships then please provide the name, address and contact details of the landowner(s):

Section 2: Site details

15.Site name		
16.Site address		
17.Grid reference (Easting/Northing)		
18.Site area (ha)		
19.Description of site characteristics (e.g existing buildings, points of access, boundaries)		
20.Current land use		
21.Is the site brownfield / greenfield		
22.Relevant planning history (please quote planning application references)		
23.What uses is the site being promoted for: (please tick <input checked="" type="checkbox"/> all that apply and for mixed use sites, give the percentage for each use)	Gypsy and Traveller pitches	
	Travelling Showpeople plots	
	Gypsy and Traveller pitches (transit)	
	Travelling Showpeople plots (transit)	
<p>Please attach a map (preferably on an ordnance survey base and at 1:1250 scale) outlining the exact boundaries of the whole site and the part(s) that may be suitable for development.</p>		

Section 3: Suitability

24. Accessibility (please tick <input checked="" type="checkbox"/> all that apply and provide known details)	Access (e.g. where does the site have access to the highway and what is the access)	
	Public Transport (type and proximity)	
	Services (e.g. education, health, shops)	
	Utilities (e.g. gas, electric, water, sewage, broadband)	
	Other (please specify below)	
25. Policy constraints (Please tick <input checked="" type="checkbox"/> all that apply and provide details)	Area of Outstanding Natural Beauty	
	Ancient Woodland	
	Sites of Special Scientific Interest	
	Green Belt	

	MBLP Landscapes of Local Value (Policy SP17)	
	Local Nature Reserves	
	Local Wildlife Sites	
	Special Area of Conservation	
	Heritage (<i>e.g. Conservation Area, Listed buildings</i>)	
	Archaeology	
	Tree Preservation Order(s) / Veteran Trees	
	Air Quality Management Area	
	Other (please specify below)	
26. Tangible and infrastructure constraints (please tick <input checked="" type="checkbox"/> all that apply and provide details)	Flood risk	
	Drainage	
	Contamination /pollution	

	Land stability	
	Public Rights of Way	
	Utilities (underground)	
	Pylons	
	Hedgerows	
	Ecology (including ponds)	
	Neighbour/residential amenity	
	Other (please specify below)	
27. Please provide details on how identified constraints will be overcome (e.g. through mitigation) Please attach studies as separate documents to this form		

Section 4: Availability

<p>28. Is the site available for development now?</p>	
<p>29.If not, when will the site be available? (please specify year)</p>	
<p>30.What do you estimate the amount of development on the site to be? (please specify)</p>	
<p>31.When do you anticipate commencement on the site and completions? If completions are spread over a number of years please state the yield per year.</p>	<p>Commencement:</p> <p>Completions:</p>
<p>32.Is there a developer interested in the site? (please state name of the developer and the nature of interest)</p>	
<p>33. Are there any legal constraints on the site that may impede development? (please specify e.g. restrictive covenants, ransom strips)</p>	

Section 5: Achievability

34. Would the development be new build, involve a conversion or both?	
35. Would the development provide affordable housing? (Please state types)	
36. Are you aware of any exceptional issues that may affect site viability? (please specify)	
37. What, if any measures may be required to make the site viable for the development proposed?	

Section 6: Additional Information

This section of the submission form should be used to provide any other information in support of your site.