

Date: 24th February 2014

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FAO Susan Heywood
Senior Housing and Planning Inspector

Dear Ms Heywood,

Re: Site Allocations DPD and Gypsy and Traveller Accommodation Work

Thank you for your letter dated 6 February 2014. The Council welcomes your approach to work with us to ensure that the outstanding matters are resolved as quickly as possible in order that the authority can proceed to adoption with the Site Allocations DPD. We agree that this is a pragmatic approach to ensure that all matters apart from Gypsy and Traveller and Travelling Show People can be taken forward and adopted in a timely manner and accordingly within the Site Allocations DPD timetable.

As requested the Council has prepared wording in terms of main modifications that can be added to the Site Allocations DPD in place of Para 7.9.

This draft wording is as follows -

'Working with Preston and Chorley Councils a Central Lancashire Gypsy and Traveller and Travelling Show People Assessment (GTAA) was commissioned in July 2013. The overall purpose of the study was to assess overall accommodation need and distribution for each participating local authority, undertaken in a manner which conforms to national policy. The study was finalised in December 2013 and the final report was sent to the Inspector for her consideration. The Council then received a letter (dated 6 February 2014) from the Inspector highlighting various issues and matters in relation to the GTAA.

In light of this the Council now commits to undertake further work on the Gypsy and Traveller Accommodation Assessment (GTAA) within 12 months (from February 2014), with a view to resolving the outstanding concerns as highlighted in the annex to the Inspector's letter. The Council also makes the commitment to produce a separate Gypsy and Traveller and Travelling Show People accommodation Development Plan Document (DPD), in line with the outcomes of the further GTAA work. The timescales for this work will be updated and documented within the Local Development Scheme (LDS).

In carrying out this work, the Council recognises the need to ensure fair and equal treatment for the gypsy and traveller community and the need to facilitate the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

The Council recognises that the gypsy and traveller and travelling showpeople population can be hard to reach when undertaking GTAAs and that there may be a need by overcrowding, concealed households or those living in bricks and mortar which the current GTAA has been unable to identify.

Any future planning applications submitted to the Council relating to gypsy and traveller and travelling show people sites will be assessed on the basis of the Central Lancashire Core Strategy Policy 8 and the national planning policy for traveller sites, or any subsequent national policy.'

(If it was decided that further work on the GTAA was not required after further consideration then the main modifications would be amended accordingly – more details on this matter are contained within the letter.)

The Council has also prepared an indicative timeframe for the adoption of the Site Allocations DPD which is detailed below –

Task	Timescale
Cabinet Workshop – Report on Site Allocation and update on GTAA position	11 March 2014
Cabinet Meeting - Report on Site Allocations and update on GTAA position	2 April 2014
6 weeks Modifications Consultation	7 April 2014 -16 May 2014
Modifications consultation and responses sent to Inspector	23 May 2014
Final Report received from Inspector	Approx w/c 23 June 2014
Full Council Meeting - Final Site Allocations DPD for adoption.	23 July 2014
Adoption of Site Allocations DPD	23 July 2014
Judicial Review Period	24 July 2014 – 5 September 2014

You will note that time has not been included for an examination stage, if you think this is necessary then please let the Council know, however the Councils view is that there are no technicalities or evidence being discussed with regards to the main modifications so this would not be necessary at this stage. An examination on these matters would be carried out as part of the separate DPD process.

We would welcome your comments on the main modifications text and the timeframe as set out above as soon as possible.

Further to the above and as stated in our previous letter, the Council is committed, alongside the other Central Lancashire authorities of Chorley and Preston Councils, to provide gypsy and traveller accommodation within Central Lancashire. We note you have particular concerns with the GTAA as it stands and that you wish for further work to be carried out.

Working with the other Central Lancashire authorities and Arc4, the consultants commissioned to undertake the study, we have sought to allay your areas of concern and provide further explanation and clarification where appropriate in order to demonstrate that the study is robust and fit for purpose. Your 'matters and issues' and the Council's response to these are appended (Appendix 2) to this letter for your consideration.

On the basis of the Council being able to adopt the Site Allocations DPD and then prepare a separate DPD on gypsy and traveller and travelling showpeople accommodation based on

the current GTAA Study (December 2013), the Council has prepared an indicative timeframe for your consideration as detailed within Appendix 1, Table 1.

However should you feel further work is required after consideration of our comments and points of clarification as detailed in Appendix 2 of this letter, the Council has prepared an additional timeframe as detailed with Appendix 1, Table 2.

The Council is committed to resolving these matters and now wishes to progress with the adoption of the Site Allocations DPD based on the timeframe detailed earlier within this letter. We are also keen to work with the other Central Lancashire authorities on a separate Gypsy and Traveller and Travelling Showpeople DPD once matters regarding the GTAA study are resolved. The Council would welcome your comments on all matters detailed within this letter.

If you have any further questions or require additional information please contact me at your earliest convenience.

Yours sincerely

Helen Hockenull
Planning Manager

Appendix 1 –

Table 1 -

Indicative timeframe for the preparation of a Gypsy and Traveller and Travelling Showpeople Accommodation DPD if the Council is not required to carry out additional GTAA work –

Task	Timescale
Begin process of DPD preparation and revise Local Development Scheme	March – May 2014
6 week consultation on Issues and Options and call for sites process at same time	June – July 2014
Review Issues and Options stage and prepare responses to representations/preferred options stage	August 2014
Preferred Options consultation stage	September – October 2014
Review preferred options consultation stage and prepare responses to representations/publication stage	November 2014
Publication stage	December 2014 – January 2015
Review publication stage and prepare responses to representations/ prepare for submission	February 2015
Submission to SoS	March 2015
Examination	April 2015
Inspector's Report	May 2015
Modifications consultation if required	June – July 2015
Final Inspector's Report	August 2015
Adoption of DPD	September 2015

Table 2 –

Indicative timeframe for the preparation of a Gypsy and Traveller and Travelling Showpeople Accommodation DPD if the Council is required to carry out additional GTAA work –

Task	Timescale
Prepare tender brief details for additional work on Gypsy and Traveller and Travelling Showpeople Study / GTAA	March – April 2014
Tender process	April – May 2014
Commission additional GTAA work	May – November 2014
Results of additional work on GTAA	November 2014
Begin process of DPD preparation and revise Local Development Scheme	December 2014
6 week consultation on Issues and Options and call for sites process at same time	February – March 2015
Review Issues and Options stage and prepare responses to representations/preferred options stage	March – April 2015
Preferred Options consultation stage	April – May 2015

Review preferred options consultation stage and prepare responses to representations/publication stage	May – June 2015
Publication stage	July – August 2015
Review publication stage and prepare responses to representations/ prepare for submission	September 2015
Submission to SoS	October 2015
Examination	November 2015
Inspector's Report	January 2016
Adoption of DPD	March 2016

Appendix 2 –

Appendix to Inspector's letter dated 6 February 2014 and South Ribble Council's response dated 24th February 2014

Inspector's Matters and Issues to be Resolved

Reference is included to Preston and Chorley where this highlights concerns with the GTAA. These matters should be the subject of cross boundary discussions.

Cross boundary issues:

1. The GTAA is recommending the provision of sites on the basis of 'need where it arises'. This has the effect of reinforcing the uneven distribution of the existing population and ultimately constrains choices for gypsies and travellers in accessing suitable sites. How is cross boundary need to be addressed and met?

Council response

The Council has prepared a Draft Duty to Cooperate Supplement: Gypsy and Traveller and Travelling Showpeople – Feb 14 - which details how we have engaged and are continuing to work with neighbouring authorities. This demonstrates that procedures are in place to ensure ongoing, meaningful consultation and discussion. To date, our neighbouring authorities have stated that they intend to provide for their need within their own boundaries.

The GTAA focused on identifying needs arising within Chorley/Central Lancashire from existing households living on pitches; from households living in bricks and mortar accommodation; and newly-arising need from both people currently on pitches or living in bricks and mortar accommodation. Interviews with all the Chorley Traveller community captured their need over the plan period and included any aspirations members of their extended family may have to locate in Chorley. The research also considered whether there was any need from households moving within the sub-region (Chorley, Preston and South Ribble).

What the study cannot do is identify need arising from outside the study area as this can only be achieved through a much wider study. Central Lancashire authorities have set out how they intend to progress cross boundary issues with neighbouring LAs post assessment. As neighbouring LA assessments fall into place this will enable us all to come together and discuss what current evidence is saying about need and address where requirements may need to be met within Central Lancashire from outside the area. The mechanisms for this are already in place e.g. Lancashire Development Plans Officers' Group – Gypsy and Traveller Forum.

There is nothing in the guidance that requires authorities to 're-distribute' the gypsy community. The Council's approach is to accommodate their

need (linked in with schools, jobs, social services etc) where it arises rather than seek to disperse the traveller community.

The Council agrees that need, where need arises, reinforces the uneven distribution of travellers. However given that, the evidence used to support the redistribution approach set out in former RSS partial review was disputed by a number of LAs as being inaccurate and is now considered out of date (2008). If you do not adopt a need where need arises approach there are issues around where you draw the line in terms of the fieldwork. Technically you should be asking all travellers regionally, even nationally, whether they would want to live in Central Lancashire. This presents difficulties in terms of defining an equitable study boundary that does not use LA boundaries. There is also an issue around 'choice'. The consultants do ask where respondents would like to live given the choice but this is given no weight - it is always about need. Therefore it is sensible for all LAs to do new research on the basis of need where need arises and then work together under the duty to cooperate to identify if and where their respective evidence indicates that respondents want to live in other study areas - this then forms the basis for progressing any new policies/sites.

Arc4 are currently undertaking GTAA studies using the same methodology for Merseyside and AGMA, therefore this approach is considered appropriate and consistent across a large part of the north-west.

In summary, any cross boundary need will be identified in the respective studies neighbouring authorities are undertaking. At this point in time, this potential need is currently not quantified and indeed may not exist. Should a need be identified in the future, mechanisms are in place under the Duty to Cooperate to satisfy this need. To guide site selection, the Council considers that it is prudent to rely on Core Strategy Policy 8, as stated in the planning policy for traveller sites 'Para 10 .. Where there is no identified need, criteria based policies should be included to provide a basis for decisions in case applications nevertheless come forward.'

Does the GTAA represent a true picture of the gypsy and traveller population?

2. The survey reached all of the existing gypsy and traveller households living on pitches in the area and in this respect was successful. However, it initially identified 39 households who identified themselves as gypsies and travellers in the 2011 Census. Only 26 households were interviewed (23 on sites and 3 in bricks & mortar). Therefore there are 13 households 'missing' from the survey. But the survey includes no weighting to account for any need arising from that part of the population which was not reached (para 6.9).

3. There are no existing gypsy and traveller sites in South Ribble, but there is evidence referred to in the GTAA that there are existing gypsy and traveller households living in bricks & mortar in South Ribble¹. It would

¹ Para 9.9; stakeholder response at D.18

appear that no attempt has been made to identify and reach these households.

It is not accurate to say there was no attempt made to identify and reach households in bricks and mortar accommodation. Contacting households living in bricks and mortar accommodation is a key objective of fieldwork. At inception we ask LAs (and relevant partners) to provide any details of gypsies and travellers in bricks and mortar accommodation who may want to be engaged with the study. Additionally, the field team uses local knowledge to identify households living in bricks and mortar accommodation.

The households in bricks and mortar 'hidden' need was considered, however, as none of those interviewed planned to move onto a site within Central Lancashire, the figure on the summary of need Table 6.1 is recorded as zero.

The baseline information for the GTAA was derived from Council data/knowledge and augmented with local knowledge from Gypsies and travellers engaged with the research.

The 2011 Census shows that across Chorley there were 57 people who identified as having a Gypsy/traveller ethnicity. However, many people will identify with a Gypsy/traveller heritage but not be actively participating in travelling or seeking to live on a site. It cannot therefore be assumed that because someone is stating a Gypsy/traveller ethnicity that they would be active in travelling or seeking a pitch. Indeed, DCLG Caravan Count data consistently shows between 5 and 6 caravans living on unauthorised and not tolerated sites in Chorley. This would suggest a consistent pattern in the number of G&Ts living in caravans in the District and a much lower measure compared to the census.

As the GTAA is specifically considering future pitch requirements, it focuses on interviewing households currently living on pitches (authorised or otherwise) and those living in bricks and mortar accommodation who need to move to a pitch. Households in bricks and mortar accommodation are identified by engaging gypsy and traveller interviewers who use family friendship networks to identify potential survey respondents. Using Gypsy and traveller interviewers has contributed significantly to the receptiveness of community members, reduced rejection rates and increased response rates in the interviews.

The Census does not allow us to identify individual households. LCC Education department provided details of known gypsy families which allowed the Consultants to undertake additional interviews. Also, using travellers to interview this community facilitated a large response and allowed the consultants to identify and engage with households that may not have been identified/cooperative otherwise. Not all households could be identified and some were unwilling to partake in the study hence the 13 households. These certainly are not 'missing' as the information gleaned for a very representative survey was weighted and factored into the model.

As the GTAA was based on robust evidence of the number of pitches and by engaging community interviewers to identify households living in bricks and mortar accommodation we believe the data is robust.

No provision is made for Travelling Showpeople (TS)

4. The GTAA says that no response was received from the TS contacts that the survey team were given (para 1.14). But, in reporting the responses of Stakeholders, it says (at para 9.15) "The Showman's Guild has requested provision of a separate yard for Showpeople". This information is conflicting and it does not justify the conclusion not to provide any sites, particularly as TS families have made written and oral representations on the Plan. This level of need appears to have been ignored in the GTAA.

Council response

The views expressed by the Guild were that - their views were based on their knowledge of the wider TSP community in the North West. However, no detailed evidence other than the disputed 2008 study was forthcoming to support their views (The consultants repeatedly requested details of fairs and shows in Central Lancashire to try and evidence activity of TSP in the study area but did not get any response other than a referral back to the 2008 study, a study undertaken by the Travelling Showpeople for Travelling Showpeople that was not assessed for its robustness and is now significantly out of date).

The Showman's Guild was also invited to supply details of any of its members who wished to locate to Central Lancashire in order that they could be interviewed. However, it was unable to provide such details.

Furthermore, those Showpeople who made representations to the Chorley Local Plan and appeared at the Examination Hearing were contacted direct and repeatedly by telephone and email and failed to participate in the study.

5. The GTAA refers to the need identified in the RSS Partial Review that each Council in Central Lancashire should provide 10 plots for TS. It goes on to say that that information is now significantly out of date and, as surrounding authorities are progressing their own GTAAs, their TS needs will be covered in their respective studies and "any cross boundary need will be satisfied through the arrangements set up under the duty to co-operate" (para 4.8). How is this cross boundary need to be addressed?

The RSS Partial Review was never carried forward; indeed it was not endorsed by many of the Lancashire authorities. It is not appropriate to take this forward and it would be contrary to the study methodology to do so. The GTAA presents up-to-date information on need which is to be accommodated in the councils' respective plans. The Duty to Cooperate Paper adequately covers this strategic cross-boundary issue and it is prudent to rely on Core Strategy Policy 8 to assess any future need that may arise (refer to comments under Para 1).

Transit site provision

6. The GTAA only takes account of the need for transit sites up to 2018. This does not cover the Plan period.

Council response

Transit need is based on analysis of current travelling activity/unauthorised encampments over the recent past - as there is no reason to assume that travel patterns will change (increase) significantly in the long term the provision of transit to meet this identified need should therefore be sufficient to meet the need in the long term too - it is a one off requirement. Indeed, it is anticipated that future transit need could well reduce as Central Lancashire and surrounding authorities complete their own GTAAs and provide for their respective permanent and transit needs.

Chorley Council will continue to monitor gypsy and traveller and travelling showpeople issues annually and review the policies/allocations as appropriate. It will also undertake a five year review of the GTAA in accordance with best practice guidance.

Has the identified level of need taken account of all factors?

7. Unauthorised encampments - There have been unauthorised encampments in both South Ribble and Chorley since 2010. In South Ribble during 2013, these occurred in Jan (3 incidents), Feb, May, June, July (2 incidents) and August (2 incidents). In Chorley during 2013, these occurred in Feb, March, June & July. In South Ribble, monitoring of the duration of these occurrences appears not to take place so that in many instances there is no record of how long the encampment was in place. The GTAA uses these figures to indicate that there is a transit need, but without the detail on the length of duration of the stop, and indeed who those travellers were, this could be masking a more permanent need (see DCLG guide² at para 6.2). See also point 15 below relating to the duration of the survey.

Council response

The study identified the unauthorised activity over a three year period. In Chorley these occurred in Feb 2010, April 2010, April 2011, July 2011 (2 incidents), August 2011, March 2012, May 2012, July 2012, February 2013, March 2013, June 2013, and July 2013. The duration of stay was multiplied by the number of caravans to arrive at a figure that was comparable with South Ribble and Preston. In South Ribble, the unauthorised duration of stay was not known in some instances, so a factor of three was applied (a figure above the average duration of stay for those recorded). Details of who the travellers were was obtained and provided to the consultations and this has informed the calculations, however, due to data protection issues this cannot be published in the report. This could be made explicit in the final study.

² Gypsy and Traveller Accommodation Needs Assessments Guidance 2007

8. Unauthorised developments - Information was taken from the Bi-annual Caravan Count³ (table 5.1). This shows that at each count from July 2011 there were 5 or 6 caravans on unauthorised pitches in Chorley. The last count used was Jan 2013. These do not appear to have been taken into account in the table which summarises need and supply (table 6.1). I would have expected these to appear in the 'unauthorised' section of the 'current pitches'. I have assumed these to be different to the 2 authorised temporary pitches in Chorley (which are identified in the table). But further explanation may demonstrate that these are the same (i.e. it may be that these pitches were unauthorised and have subsequently been granted temporary planning permission and so are appearing in the authorised section of the table. This is not clear from the report).

Council response

Table 5.1 – this is the CLG caravan count figures showing the number of caravans on authorised sites with planning permission and number of caravans on unauthorised pitches without planning permission. The table would benefit from the slight change to headings to 'Caravans on authorised sites with planning permission' and 'Caravans on unauthorised pitches without planning permission'.

Table 6.1 covers need for permanent pitches and considers the current number of pitches in the District. Table 6.1 identifies two pitches on a private temporary authorised site as confirmed by the Council. It should be borne in mind that each pitch has the potential to accommodate more than one caravan (up to three on a permanent pitch). Detailed information such as the names of those households camping illegally has not been collected. However, it is reasonable to conclude that the number of caravans identified in the caravan count data largely relates to these pitches.

The transit need is calculated separately using a different model. It is calculated using unauthorised encampment data as an indicator of need. Data on the number of encampments, length of time and number of caravans reported has been used to identify the scale of transit need. This is reported in paras 7.7 to 7.19 of the GTAA report and identifies a transit need of three pitches across Chorley.

9. I note that for Preston there is a constant figure of 7 unauthorised pitches in July 2001, Jan 2012 and Jan 2013. This would suggest that it may be the same 7 pitches, but again this does not appear in the need and supply table.

This goes back to the interpretation of Table 5.1 which shows the number of caravans on unauthorised pitches so in the case of Preston there are seven caravans on unauthorised pitches – not seven unauthorised pitches. See points in Para 8 above.

10. Annual population increase – the DCLG guide says that information on the likely rate of household formation and assessments of future need should be based primarily on locally gathered evidence. In the event that this

³ It is generally acknowledged that these only provide a snapshot on one or two days of the year. But it can be an indicator of need.

does not provide a clear picture a national average of 3-4% growth rate can be used. It also says that it may be unrealistic to try to forecast need for up to 15 years but that projections should be made for years 5-10.

Council response

Population increase has been based on primary sources of information – interviews with travellers and details on the demographics of each household. This has allowed a figure for household formation to be assessed up to 15 years (subject to annual monitoring and a five year review of the GTAA). Therefore no assumptions on population growth have been required.

11. The study takes a 14 year time frame to 2026/27 (from 2013). Analysis of the local position indicates that only one new household is expected to form between 2013/14 and 2017/18. This would appear to be low and I would question the evidence for this figure.

Council response

The evidence for this is one member of an existing household that intends to set up a new household in the short term. Other members of the household are school children. Future aspirations for members of the extended family to locate here have also informed the assessment of need.

12. This figure increases between 2018/19 and 2027/28⁴ to 26 new households. However, the GTAA assumes that half of these households will move away so, in the longer term, it assumes 13 new households requiring pitches. I would query the evidence on which this assumption is based as there is currently no turnover on existing sites, meaning that the current population is very settled. The one new household that is currently known about also intends to stay in this area. What is the evidence to support the assumption that these new households will have anywhere else to go when they form? The study appears to be assuming that other local authorities will be providing for that need i.e. it is factoring in out-migration in the future, with no corresponding in-migration.

Council response

This assumption is based on detailed demographics of the households interviewed and the fact that male children tend to form a household and female children move to a different household when they get married. In other words, the women tend to move to the men who are factored into a future need provision and therefore there is no issue of out-migration or in-migration in this respect.

13. Waiting lists – no mention is made that any analysis has been carried out of the waiting list for the local authority site in Preston. This can be a further indicator of need (DCLG guide para 62).

Council response

⁴ The figure is adjusted to the Plan period ending 26/27

Information on waiting lists proved to be scant and it was considered that it did not translate into a quantifiable need. The reality of the situation is also complicated by the fact that on a site of say Irish travellers, there will not be anyone from another group on its waiting list (English, Romany). Rather, pitches that become available are re-allocated through the existing community's contacts. Accordingly, the study has relied on primary sources of data (actual interviews and knowledge of demographics) which has proved a more accurate indicator of need. Any issues of travellers from surrounding authority areas wishing to locate in Central Lancashire will be progressed under the Duty to Cooperate.

14. Overcrowding – the report mentions (para 5.20) that a limited number of respondents in Preston felt that their home was overcrowded. This can be an indicator of concealed households. This does not appear to have been assessed or factored into the need.

Council response

In terms of overcrowding issues, the needs analysis looked at the actual make-up of every single household. It factored issues around 'actual' (not perceived) overcrowding into the objectively assessed need. Examples of perceived overcrowding include one or two caravans on a pitch accommodating all of the family members despite opportunities for up to three caravans to be located on a single pitch.

Duration of the survey:

15. The survey was carried out for 5 weeks from early September 2013. DCLG guidance suggests that this should be done for 6-9 months in order to take account of seasonal variations. See also the comments regarding unauthorised encampments at point 7. Could a longer survey period have attempted to reach those gypsies and travellers on unauthorised encampments?

Council response

The survey was indeed undertaken quickly in order to meet the Inspector's deadline. The 6-9 months referred to in the guidance is in order to capture issues around seasonal migration. The resident travellers interviewed were all asked detailed questions about members of their family's travelling habits which adequately capture this information (see questionnaire). In addition, the information on illegal encampments used was gathered over a three year period and this information has been factored into the assessment of need and is considered to adequately cover historic variations.