

Response to East Devon reg 19 plan consultation on behalf of TravellerSpace

Introduction

1. This response has been drafted on behalf of TravellerSpace, a registered charity supporting Gypsies, Irish Travellers and New Travellers in Cornwall and the Devon.
2. TravellerSpace aims to:
 - Break down barriers which prevent Gypsies and Travellers having equality of access to health, education and welfare services.
 - Support Gypsies and Travellers in ensuring their voices are heard in decision and policy making processes.
 - Provide support for Gypsies and Travellers in health, education and welfare matters.
 - Provide play and creative opportunities for Gypsy & Traveller children and young people
 - Support Gypsy & Traveller young people who have been excluded from school or who are disengaged with the learning process
 - Develop and deliver training and workshops for schools, service providers, and other statutory and non-statutory agencies
 - Contribute to seminars, conferences, research and training events to highlight the experiences of Gypsies and Travellers
 - Enable Gypsies and Travellers to access volunteering and training opportunities.
 - Have a voice locally regionally and nationally in forums which highlight the issues facing the Gypsy and Traveller communities, and work to bring about positive change.
 - Inform and educate the wider community about issues which affect Gypsies and Travellers, and to
 - Raise awareness of Gypsy and Traveller cultures and traditions.

3. The response deals solely with Policy HN09: Gypsy and traveller sites, the Gypsy and Traveller Accommodation Assessment and some comments on the site section methodology.

Policy HN09: Gypsy and traveller sites

4. We have a number of concerns over the wording of this policy and its conformity with Planning Policy for Traveller Sites (PPTS) which we will work through line by line using track changes:

Proposals for new permanent or transit gypsy, travellers or travelling showpeople sites or extensions of existing sites will need to meet all of the following:

We would suggest amending this to the following wording in order to be more permissive, nb this includes the capitalising of the different groups:

Proposals for new permanent or transit Gypsy, Travellers or Travelling Showpeople sites or extensions of existing sites will be considered against the following criterion:

- A. *To be located inside or adjoining a settlement boundary, or within 15 minutes travel time by safe, walking, cycling or public transport providing access to a range of services including school and health services;*

There is nothing within PPTS which has these requirements. Sites are as a matter of principle acceptable within the open countryside and services do not need to be accessed by sustainable transport. PPTS has a different approach to sustainability which can be found at paragraph 13. We would suggest the following wording:

To be located within a reasonable distance of a range of services including school and health services;

- B. *To have a site size and have a number of pitches that is appropriate, and not overlarge, in relationship to the nearest settlement in the settlement hierarchy and its range of services and infrastructure;*

The wording here is inappropriate given that a similar criterion would not be applied to conventional housing. The criterion should be deleted.

- C. *To not exceed 15 pitches as a maximum;*

PPTS does not have this requirement, and as such the criterion should be deleted.

- D. To be assimilated into the surrounding landscape without significant adverse effect;*

There is no requirement in PPTS for sites to be *assimilated into the surrounding landscape*. We would suggest the following wording:

- To not have a significant adverse effect on the surrounding landscape;*

- E. To have acceptable vehicular access, on site turning, parking and servicing;*

Agreed

- F. To be in locations that are not vulnerable to flooding or affected by any other environmental hazards that may affect the residents' health and welfare; and*

Agreed

- G. To have access to essential utilities - water supply, sewerage, drainage, waste disposal. Where service connections are needed these need to be readily available on or close to the site.*

Agreed

Preference will be given to the expansion and intensification of existing sites, subject to maximum site threshold of 15 pitches. If expansion or intensification is impractical, then account will be taken of the cumulative impacts of additional sites on the character of the local area and on the local community.

There is nothing in PPTS which supports this approach – suggest deletion.

In addition to meeting these requirements, planning applications for gypsy and traveller pitches, or plots for travelling Showpeople, on windfall sites in the countryside outside settlement boundaries must demonstrate:

- H. The status of the applicant / intended occupant/s meeting the national definition for gypsy, traveller or travelling showpeople and*

the pitch or plot will be occupied by at least one person with a strong local connection to East Devon district; and

Whilst it is an obvious point that sites will be need to be conditioned to the PPTS definition, there is nothing in that requires there to be a local connection. See PPTS at para. 25e.

- 1. There is a proven unmet need for new pitches or plots, having regard to the supply of deliverable pitches or plots and their availability to gypsies and travellers or travelling showpeople who have a strong local connection to the district.*

Again, this approach is contrary to PPTS. There is no need to demonstrate that there is a proven unmet need for pitches in order for permission to be granted. See PPTS at para. 11.

Safeguarding sites

Existing authorised sites, sites with planning permission, and allocations for Gypsy and Traveller Use or for Travelling Showpeople use, will be safeguarded for the number of pitches/plots permitted.

If, in exceptional circumstances (such as long-term vacancy and a demonstrable lack of need), changes of use or redevelopment to non-Gypsy/Traveller or Travelling Showperson's accommodation use are permitted, then, if need exists in the District, suitably located and laid out alternative provision must be provided prior to the loss of the existing site or part of thereof. This policy applies across the whole plan area including the Cranbrook Plan area.

Given the national shortage of Gypsy and Traveller sites, we would suggest the deletion of the second part of this. The loss of sites should be resisted.

The Gypsy and Traveller Accommodation Assessment

5. First and foremost it would appear that the LPA's current approach to the need figure in part takes account of the amended PPTS definition:

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 or permanently, **and all other persons with a cultural tradition of nomadism or of living in a caravan**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. [emphasis added]*

6. This means that the definition in effect covers all Romany Gypsies and Irish Travellers, whether they have ever travelled or not. The inclusion of both non PPTS and 'undetermined' goes some way to meeting the requirement to assess the need.
7. However, the GTAA is now out of date as it will have not properly sought out the needs of *persons with a cultural tradition of nomadism or of living in a caravan*.
8. This is particularly relevant as the GTAA in our view has failed to properly consider the needs of those in bricks and mortar. The GTAA records at 3.17:

The 2021 Census recorded 33 households that identified as either Gypsies, Irish Travellers, or Roma who lived in a house or bungalow in East Devon and 16 living in a flat or maisonette.

9. and then at 3.18:

ORS 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 were sought through a range of sources including the interviews with people on existing sites and yards; intelligence from the stakeholder interviews; information from housing registers; 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.

10. The GTAA then records:

6.4 Despite all of the efforts that were made it was not possible to identify any households living in bricks and mortar to interview.

11. This is of concern and means that the needs of G+T who are often forced into housing due to a lack of sites will not have been properly considered.
12. It has been confirmed to us that the DCC Gypsy, Roma, Traveller & Showmen Advisory Teacher was contacted by a M Bayliss of ORS in July 2023 relation

to East Devon and Exeter Bricks and Mortar Residents. The response given was the following:

Family 1 would prefer to stay in housing but see the need for new pitches/sites.

Family 2 would want to move to a site/land – Mum, Dad, 3 daughters (17,15,13). They would literally go anywhere. Social renting or private

Family 3 as above would love anywhere that was appropriate– Mum, 2 daughters (13 & 8), 2 sons (10 & 1) social renting

Family 4 – Exeter area – Mum, Dad, 2 daughters, 1 son (3) social renting

13. None of this need has appeared within either accommodation assessment.
14. Furthermore, the research company in question have worked with TravellerSpace on the Cornish GTAA and it is surprising that they were not also consulted.

Site selection methodology

15. We are concerned that requirement B of *Requirements to pass sifting* is narrower than the range of locations permitted by PPTS. As to how PPTS should be interpreted the following from an appeal in Malvern¹ is a helpful guide:

10....This paradox goes to the heart of the issue of sustainable location of gypsy sites. Many gypsy sites are in the countryside, and this is accepted by PPTS. Paragraph 25 notes that sites in the open countryside away from existing settlements or outside of areas allocated in the development plan should be strictly controlled. This implies that even in these areas some sites are acceptable....

...11. When PPTS talks of sustainability it does so at paragraph 13 and does not mention reducing travel by private car. Many decisions on gypsy appeals accept that gypsy sites will not necessarily be located within walking distance of facilities and that providing a settled base in itself helps as it reduces travel for the occupiers of the site.

¹ APP/J1860/W/20/3263247

Conclusion

16. We would invite the LPA to reconsider the wording of the policy, commission a new GTAA and reconsider the site sifting approach.

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