

Critique of the Tendring GTAA

1. Introduction

Introduction

- 1.1 The purpose of this document is to provide a summary of the existing evidence base regarding the need for Gypsy and Traveller residential pitches in Tendring District over the period 2016 to 2033.
- 1.2 The most recent evidence is presented in the Tendring Gypsy and Traveller Accommodation Assessment, prepared by Opinion Research Services in 2017. The study framed by the National Planning Policy Framework (NPPF) and the 2015 Planning Policy for Traveller Sites (PPTS).
- 1.3 This document will set out an overview of the GTAA methodology and highlight shortcomings in the methodology which is likely to lead to a considerable underestimate in the need for Gypsy and Traveller pitches.
- 1.4 In October 2022, the Court of Appeal (Lisa Smith v SSLUHC [2022] EWCA Civ 1391) judgement declared the PPTS (2015) definition to be unlawfully discriminatory in the case of the claimant as the criteria excludes larger numbers of Gypsies and Travellers who continue to live a traditional way of life – i.e. an aversion to bricks and mortar accommodation – but have ceased to travel due to disability and old age. While the scope of the judgement could not go so far as to conclude the PPTS (2015) itself was unlawful, this is strongly suggested, and it is clear the judgement has implications for planning decisions. This is now a material consideration in any assessment of need or interpretation of previous work.

GTAA Methodology

- 1.5 A methodology for the 2017 GTAA comprised a desk-based review of relevant secondary data, stakeholder engagement and a survey of Travelling communities.
- 1.6 Interviews took place over a prolonged period January to September 2016 and May 2017, with up to 3 visits made to each household. This would reflect good practice.
- 1.7 The 2017 GTAA also applied the new PPTS definition which was introduced in 2015 and related to a 'nomadic habit of life' test to determine whether a household met the PPTS definition of Traveller.
- 1.8 The study also referenced (at para 5.10) that only around 10% of households met the new definition. This proportion has been subject to considerable criticism and studies are now showing a much higher proportion meeting the PPTS need.

Sites and pitch need

- 1.9 Figure 1 of the GTAA provides details of sites, pitches and by deduction the number of target interviews and achieved interviews. This is set out in Table 1. This shows that the actual achieved response rate from household interviews was unfortunately low. Only 25% of household interviews were achieved which is particularly low for GTAAs. Notably, there was no contact achieved with 75% of households but no refusals..
- 1.10 ORS had no success in interviewing households in bricks and mortar but this is commonly experienced – but no allowance was included for households who may want to move from bricks and mortar onto a pitch.
- 1.11 There is no evidence in the GTAA that any weighting was applied to the household survey data. This means that any resulting pitch need was from a particularly small subset of the overall total of households.
- 1.12 The GTAA reports that for Tendring 1 household met the new PPTS definition who lived on an unauthorised site (but according to Figure 1 of the GTAA no interviews were achieved on an unauthorised site) 3 did not meet the planning definition and for 8 households the outcome was unknown. This adds up to the 12 households in Table 1.
- 1.13 Pitch need was then calculated on the 1 household known to meet the new PPTS definition – totally ignoring the 8 unknowns and making no allowance through weighting for the very low response to the survey. The outcome was a need for 2 pitches over the period 2016 to 2036 although the GTAA does suggest that there may be a need from households for whom planning status could not be determined.

Table 1 Summary of Sites and achieved survey responses

Setting	Site Name	Pitches	Occupied	Unimplemented	Target interviews	Achieved interviews	Interviews not achieved	
							No contact	Refusals
Private site	Carringtons Road, Great Bromley	1	1		1	0	1	
	Esther Lee Stables	1	1		1	0	1	
	Spring Stables, Gutteridge Hall Lane	8	3	5	3	0	3	
	Land behind Woodfield Bungalow, Great Bentley	5	5		5	3	2	
	Woodside, Great Bromley	1	1		1	0	1	
Unauthorised Site	Land adjacent to Pump Station, Elmstead Market	1	1		1	0	1	
Undetermined sites	Land south of Woodfield Bungalow, Great Bentley	5	0		0			
	Land south of Gutteridge Hall Lane	1	0		0			
	TOTAL	23	12	5	12	3	9	
	% breakdown							

Conclusions

- 1.14 The 2017 GTAA is now 6 years old and so arguably is out of date. However, this review of the GTAA has identified a series of considerable methodological flaws which renders the evidence base highly questionable. The key points are:
- A very low level of household survey response meant that a majority of households were not interviewed. The findings are therefore based on a very small sub-set of the overall Gypsy and Traveller population. This was despite a prolonged fieldwork period January to September 2016 and May 2017.
 - The GTAA established a need for 2 pitches. This was wholly based on the analysis of a sub-set of the population who were interviewed who met the PPTS 2015 definition. No attempt was made to weight up the findings to reflect the total number of households although there was an acknowledgment that the need could be higher based on the unknown household.
 - The 2017 GTAA interpreted the PPTS definition based on an understanding of the definition at the time. This has now been ruled to be unlawfully discriminatory and any evidence base of need has to take this ruling into account.
- 1.15 Therefore, the 2017 GTAA cannot be viewed as a robust evidence base to assess residential pitch need. It is outdated, based on a small sub-set of households who were able to be interviewed and fails to provide a comprehensive assessment of need which withstands the rigour of critical evaluation.
- 1.16 It would be advisable that the council accepts that the level of need is markedly higher than what the GTAA suggests and should not be relying on this evidence to refute planning applications on the basis of need.

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