

***Tendring***  
**District Council**



# Tendring District Local Plan 2013-2033 and Beyond

## Section 2

Adopted 25th January 2022

- c. *the proposal must avoid “tandem” development using a shared access;*
- d. *the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;*
- e. *the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and*
- f. *the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.*

**This Policy contributes towards achieving Objective 1 of this Local Plan.**

### 5.9 Gypsy and Traveller Sites

- 5.9.1** Government guidance sets out the approach Local Authorities should take when making provision for Gypsy and Travellers. It requires Local Authorities to make their own assessment of need, develop fair and effective strategies to meet need through the identification of land for sites, to plan for sites over a reasonable timescale, to increase the number of traveller sites in appropriate locations in order to address under provision and maintain an appropriate level of supply.
- 5.9.2** In August 2015 a new definition of Gypsy and Traveller was introduced into the Planning Policy for Traveller Sites (2015). This meant that the Council’s existing evidence base needed to be updated to reflect the new definition. This new study looked at the new definition and only those households that fall within the planning definition now need to be formally assessed as part of the Gypsy and Traveller Accommodation Assessment (GTAA) process.
- 5.9.3** The GTAA for all local planning authorities in Essex follows a consistent approach and was commissioned jointly by the Councils working in partnership in line with the legal duty to cooperate. The GTAA was updated in 2018. In 2018 there were 11 permanent gypsy and traveller pitches in Tendring and planning permissions in place to deliver a further 11 permanent pitches and 1 temporary pitch. The GTAA for Tendring identifies a future need up to 2033 for 1 additional pitch for households meeting the new definition for a gypsy or traveller, 3 pitches for households not meeting the definition and 2 pitches for households where it is unclear whether or not the definition is met. There are therefore sufficient planning permissions in place without the need to specifically allocate any land for additional gypsy and traveller pitches in this Local Plan. Longer-term provision for gypsy and travellers is however proposed as part of the Colchester Tendring Garden Community and details will be set out in the separate Development Plan Document (DPD) for that area. The GTAA identifies no need for plots for travelling showpeople in Tendring.

- 5.9.4** Planning Policy for Traveller Sites (2015) says that where there is no identified need for additional gypsy and traveller pitches, Councils should have criteria-based policies in their Local Plan to provide a basis for decisions in case applications nevertheless come forward. Such policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. Any applications for the creation of new gypsy and traveller sites or additional pitches will be judged against the criteria of Policy LP9 below and any other relevant policies in this Local Plan.

## Policy LP 9

### GYPSY AND TRAVELLER SITES

*The projected future need for five gypsy and traveller pitches in Tendring up to 2033 as identified in the Gypsy and Traveller Accommodation Assessment (GTAA) can be met in full through sites that have already obtained planning permission and therefore this Local Plan does not allocate any specific sites for this purpose. It is proposed that further longer-term provision will be met as part of the Colchester Tendring Borders Garden Community. There is no current or future need for any plots for travelling showpeople in Tendring and therefore no land is allocated for this purpose.*

*Any proposals for additional pitches to meet the needs of gypsies and travellers will be considered against criteria a) to e) below alongside other requirements in the Local Plan:*

- a. sites must avoid any adverse impacts on any internationally, nationally or locally designated protected areas and must avoid areas prone to flooding;*
- b. sites must have reasonable access to key facilities including schools, doctors' surgeries, convenience shops, and employment sites;*
- c. sites must include suitable circulation and amenity space;*
- d. sites must comprise well drained ground and achieve safe access for large vehicles from the local road network and access to utilities; and*
- e. sites must be of a high quality design and landscaping, providing a good standard of residential amenity for their occupiers.*

**This Policy contributes towards achieving Objective 1 of this Local Plan.**

## 5.10 Care and Assisted Living

- 5.10.1** Demographic projections suggest that by the end of the plan period in 2033, around 60% of our residents could be over the age of 65 and we know that our District is already a very popular area for retirement, particularly in our coastal towns of Clacton and Frinton, with much of the demand for new housing driven by the migration of older people from other parts of the country. Generally, thanks to advancements in



Department for  
Communities and  
Local Government

## Planning policy for traveller sites



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# Introduction

1. This document sets out the Government's planning policy for traveller<sup>1</sup> sites. It should be read in conjunction with the National Planning Policy Framework. Guidance on the Framework can be found at: <http://planningguidance.planningportal.gov.uk/>
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions.<sup>2</sup> Local planning authorities preparing plans for and taking decisions on traveller sites should also have regard to the policies in the National Planning Policy Framework so far as relevant.
3. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
4. To help achieve this, Government's aims in respect of traveller sites are:
  - a. that local planning authorities should make their own assessment of need for the purposes of planning
  - b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
  - c. to encourage local planning authorities to plan for sites over a reasonable timescale
  - d. that plan-making and decision-taking should protect Green Belt from inappropriate development
  - e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
  - f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
  - g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies

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<sup>1</sup> See Annex 1 for the definition of traveller for the purposes of this statement.

<sup>2</sup> Sections 19(2)(a) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of new Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy is appropriate to make the plan.

- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
  - i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
  - j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
  - k. for local planning authorities to have due regard to the protection of local amenity and local environment
5. To benefit those engaged in planning for traveller sites, specific planning policies for traveller sites are clearly set out in this separate document. The Government intends to review this policy when fair and representative practical results of its implementation are clear.
6. The Government still intends to review in the future whether Planning Policy for Traveller Sites should be incorporated within the wider National Planning Policy Framework. This will be considered as part of any wider review of the Framework.

## Using evidence

### Policy A: Using evidence to plan positively and manage development

7. In assembling the evidence base necessary to support their planning approach, local planning authorities should:
- a) pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)
  - b) cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities
  - c) use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.



# Plan-making

## Policy B: Planning for traveller sites

8. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the policies in the National Planning Policy Framework, including the presumption in favour of sustainable development and the application of specific policies in the Framework, and this planning policy for traveller sites.
9. Local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 and plot targets for travelling showpeople as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.<sup>3</sup>
10. Local planning authorities should, in producing their Local Plan:
  - a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets <sup>4</sup>
  - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15 <sup>5</sup>
  - c) 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 planning issues that cross administrative boundaries)
  - d) 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
  - e) protect local amenity and environment.

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<sup>3</sup> See Annex 1 for definitions of 'pitch' and 'plot'.

<sup>4</sup> To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

<sup>5</sup> To be considered developable, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged

11. Criteria should be set to guide land supply allocations where there is identified need. 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.
12. In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.
13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
  - a) promote peaceful and integrated co-existence between the site and the local community
  - b) promote, in collaboration with commissioners of health services, access to appropriate health services
  - c) ensure that children can attend school on a regular basis
  - d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
  - e) 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
  - f) avoid placing undue pressure on local infrastructure and services
  - g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
  - h) 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.

## Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

## Policy D: Rural exception sites

15. If there is a lack of affordable land to meet local traveller needs, local planning authorities in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable traveller sites. This may include using a rural exception site policy for traveller sites that should also be used to manage applications. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites, in small rural communities, that would not normally be used for traveller sites.<sup>6</sup> Rural exception sites should only be used for affordable traveller sites in perpetuity. A rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities

## Policy E: Traveller sites in Green Belt

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

## Policy F: Mixed planning use traveller sites

18. Local planning authorities 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. Local planning authorities 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 practical.

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<sup>6</sup> Small rural settlements have been designated for enfranchisement and right to acquire purposes (under Section 17 of the *Housing Act 1996*) by SI 1997/620-25 inclusive and 1999/1307.

19. Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.
20. Local planning authorities should not permit mixed use on rural exception sites.

## Policy G: Major development projects

21. Local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site. Local planning authorities are entitled to expect the applicant to identify and provide an alternative site, providing the development on the original site is authorised.

## Decision-taking

### Policy H: Determining planning applications for traveller sites

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan<sup>7</sup>, unless material considerations indicate otherwise<sup>8</sup>.
23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.
24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
  - a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant

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<sup>7</sup> Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the Local Plan and neighbourhood plans which have been made in relation to the area (and the London Plan).

<sup>8</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>9</sup>. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

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<sup>9</sup> There is no presumption that a temporary grant of planning permission should be granted permanently. For further guidance please see: <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/what-approach-should-be-taken-to-imposing-conditions/> (paragraph 14)

28. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
- c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

## Policy I: Implementation

29. The policies in this revised Planning Policy for Traveller Sites apply from the day of publication. This replaces the version published in March 2012.

30. The implementation policies set out in the National Planning Policy Framework will apply also to plan-making and decision-taking for traveller sites. In applying those implementation provisions to traveller sites, references in those provisions to policies in the National Planning Policy Framework should, where relevant, be read to include policies in this planning policy for traveller sites.

## Annex 1: Glossary

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.



# **Tendring Gypsy and Traveller Accommodation Assessment**



**Need Summary Report**

**May 2017**





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# 1. Introduction

- 1.1 The primary objective of the Tendring Gypsy and Traveller Accommodation Assessment (GTAA) Need Summary is to provide a robust revised assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation for the period 2016-2033.
- 1.2 The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. The key change that was made was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA (see Para 1.6 for the full definition).
- 1.3 The study provides a robust evidence base to enable the Council to assess and meet the needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act (2016). It also provides the evidence base which can be used to support Local Plan policies and development management.
- 1.4 The baseline date for the study is **September 2016**.
- 1.5 The Tendring GTAA is part of a wider study that covers the whole of Essex, together with Southend-on-Sea and Thurrock. Due to the complexity of this wider study the overall Essex GTAA Report has not yet been completed. However the fieldwork has been completed for Tendring and a final assessment of need has been undertaken. Therefore the purpose of this Need Summary is to provide the Council with a summary of the levels of need for the period 2016-2033 to provide evidence for its Local Plan.

## The Planning Definition in PPTS (2015)

- 1.6 For the purposes of the planning system the definition of a Gypsy, Traveller and Travelling Showperson 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 showpeople 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 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.*

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

- <sup>1.7</sup> 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 not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

## Definition of Travelling

- <sup>1.8</sup> One of the most important questions that GTAAs 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*’ as well as other travelling characteristics.
- <sup>1.9</sup> **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.
- <sup>1.10</sup> 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.
- <sup>1.11</sup> 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*.
- <sup>1.12</sup> 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.
- <sup>1.13</sup> 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.

- 1.14 **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.
- 1.15 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 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 visiting horse fairs and visiting friends or relatives. It will **not cover** those who commute to work daily from a permanent place of residence.
- 1.16 It will also be the case that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. that the household unit would be defined as travelling under the planning definition.
- 1.17 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 or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future.
- 1.18 This approach was endorsed by a Planning Inspector in a recent Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267). 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. Methodology

### Background

- 2.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible GTAAs. This has been updated in light of the introduction of the PPG in 2014, changes to PPTS in 2015 and the Housing and Planning Act (2016), as well as responding 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.
- 2.2 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 Showpeople.
- 2.3 The approach currently used by ORS was considered in April 2016 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy who concluded:

*'The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households, including those living in bricks and mortar accommodation, and considering the implications of the new Government policy. On the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'*

- 2.4 The stages of the methodology that was used to complete this study are set out below. More information on each stage will be provided in the full GTAA Report for the Essex Planning Officers Group.

### Desk-Based Review

- 2.5 ORS collated a range of secondary data that was used to support the study. This included:
- » Census data.
  - » Site records.
  - » Caravan counts.
  - » Records of unauthorised sites/encampments.
  - » Information on planning applications/appeals.
  - » Existing Needs Assessments and other relevant local studies.
  - » Existing national and local policy.

### Survey of Travelling Communities

- 2.6 Through the desk-based research, 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. In order to gather robust information to use to assess households against the planning definition of a Traveller. Multiple visits were made to households where it was not possible to conduct an interview because they were not in or not available.

- 2.7 Our experience suggests that an attempt to interview households on all pitches is more robust, as opposed to a sample based approach which often leads to an under-estimate of need - an approach which is regularly challenged by the Planning Inspectorate and at planning appeals.
- 2.8 ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The household interview questions that were used have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the current planning definition.
- 2.9 All pitches and plots were visited by members of our dedicated team of experienced interviewers who work on GTAA studies across England and Wales. They conducted 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 (to meet the new requirements in PPTS). Interviewers 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.
- 2.10 They 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.
- 2.11 Where it was not possible to undertake an interview, staff sought to capture as much information as possible about each pitch from sources including neighbouring residents and site management (if present).

### Timing of the Fieldwork

- 2.12 ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. As such all of the fieldwork was undertaken during the non-travelling season, and also avoided days of known local or national events. Fieldwork was completed between January and September 2016. Whilst this did cover the summer period, the majority of interviews were not completed during July and August. In addition some interviews were completed in May 2017 on a site where no contact was possible previously.

### Engagement with Bricks and Mortar Households

- 2.13 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 Council, information from housing registers and other local knowledge from stakeholders, and adverts on social media (including the Friends Families and Travellers Facebook group). Through this approach we endeavoured to do everything within our means to give households living in bricks and mortar the opportunity to make their views known to us.



- 2.14 As a rule we do not extrapolate the findings from our fieldwork with bricks and mortar households up to the total estimated bricks and mortar population as a whole 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. We work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity we will put in place. Thus we are seeking to shift the burden of responsibility on to those living in bricks and mortar through demonstrating rigorous efforts to make them aware of the study.

## Calculating Current and Future Need

- 2.15 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the 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

- 2.16 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).
- 2.17 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 arising from families living on this site.

## Current Need

- 2.18 The second stage is to identify components of current need. It is important to address issues of double counting – for example concealed or doubled-up households may also be on a waiting list, as may households in bricks and mortar. Current need is made up of the following:
- » Households on unauthorised developments for which planning permission is not expected.
  - » Households on unauthorised encampments 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

- 2.19 The final stage is to identify components of future need. This includes the following four components:
- » Older teenage children in need of a pitch of their own.
  - » Households living on sites with temporary planning permissions.
  - » New household formation.
  - » In-migration.
- 2.20 Household formation rates are often the subject of challenge at appeals or examinations. We firmly believe that any household formation rates should use a robust local evidence base where household interviews have been completed, rather than simply relying on precedent.
- 2.21 All of these components of supply and need are presented in easy to understand tables which identify the overall net need for current and future accommodation for both Gypsies and Travellers, and for Travelling Showpeople (where present). This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers are identified separately and the needs are identified to 2033.

## Pitch Turnover

- 2.22 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 is an approach that usually ends up with a significant under-estimate of need as in the majority of cases vacant pitches on sites are not available to meet any additional 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.*

- 2.23 In addition a GTAA Best Practice Guide was produced in June 2016 by a number of 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.*

2.24 As such, other than current vacant pitches on sites that are known to be available, or pitches identified during the fieldwork as becoming available, pitch turnover has not been considered as a component of supply in this GTAA. However the Council should continue to monitor need against pitch turnover through its usual annual monitoring processes.

## Transit Provision

2.25 PPTS also requires an assessment of the need for any transit sites or stopping places. 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 or management approaches can be developed to accommodate Gypsies and Travellers as they move through different areas.

- » Transit sites
- » Temporary/Emergency stopping places
- » Temporary (seasonal) sites
- » Negotiated Stopping Agreements

2.26 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 CLG Caravan Count. The outcomes of the interviews with Council Officers, Officers from neighbouring local authorities and other stakeholders were also taken into consideration when determining this element of need in the study area.

## 3. PPTS (2015) Planning Definition

- 3.1 The primary change introduced by PPTS (2015) in relation to the assessment of need was the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS has collected information necessary to assess each household against the planning definition. As PPTS (2015) has only recently been issued only a small number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied – these support the view that households need to be able to demonstrate that they travel for work purposes (or have ceased to travel temporarily due to education, ill health or old age), and stay away from their usual place of residence when doing so.

### Applying the Planning Definition

- 3.2 The household interview 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 travel to.
  - » The times of the year that household members travel.
  - » 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.
- 3.3 The outcomes from these questions on travelling were used to assess 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 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. The same definition applies to Travelling Showpeople as to Gypsies and Travellers.
- 3.4 Households that need to be formally considered in the GTAA fall under one of 3 classifications. Only those households that meet, or may meet, the planning definition will form the formal components of need to be 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.

3.5 Whilst the needs of those households that do not meet the planning definition do not now need to be formally included in the GTAA, they will be assessed to provide the Council with components of need to support their wider housing needs assessments.

## Unknown Households

3.6 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 or households that were not present during the fieldwork period) need to be considered as part of the GTAA where they are believed to be Gypsies, Travellers or Showpeople 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 a maximum additional need figure over and above the need identified for households that do meet the planning definition.

3.7 The estimate seeks to identify potential current and future need from many pitches known to be temporary or unauthorised, and through new household formation. For the latter the national rate of 1.50% has been used as the demographics of residents are unknown. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).

3.8 Should further information be made available to the Council that will allow for the planning definition to be applied, these households could either form a confirmed component of need to be addressed through the GTAA or the SHMA/HEDNA.

3.9 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 where an interview was completed.

3.10 However, data that has been collected from over 1,800 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition (this rises to 70% for Travelling Showpeople based on over 300 interviews that have been completed) – and in some local authorities, particularly London Boroughs, no households meet the planning definition.

3.11 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 between 12,000-14,000 Gypsy and Traveller pitches in England and we have spoken to over 12% of them at a representative range of sites and just over 10% meet the planning definition. ORS also asked similar questions on travelling in over 2,000 pre-PPTS (2015) household interviews and also found that 10% of households would have met the PPTS (2015) planning definition. 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.

- 3.12 The Council will need to carefully consider how to address the needs associated with unknown Travellers as it is unlikely that all of this need will need to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan policies the Council could consider the use of a specific site allocation/protection policy for those households that do meet the planning definition, together with a criteria-based policy (as suggested in PPTS) for any unknown households that do provide evidence that they meet the planning definition.

### Households that do not meet the Planning Definition

- 3.13 Whilst households who do not travel fall outside the planning definition of a Traveller, Romany Gypsies and Irish and Scottish Travellers may be able to demonstrate a right to culturally appropriate accommodation under the Equality Act 2010. 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 Guidance<sup>1</sup> 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, for example through the SHMA or HEDNA process, and will form a subset of the wider need arising from households residing in caravans.

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<sup>1</sup> "Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats." (March 2016)

## 4. Survey of Travellers

### Interviews with Gypsies, Travellers and Travelling Showpeople

- 4.1 One of the major components of this study was a detailed survey of the Gypsy, Traveller and Travelling Showpeople population living in Tendring. Through the desk-based research ORS identified no public sites; 9 private sites (16 pitches; no temporary or transit sites; and 1 unauthorised site (1 pitch). There are also no Travelling Showpeople yards. There are also 2 sites awaiting the determination of planning consent (6 pitches).
- 4.2 Interviews were completed between January and September 2016, with some follow-up interviews also completed in May 2017. Up to 3 attempts were made to interview each household where they were not present when interviewers visited. The table below sets out the sites/yards that were identified and visited, the number of pitches/plots, the number of interviews that were completed, and the reasons why interviews were not completed.

**Figure 1 – Gypsy, Traveller and Travelling Showpeople sites and yards visited in Tendring**

Status	Pitches/Plots	Interviews	Reasons for not completing interviews
<b>Private Sites</b>			
Carringtons Road, Great Bromley	1	0	1 x no contact possible
Esther Lee Stables, Ardleigh	1	0	1 x no contact possible
Spring Stables, Gutteridge Hall Lane	8	0	3 x no contact possible, 5 x unimplemented pitches
Land behind Woodfield Bungalow, Great Bentley	5	3	2 x no contact possible
Woodside, Great Bromley	1	0	1 x no contact possible
<b>Unauthorised Sites</b>			
Land adjacent to Pump Station, Elmstead Market	1	0	-
<b>Undetermined Sites</b>			
Land south of Woodfield Bungalow, Great Bentley	5	0	5 x unoccupied
Land south of Gutteridge Hall Lane	1	0	1 x unoccupied
<b>TOTAL</b>			

### Efforts to contact bricks and mortar

- 4.2 ORS applied 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 Council and local housing providers, and adverts on social media (including the Friends Families and Travellers Facebook group).

<sup>4.3</sup> At the time of concluding this report no contacts had been identified to interview.



## 5. Current and Future Pitch Provision

- 5.1 This section focuses on the additional pitch provision which is needed in Tendring currently and to 2033. This includes both current unmet need and need which is likely to arise in the future. 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 completed by ORS, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.
- 5.2 We would note that this section is based upon a combination of the on-site surveys, planning records and discussions with Officers from the Council. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.

### PPTS (2015) Planning Definition

- 5.4 As well as assessing housing need PPTS (2015) requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the planning definition of a Gypsy, Traveller or Travelling Showperson. Only households that fall within the planning definition, and those who *may* meet the planning definition (households where an interview was not completed), will have their housing needs assessed separately from the wider population in the GTAA. The planning definition now excludes those who have ceased to travel permanently.

### New Household Formation Rates

- 5.5 Nationally, a household formation and growth rate of 3.00% net per annum 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 additional 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 B**.
- 5.6 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 the Traveller Caravan Count. However this data is very unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.
- 5.7 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.

- 5.8 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 Travellers. This view has been supported by Planning Inspectors in a number of Decision Notices. The most recent was in relation to an appeal in Doncaster (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. The Inspector 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 1.5% but that a 2.5% 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 1.5% 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 1.5% figure is justified in the case of Doncaster.*

- 5.9 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. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit. It aims to encourage methodological development by giving practitioners the space and the incentive to share their knowledge – see link below.

<http://the-sra.org.uk/journal-social-research-practice/>

- 5.10 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.
- 5.11 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence from the household interviews has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 in each local authority (by planning status).
- 5.12 In certain circumstances where the numbers of households and children are low it is not appropriate to apply a percentage rate for new household formation. In these cases a judgement will be made

on likely new household formation based on the age and gender of the children. This will be based on the assumption that 50% of likely households to form will stay in the area. This is based on evidence from other GTAA's that ORS have completed across England and Wales.

- 5.13 Research by ORS has also identified a national growth rate of 1.00% for Travelling Showpeople and this has also been adjusted locally based on site demographics.
- 5.14 The outcomes in Tendring are that new household formation for Gypsies and Travellers who meet the planning definition has used the site demographics as there were only 2 children identified; site demographics have also been used for Gypsy and Traveller households that do not meet the planning definition as there were only 5 children identified; and the national rate of 1.50% has been used for unknown households.

### Breakdown by 5 Year Bands

- 5.15 In addition to tables which set out the overall need for Gypsies, Travellers and Travelling Showpeople, the 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 older teenage children, and net movement from bricks and mortar) in the first 5 years. Total net new household formation is split across the 5 year bands based on the compound rate of growth that was applied – as opposed to being spread evenly.

### Applying the Planning Definition

- 5.16 The outcomes from the questions in the household survey on travelling were used to assess each household against the planning definition in PPTS (2015). This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether and why they plan to travel again in the future. This assessment was based on the verbal responses to the questions given to interviewers as it is understood that oral evidence is capable of being sufficient when determining whether households meet the planning definition.
- 5.3 Figure 2 shows that for Gypsies and Travellers 1 household meet the planning definition in that it was able to be determined that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 3 Gypsy and Traveller households did not meet the planning definition as they were not able to provide information that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons to visit fairs, relatives or friends, and others had ceased to travel permanently – these households did not meet the planning definition.
- 5.4 The number of households on each site where an interview was not possible are recorded as unknown. The reasons for this included households that refused to be interviewed and households that were not present during the fieldwork period – despite up to 3 visits.

Figure 2 – Planning status of households in Tendring

Site Status	Meet Planning Definition	Unknown	Do Not Meet Planning Definition	TOTAL
Private Sites	0	8	3	11
Unauthorised Sites	1	0	0	1
<b>TOTAL</b>	<b>1</b>	<b>8</b>	<b>3</b>	<b>12</b>

### Pitch Needs – Gypsies and Travellers that meet the Planning Definition

- 5.5 The assessment identified 1 pitch occupied by a household that meets the planning definition. The pitch is unauthorised so has been included as 1 pitch as a component of current need. The demographics of the children living on the site suggest that 1 additional household will form in years 11-15 of the assessment period. Therefore the **total additional need is for 2 pitches** over the GTAA period to 2033. There is no supply from vacant pitches, and there is no other current or future need arising from this household.
- 5.6 The unauthorised pitch is at Land Adjacent to Pump Station, Elmstead Market. This site had a temporary planning consent that lapsed in March 2013. It is understood from the Council that an application has been made to make the permission permanent. If the application is successful and full planning permission is granted this will reduce the need by the 2 pitches. If a further temporary consent is granted need will not reduce as a temporary pitch is still counted as a component of need.

Figure 3 – Additional need for Gypsy and Traveller households in Tendring that meet the Planning Definition (2017-2033)

Gypsies and Travellers - Meeting Planning Definition	Pitches
<b>Supply of Pitches</b>	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	0
Pitches to be vacated by households moving to bricks and mortar	0
Pitches to be vacated by households moving to another area	0
<b>Total Supply</b>	<b>0</b>
<b>Current Need</b>	
Households on unauthorised developments	1
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
<b>Total Current Need</b>	<b>1</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	1
<i>(Formation from household demographics)</i>	
<b>Total Future Needs</b>	<b>1</b>

Net Pitch Total = (Current and Future Need – Total Supply)	2
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**Figure 4 – Additional need for Gypsy and Traveller households in Tendring that meet the Planning Definition by 5 year periods**

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	1	0	1	0	2

### Pitch Needs – Unknown Gypsies and Travellers

- 5.7 Whilst there were a total of 18 pitches with planning permission where an interview was not able to be completed, only 8 of these were occupied. There were 5 pitches that have not been implemented at Spring Stables and 5 pitches that have not been implemented at Woodfield Bungalow. Therefore there were a total of 8 occupied pitches where an interview was not completed. All of these have full planning permission.
- 5.8 Whilst it was not possible to determine the planning status of a total of 8 households as they 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.
- 5.9 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.
- 5.10 However data that has been collected from over 1,800 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 10% of households that have been interviewed meet the planning definition.
- 5.11 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means.
- 5.12 Should further information be made available to the Council that will allow for the planning definition to be applied to the unknown households, the overall level of need could rise by up to 2 pitches from new household formation (this uses a base of the 8 households and a net growth rate of 1.50%<sup>2</sup>). This suggests that 1 new household will form in years 6-10 and that 1 new household will form in years 11-15 of the assessment period. Therefore additional need *could* increase by up to a further 2 pitches, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 8 unknown pitches are deemed to meet the planning definition).

<sup>2</sup> 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.

- 5.13 However, as an illustration, if the ORS national average of 10% were to be applied this could be as few as none (10% of 2 = 0.2) of these pitches are likely to be for households that meet the planning definition and the 2 pitches will be added to need from households that do not meet the definition. Tables setting out the components of need for unknown households can be found in **Appendix A**.
- 5.14 Whilst it was not possible to formally interview households living at the Spring Stables site it was noted that there was a degree of over-crowding on one of the pitches. However the site has recently been granted planning permission for 5 additional pitches and these will address any current over-crowding.

### Gypsies and Travellers that do not meet the Planning Definition

- 5.15 It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the planning definition. However this assessment is included for illustrative purposes and to provide the Council with information on levels of need that will have to be addressed through the SHMA or HEDNA and through separate Local Plan policies. On this basis, it is evident that whilst the needs of the 3 households who do 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 some identified as Romany Gypsies. The 3 households all live on pitches that have full planning permission. The demographics of the children suggest that 1 new household will form in years 11-15 and 2 new households will form in years 16-17 of the assessment period. Therefore the total additional need is for 3 pitches.
- 5.16 A summary of this need can be found in **Appendix A**.

### Waiting Lists

- 5.17 There are no public sites in Tendring so there is no waiting list.

### Options for Meeting Assessed Need in Tendring

- 5.18 Given that an application has been made for the unauthorised pitch, should this be approved then the need for 2 additional pitches will be met.
- 5.19 It is understood that that one of the undetermined sites that is seeking planning permission for 5 additional pitches to the south of Woodfield Bungalow is owned by the family of the households that do not meet the planning definition. If planning permission is granted these pitches may be used to meet need for 3 additional pitches arising from households living on existing pitches adjacent to Woodfield Bungalow.
- 5.20 It is likely that any need arising from unknown households - all of which could come from small family sites - could be met through intensification of the existing sites.

### Plot Needs – Travelling Showpeople

- 5.21 There were no Travelling Showpeople identified in Tendring so there are no current or future accommodation needs.

## Transit Requirements

- 5.22 When determining the potential need for transit provision the assessment has looked at data from the DCLG Caravan Count, the outcomes of the stakeholder interviews and local records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

## DCLG Caravan Count

- 5.23 Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Caravan Count is a count of caravans and not households or pitches/plots. 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.
- 5.24 Data from the Caravan Count shows that there have been low numbers of non-tolerated unauthorised caravans on land not owned by Travellers recorded in Tendring in recent years – recorded only during the summer months.

## Stakeholder Interviews and Local Data

- 5.25 Information from the stakeholder interviews that were completed for the previous GTAA that was published in 2014 also confirmed that there are low levels of unauthorised encampments and that the majority were during the summer months, short-term visiting family or friends, transient and simply passing through. Stakeholders reported short-term summertime encampments on the coast at Holland Marshes, or on the Seafront Gardens. The vans stay for a few days and then move on

## Potential Implications of PPTS (2015)

- 5.26 It has been suggested by a number of organisations and individuals representing the Travelling Community 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 seeking to meet the planning definition. This may well be the case but it will take some time for any changes to become apparent. As such the use of historic evidence to make an assessment of future transit need is not recommended at this time. Any recommendation for future transit provision will need to make use of a robust post-PPTS (2015) evidence base and there has not been sufficient time yet for this to be developed.

## Transit Recommendations

- 5.27 It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.

- 5.28 A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015 – including if possible an analysis of whether households on encampments meet the planning definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places. If such a need is identified work will need to be undertaken on an Essex-wide basis to identify suitable locations to meet the provision.
- 5.29 In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach. At this point whilst consideration should also be given as to how to deal with households that do and do not meet the planning definition, from a practical point of view it is likely that households on all unauthorised encampments will need to be dealt with in the same way.
- 5.30 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.
- 5.31 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; sewage disposal point and refuse disposal facilities.



## 6. Conclusions

- 6.1 This study provides an 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 Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act 2016. It also provides the evidence base which can be used to support Local Plan policies.

### Gypsies and Travellers

- 6.2 In summary there is a need for 2 additional pitches in Tendring over the GTAA period to 2033 for Gypsy and Traveller households that meet the planning definition; a need for up to 2 additional pitches for Gypsy and Traveller households that may meet the planning definition – although if the ORS national average of 10% were to be applied this could be as few as no additional pitches; and a need for 3 additional pitches for Gypsy and Traveller households who do not meet the planning definition – if the potential need from 90% of unknown households is added to this the total need for non-Travelling households could rise to 5 additional pitches. A breakdown of where this need should be addressed is set out in the table below.

**Figure 5 – Additional need for Gypsy and Traveller households broken down by potential delivery method**

Site Status	Gypsy and Traveller Local Plan Policy	SHMA Housing Policy	TOTAL
Meet Planning Definition (+ 10% Unknown)	2	0	2
Not meeting Planning Definition (+ 90% Unknown)	0	5	5
<b>TOTAL</b>	<b>2</b>	<b>5</b>	<b>7</b>

### Travelling Showpeople

- 6.3 There were no Travelling Showpeople identified in Tendring so there is no current or future need for additional plots.

### Options for Meeting Assessed Need in Tendring

- 6.4 Given that an application has been made for the unauthorised pitch, should this be approved then the need for 2 additional pitches will be met.
- 6.5 It is understood that that one of the undetermined sites that is seeking planning permission for 5 additional pitches to the south of Woodfield Bungalow is owned by the family of the households that do not meet the planning definition. If planning permission is granted these pitches may be

used to meet need for 3 additional pitches arising from households living on existing pitches adjacent to Woodfield Bungalow.

- 6.6 It is likely that any need arising from unknown households - all of which could come from small family sites - could be met through intensification of the existing sites.

### Transit Provision

- 6.7 It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.
- 6.8 A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015 – including if possible an analysis of whether households on encampments meet the planning definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places.
- 6.9 In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach.

## Appendix A – Need from unknown and households that do not meet the Planning Definition

### Additional need for unknown Gypsy and Traveller households in Tendring (2016-33)

Gypsies and Travellers - Unknown	Pitches
<b>Supply of Plots</b>	
Additional supply from vacant public and private pitches	0
Additional 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
<b>Total Supply</b>	<b>0</b>
<b>Current Need</b>	
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 sites	0
<b>Total Current Need</b>	<b>0</b>
<b>Future Need</b>	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	2
<i>(Household base 8 and formation rate of 1.50%)</i>	
<b>Total Future Needs</b>	<b>2</b>
<b>Net Pitch Total = (Current and Future Need – Total Supply)</b>	<b>2</b>

### Additional need for unknown Gypsy and Traveller households in Tendring by 5 year periods

Years	0-5 2016-21	6-10 2021-26	11-15 2026-31	16-17 2031-33	Total
	0	1	1	0	2

**Additional need Gypsy and Traveller households in Tendring that do not meet the Planning Definition (2016-33)**

<b>Gypsies and Travellers – Not Meeting New Definition</b>		<b>Pitches</b>
<b>Supply of Pitches</b>		
Additional supply from vacant public and private pitches		0
Additional 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
<b>Total Supply</b>		<b>0</b>
<b>Current Need</b>		
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 sites		0
<b>Total Current Need</b>		<b>0</b>
<b>Future Need</b>		
5 year need from older teenage children		0
Households on sites with temporary planning permission		0
In-migration		0
New household formation		3
<i>(Formation from household demographics)</i>		
<b>Total Future Needs</b>		<b>3</b>
<b>Net Pitch Total = (Current and Future Need – Total Supply)</b>		<b>3</b>

**Additional need for Gypsy and Traveller households in Tendring that do not meet the Planning Definition by 5 year periods**

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	0	0	1	2	3