



Newark and Sherwood Amended Core Strategy DPD

**Post-Hearing Matter 14 Statement
Newark and Sherwood District Council**

February 2018

1.0 Context

1.01 Following the close of the hearings the Inspector has requested that the Council provide a response to paragraphs 17-34 of Dr Angus Murdoch’s hearing statement. The Council would wish to highlight that despite twice being directly invited to do so the objector did not take the opportunity to positively engage in the plan-making process, via the making of representations over the soundness of this aspect of the plan within the statutory representation period (17th July – 1st September 2017). Whilst it is regrettable that the Council did not have the chance to address the objectors detailed criticisms at an earlier stage it now welcomes this opportunity to provide a reasoned response.

1.02 Whilst the specific circumstances supporting the approach of any given Local Plan will need to be justified at examination it is still relevant, and prudent, to look at how recently adopted Local Plans elsewhere have proposed to meet gypsy and traveller needs. Throughout the statement attention is therefore drawn to the practice adopted in the Gypsy and Traveller Accommodation Assessments (GTAA’s) which support the recently sound Local Plans of six Local Planning Authorities (LPA’s), adopted following the introduction of the definition of gypsies and travellers within the Planning Policy for Traveller Sites in August 2015:

- **Adur District Council** – Local Plan adopted in December 2017, supported by GTAA’s undertaken in 2013 and 2014;
- **Basingstoke & Deane Borough Council** – Local Plan adopted in May 2016, supported by GTAA’s prepared in 2015 and 2017;
- **The London Borough of Hammersmith and Fulham** – Local Plan found sound in November 2017, supported by a GTAA undertaken in 2016;
- **The London Borough of Newham** - Gypsy and Traveller Development Plan Document found sound in January 2017, underpinned by a GTAA produced in 2016;
- **Luton Borough Council** – Local Plan adopted in November 2017, supported by GTAA’s prepared in 2015 and 2016; and
- **Warwick District Council** – Local Plan adopted in September 2017, supported by a GTAA produced in 2012.

These case studies are referred to solely in the context of responding to the objector’s criticisms, and the statement does not seek the introduction of new evidence into the examination.

1.03 Importantly the conclusions reached through this additional statement support the Council’s view, as presented within its earlier Hearing Statement on Matter 14, that the submitted Gypsy and Traveller Accommodation Assessment (GTAA) (GT/01)

represents the proportionate evidence base envisaged within the tests of soundness. Furthermore the GTAA and resulting pitch requirements in Core Policy 4 are deemed to represent a sound and objective assessment of the *'likely accommodation needs'* (Councils emphasis) of the gypsy and traveller community, meeting the requirements of the national Planning Policy Framework (the Framework) and Policies A and B in the Planning Policy for Traveller Sites (PPfTS), 2015. This evidence has then been used to plan positively, with the proposed approach provided by Core Policies 4 and 5 ensuring that those likely needs will be met.

2.0 Response

Existence of residual unmet need coming into the new GTAA period (2013 – 2028)

- 2.01 The appeals (hearing dates and decisions) referred to by the objector pre-date the later stages, examination and adoption of the Allocations & Development Management DPD (A&DM DPD) (adopted June 2013). Importantly the DPD provides an up-to-date supply position as at the point of submission (September 2012), at paragraph 2.7 (relevant excerpt provided in Appendix A). This confirms that by the time of the DPD's examination (December 2012) the 84 pitches identified in the previous (GTAA 2007 – 2012) had been met and exceeded with 93 pitches having been secured.
- 2.02 As outlined in para 2.7 of the Allocations & Development Management DPD (A&DM DPD) the Council then projected forward based on the approach taken in the previous GTAA, concluding that a further 21 pitches would be required over the next 5 year period. Importantly at the point of examination there was an extant permission which fulfilled that need. This supply position and approach was considered at examination and found to be sound. The relevant section of the Inspectors report can be found in Appendix B, with the following being concluded at paragraph 36:

*'The current requirement for Gypsy and Traveller provision has now been met and exceeded with 93 pitches having been secured. This requirement covers the period to the end of 2012. Projecting forward based on the existing Needs Study it is anticipated that an additional 21 pitches will be required over the next 5 years. There is a site with planning permission which would meet this need and currently the Council is in negotiation to buy the land, having formally resolved to use compulsory purchase powers if necessary.'*¹

¹ It should be noted that subsequent to the adoption of the Allocations & Development Management DPD the Council engaged with landowners and highlighted its willingness to use its compulsory purchase powers. As a result the sites have now been brought back into use, as confirmed at the hearings, without compulsory purchase being necessary.

- 2.03 Importantly the rolling forward of a five year requirement from the previous GTAA period (2007-2012) ensured there remained a basis against which to consider planning applications during the period of time the Nottinghamshire joint methodology was produced, and then applied to generate new pitch requirements. It is through this approach that the pitch requirements within the submitted GTAA have been derived. Notwithstanding the short-term rolling forward it should be noted that the submitted GTAA has in any case reverted to 2013 for its base year, providing a contiguous unbroken period of assessment from 2007 – 2028. It would also perhaps be useful to outline that where temporary consents contribute towards the supply identified in the submitted GTAA then the assessment has taken account of their projected lapse, factoring them in as ‘forecasts of pitch need’ post 31st March 2018. This means that the pitches become added back into the requirement when that lapsing occurs.
- 2.04 Consequently the Council does not recognise the existence of any residual need, either as a result of previous unmet need or from any gap in assessment. The objector’s assertion is therefore strongly contested. Based on the supply position as at September 2012, and notwithstanding any shortfall generated within the current GTAA period, no residual requirement existed. Indeed an excess in provision was seen. The proactive approach to addressing the shortfall which has emerged during the new GTAA period is outlined in Core Policy 4 of the Amended Core Strategy (ACS) (CS/04).

The need for an allocations policy

- 2.05 The legislation and guidance referenced in the objector’s Statement is no longer in force. Circular 01/2006 was withdrawn on 07 March 2014. The Planning Policy for Traveller Sites, March 2012 was archived in 2015. The new Planning Policy for Traveller Sites was published in August 2015. This, alongside the National Planning Policy Framework (the Framework) sets out the statutory policy requirements for gypsies and travellers.
- 2.06 The objector suggests that the lack of an allocations policy renders the Plan unsound and at variance with the relevant requirement in the PPfTS. In making this claim the existence of Core Policy 5 in the ACS appears to have been overlooked. The proposed policy establishes a range of criteria to guide the process of *allocation* in the Allocations & Development Management DPD, and to help inform decisions on proposals reflecting unexpected demand. Notably this policy will provide the basis for the identification of a site, or sites, through the approach to which the Council

has underlined its commitment in Core Policy 4 of the ACS. This is outlined at para 14.09 of the Councils Hearing Statement on Matter 14, but can be summarised as the resolution to take all necessary steps to secure appropriate provision of Gypsy and Traveller sites to meet anticipated need. This includes the option of directly purchasing land. It should also be noted that site allocation through a subsequent site specific Development Plan Document is consistent with how the Council has approached its bricks and mortar housing requirements, save for the identification of the strategic sites within the Core Strategy. This also reflects the approach adopted elsewhere by other LPA's who have adopted / are progressing Core Strategies rather than single unified Local Plans.

- 2.07 Turning now to three specific examples of practice adopted by LPA's elsewhere. Adur District Council identified need for 4 additional gypsy and traveller pitches over the plan period. The Adur Local Plan, adopted in December 2017 contains two gypsy and traveller policies to address this need. Policy 23 provides a commitment to provide for the future needs and sets out a criterion based approach to assess applications as they come forward. Policy 24 protects the existing site at Withy Patch in Lancing from other types of development. The Inspectors Report (IR), 2017 sets out that: "It is proposed to relocate the pitches and include the additional four pitches required to meet the identified need. The landowner supports this approach and there is no reason to doubt that the pitches will all be delivered." (IR, p. 24, 2017) It was recognised that, whilst there is not a specific allocation in the Local Plan, the Council will be able to deliver its gypsy and traveller need. As a result, the IR concludes that "Policy 24 sets out the criteria for assessing proposals for gypsy, traveller and travelling showpeople sites and Policy 25 seeks to ensure the retention of such sites. On the evidence submitted I am satisfied that these two policies are justified." (IR, p. 24, 2017)
- 2.08 The London Borough of Hammersmith and Fulham Local Plan was found sound by the Inspector in November 2017. It had an identified need of 6 pitches over the plan period. The Hammersmith and Fulham Local Plan, 2016 contains the Policy HO10 which sets out that the Council will work closely with the Royal Borough of Kensington and Chelsea, and any other relevant partners to protect, improve and, if necessary, increase the capacity of the existing gypsy and traveller site at Westway. The Local Plan, 2016 does not allocate sites. However, it does contain a commitment to do so over the plan period. The Inspectors Report, December 2017. "At present Hammersmith and Fulham Borough Council has not been able to identify how this need will be met, so as far as it affects its interests, which is not in accordance with national policy. However, the Council has identified a clear strategy to address the issue which will involve a site appraisal study and the production of an options paper

with the intention of having a suitable land supply identified during 2018 to meet the needs”. (IR, p. 10, 2017).

- 2.09 Warwick District’s Local Plan was adopted in September 2017. It has a need for 31 pitches over the plan period. It contains Policy H7 which outlines that the Council will allocate sufficient land on sustainable sites to meet the permanent needs of its gypsy and traveller community to satisfy the need for 31 pitches over the plan period (25 of which should be in the first 5 years). Policy H8 provides a criteria based policy to determine G&T applications. Policy H9 outlines that the Council will consider compulsory purchase powers to assist in the delivery of gypsy and traveller sites.
- 2.10 The Inspector’s Report, July (2017) sets out that, “Policy H7 sets out a clear, positive and proactive commitment to meeting all of the identified needs through the production of a Gypsy and Traveller Site Allocations Plan and determining planning applications in line with criteria in Policy H8. It will enable a 5 year supply of deliverable sites to be achieved. The Council envisage that the Site Allocations Plan will be published for consultation in November 2017. Policy H8 sets out appropriate and justified criteria to assess proposals for Gypsy and Traveller sites.” (IR, p.84, 2017)
- 2.11 Drawing the above together it is clear that given the difficulty that can be involved with allocating land supply for gypsy and travellers, to avoid delay, it has been concluded to be a sound approach elsewhere for gypsy and traveller pitches to be achieved through subsequent Development Plan Documents – as is proposed here.
- 2.12 In this respect it should be noted that the Council has a strong and consistent record of gypsy and traveller pitch provision. As noted above in paragraph 2.01 the land supply target of 84 pitches was exceeded by 9 pitches in the last plan period. Whilst referring back to the three most recent January counts of traveller caravans (2015, 2016 and 2017) recorded by Housing, Communities and Local Government, the Council can point to a consistently high number of pitches subject to permanent planning permission. The track record of the Council, in providing land supply to meet the needs of gypsy and traveller community is therefore exceptionally good in the context of provision across England.

The evidence within the GTAA is out of date and not robust

- 2.13 The relevance of the objector’s reference to the first five year period of the GTAA being effectively over is questioned. Using 2013 as a base date is considered appropriate, given that this forms the start of the Plan Period (2013-2033) for the Amended Core Strategy. Furthermore given that the previous GTAA period ended in 2012 this also allows for a contiguous period of assessment and avoids any potential

gap in the assessment of pitch requirements. It should be noted that the base date for the Council's objectively assessed bricks and mortar housing need (OAN) as set out in the Strategic Housing Market Assessment (HOU/01) is also 2013. The GTAA is consistent with this and has drawn upon robust data. Significantly the study has undergone several iterations, been subject to public consultation and the availability of new information responded to. Through this process the definitional change within national policy has also been positively addressed. Notably the Study was most recently re-visited in June 2016. At each stage consideration has been given as to whether the baseline data remained justifiable, and the Council is comfortable that this was the case.

- 2.14 Criticism that only travellers in the west were interviewed is considered unfair. Significant effort was expended in the pursuit of primary data to support the generation of future pitch requirements, with returns being gained from the west of the District and data from the bi-annual caravan counts being utilised elsewhere. However where it was not possible to obtain primary data then the assumptions made have been well-reasoned and drawn on robust sources of secondary data such as the previous GTAA, the census and Council housing records. It is considered that the combination of primary data and reasoned assumptions represents the proportionate evidence base envisaged within the tests of soundness, and generates a sound assessment of the 'likely' future pitch requirements as referred to within the PPfTS, 2015.
- 2.15 In terms of recent GTAA practice in England the Council can refer to six Local Plans which were successfully supported by such evidence. This includes the GTAA's of Adur Council (2014), Basingstoke and Deane Borough Council (2015), The London Borough of Hammersmith and Fulham (2016), The London Borough of Newham (2016), Luton Borough Council (2016) and Warwick District Council (2012). The Council has not under calculated the gypsy and traveller population needs in its approach.
- 2.16 The primary role of face to face interviews, from looking at the six GTAA's referred to above, was to assess if gypsy and travellers met the new definition of a traveller. Under the PPfTS the new definition 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." (DCLG, 2015). The gypsy and traveller population, for the purposes of assessing future pitch requirements, was reduced through the face-to-face interviews conducted by those six Local Planning

Authorities by 60 – 100% (see table below). Interviews were not carried out with the community in bricks and mortar. The opportunity to be interviewed was advertised to those in bricks and mortar accommodation, however the assumption was that their need would be addressed through the standard OAN.

Council	Caravan Count Jan 2017	Need Pre-Definition	Need Post PPfTS, 2015	% change as a result of interviews
Adur Council	12	4	New definition not applied.	N/A
Basingstoke and Dean Borough Council	17	16	9	-60%
London Borough of Hammersmith and Fulham		15	6	-60%
Luton Borough Council	31	24	0	-100%
London Borough of Newham	15	4	0	-100%
Warwick District Council	43	31	New definition not applied.	N/A

2.17 The bricks and mortar calculation undertaken by the Council is to take the census figure, multiply this by 2 on the basis that there may be hidden households, and to take 33% of this. This is clearly a formula which would result in a much higher figure than to discount this population entirely unless the households come forward, as identified as practice in the above examples. Where families did come forward in the examples provided above, they were also then interviewed against the traveller definition. A high percentage of these did not meet that definition. This methodology was developed by Tribal Group who undertook a detailed needs assessment and demographic profile across Ashfield District Council, Broxtowe Borough Council, Gedling Borough Council, Mansfield District Council, Nottingham City, Rushcliffe Borough Council as well as Newark & Sherwood District Council in 2007.

2.18 It is noted that the objector’s hearing statement draws specific attention to the main source of population information being the bi-annual caravan counts, which are deemed to be an unreliable source of information. The use of count data from 2013 is argued against on the basis of being out-of-date. In support of this line the objector points to an increase within the count from 292 caravans in 2013 to 354 in 2017. The fact that the assessment draws on 2011 census data is similarly criticised.

- 2.19 In terms of the general criticisms the Council acknowledges that many GTAA’s do not directly draw on data from the census and bi-annual counts in order to calculate need. This is however not for the reasons implied in the objectors statement and rehearsed at the hearing – i.e. that they result in artificially reduced levels of need. Rather it is because of the risk that such data sources will overestimate need, principally due to neither data source taking account of the traveller definition within the PPfTS. In addition there is also the chance that caravan counts can be prone to double counting given the complexities around site layout etc. The Council’s use of this data within its needs assessment methodology can therefore be described as both positive and ambitious, ensuring a high level of land supply over the GTAA period.
- 2.20 Turning now to the detailed objections over the caravan count data. The table below details the total caravans recorded since January 2013 up to that most recently published in July 2017.

Date of Count	Total Caravans
January 2013	292
July 2013	323
January 2014	270
July 2014	274
January 2015	289
July 2015	294
January 2016	300
July 2016	347
January 2017	326
July 2017	396
Average	311.1

- 2.20 This shows there to have actually been 292 total caravans in January 2013, and that by July 2017 there were 396 total caravans. This demonstrates a degree of fluctuation year to year, and across many subsequent years the figure recorded was actually below that of January 2013. Furthermore the provisional figure for January 2018 is likely to be in the region of 333 caravans, a decrease on the previous year’s count. It should also be noted that a significant proportion of the increase could be attributable to those long-term voids which have been brought back into use post-2013 (see later in the statement). Notwithstanding this fluctuation, between Jan 2013 and July 2017 the average total caravan count equates to 311.1 which is close to the 292 recorded in January 2013.

- 2.21 It is noted that the figures contained are higher than those recorded within the published HCLG returns. This is due to 'bricked-in' caravans² not being included within the data return. The Council does however count this form of accommodation for its own purposes. With respect to the GTAA the decision to count bricked in caravans reflected the recognition that this represents a form of accommodation available to gypsies and travellers within recognised gypsy and traveller sites. This approach is consistent with one which assumed all residents of gypsy and traveller sites to meet the PPfTS definition (therefore forming part of the baseline population). Appendix C provides details from the Councils January 2013 count.
- 2.22 The objector's statement then proceeds to make the argument that on the basis of the revised definition of travellers in the PPfTS the Authority has 'sought to reduce the extent of need'. Firstly the Council would reject the inference made here, when it has merely implemented the definition handed down through national policy. Regardless of its merits this is the definition which we are required to work with and implement. Significantly as will be outlined later the amended definition has in fact been implemented in a conservative and even-handed manner. The objector's specific criticism is that all of the travellers in bricks and mortar have been assumed to have ceased travelling. However this is patently incorrect as clearly outlined within the GTAA.
- 2.23 The Council's assessment firstly doubles the bricks and mortar figure on the basis that there may be hidden households (stage 2 of the assessment). The Council's formula allows for this total figure to apply without discounting households on the grounds of the new PPfTS, 2015 definition. The formula secondly applies a 33% allowance on this on the basis that such residents would take up a place on a site if offered (again stage 2 of the assessment). Application of this allowance adds significant numbers of pitches to the requirement.
- 2.24 None of the recent GTAA's for the six LPA's referred to in Section 1 of this statement took such a moderate approach with respect to the settled community. These assessments operated on the assumption that all those living in bricks and mortar do not fall into the need analysis, unless they indicate otherwise. Those that do come forward are interviewed against the PPfTS definition and in some cases are not categorised as meeting it. From the face to face survey work undertaken in 2014 (west of the district only) and the Council's housing register & homelessness records no such desires have been recorded. On this basis applying a 33% allowance can be seen as a probable significant overstating of likely need.

² Caravans that have had a brick skirt added.

- 2.25 Staying on the matter of the PPfTS the analysis provided by the objector has made an additional significant oversight in making no reference (for obvious reason) to the fact that the assessment has accepted all residents on gypsy and traveller sites as meeting the definition. As referred to within the Council's Statement of Case for the recent appeal at Land east of Beck Lane, Blidworth (APP/B3030/W/17/3168135) the Council is aware of research undertaken by DLP Planning Ltd and Opinion Research Services (ORS), a reputable consultancy heavily involved in the production of GTAA's nationwide. This collaborative work drew on interviews with over 1,100 households carried out by ORS since the change in definition in 2015. The conclusions reached suggest that overall between 10-20% of households interviewed met the new definition, and in some Authorities 100% did not meet the definition. It is again worth noting that the Inspector dismissed the appeal and, in considering the GTAA (as submitted), concluded there to be nothing unreasonable in its methodology or assumptions (decision letter appended to the Council's original Matter 14 statement). The research referred to formed part of the Council's supporting case.
- 2.26 On this basis it is highly likely that a lower proportion of households in Newark and Sherwood would meet the definition, if interviews were conducted. If only 20% of the potential 84 pitch requirement from the GTAA 2015 (pre definition rather than 2016 update) met the new definition the future household formation component would reduce from 84 to 17 pitches between 2013-2028. This pitch figure is less than 50% of the current GTAA (2016).
- 2.27 Given this the only conclusion the objective observer could reach is that the Authority has approached the matter of the definitional change (both from the perspective of residents in bricks and mortar and on gypsy and traveller sites) in an extremely moderate way, particularly when compared to what has taken place elsewhere. Importantly the implication of this approach is that it has in all probability resulted in greatly increased pitch requirements. When taken alongside the proposed approach to identifying sites and securing a land supply sufficient to meet these requirements (Core Policies 4 and 5 in the ACS) it can be concluded, with a reasonable level of assurance, that the 'likely' accommodation needs of the gypsy and traveller community will be more than met over the GTAA period.
- 2.28 The objector has argued against the carrying forward of the methodology and assumptions from the previous GTAA, again this is suggested as rendering the assessment out-of-date. There is no standardised methodology prescribed in the PPfTS for undertaking GTAA's. As a result, there are different approaches which have been deemed robust in the context of examination. For instance the Hammersmith and Fulham GTAA (2016) was undertaken in house, whilst the GTAA's of Luton and Newham were undertaken by Opinion Research Services consultants.

- 2.29 As outlined in its Duty to Cooperate Statement (CS/15), Regulation 18 and 22 Statements (CS/11 and CS/08) and Hearing Statement on Matter 14 the Council has undertaken an early and comprehensive programme of engagement on its methodology for generating pitch requirements, the outcomes from its application and the wider proposed policy approaches to meeting the future needs of the gypsy and traveller community.
- 2.30 The methodology has gone through a number of stages of production, including a stakeholder workshop and formal consultation exercises involving community representatives, prior to its application. Notably no objections were raised to the methodology, although some technical improvements to the calculations were suggested. These amendments were accepted and the methodology applied to generate the GTAA in its various iterations. Beyond the methodology itself ongoing cooperation with travellers, their representative bodies and other stakeholders has occurred both as part of the preparation of the GTAA and plan-making process.
- 2.31 The key change in the government’s most recent gypsy and traveller guidance is the new definition of traveller under the PPfTS. The Council’s GTAA methodology makes allowance for the new definition.
- 2.32 Consequently the submitted GTAA is considered to represent the most robust source of data available, and a reasonable approach to follow given the need for the evidence base to be proportionate. Nevertheless the assumptions carried forward from the previous assessment include –
- 1.7 caravans to a household;
 - 3.3 average household size;
 - 33% of gypsy and travellers in bricks and mortar accommodation would take a place on a site if offered (addressed above);
 - Bricks and mortar gypsy and travellers identified in the census are likely to only represent 50% of the overall of the overall bricks and mortar gypsy and traveller population; and
 - Household growth rate of 2.10%.
- 2.33 Taking each in turn - to establish an assumed number of caravans per household the figure of 1.7 is considered appropriate. Whilst the DCLG guidance, Designing Gypsy and Traveller Sites, Good Practice Guide (2008) was withdrawn on 1st September 2015 it remains common practice to consider this as a useful guide in the absence of other information. The document advised (page 40) that “there is no one-size-fits-all measurement of a pitch as, in the case of the settled community, this depends on the size of individual families and their particular needs”. But that there are family and smaller pitches. Family pitches should include “an amenity building, a large

trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area” (page 40). Small pitches should include “an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle (page 40). It is difficult to see how the split between requirements for family and small pitches would have fundamentally altered since September 2015. Notably where the six GTAA’s identified in Section 1 adopted an average pitch size then they varied from 1.7 – 2. It is therefore considered that an average of 1.7 caravans accurately reflects the fact that there will be a split between small and family pitches, and on this basis is a reasoned assumption.

- 2.34 The average gypsy and traveller household size varies from authority to authority. Local past trends are a robust way to develop assumptions on this. For example, the Hammersmith and Fulham GTAA, 2016 identifies a household size of 2.63. The Council’s assessment has taken the previous GTAA household size of 3.3 which was derived from detailed survey work undertaken. This is a fair and reasonable assumption. There has been no evidence to suggest that there have been any fluctuations in household sizes.
- 2.35 The assessment has adopted the assumption within the previous GTAA that bricks and mortar gypsy and travellers identified in the census represent only 50% of the overall bricks and mortar gypsy and traveller population. This figure was based on the consideration of the results of the surveys undertaken and discussion with local community representatives and the Local Authority contends that this continues to be an appropriate approach. Through the GTAA the Census figure of 198 is first doubled to 396. Secondly 33% is taken from the total number of households to reflect those who wish to live on gypsy and traveller pitches. The treatment of bricks and mortar gypsy and travellers does not remove any households in light of the PPfTS definition. The assumptions here are both extremely fair and supportive of the resident gypsy and traveller community in the Newark and Sherwood District.
- 2.36 Tribal’s 2007 GTAA applied a household growth rate of 2.10%, which has been rolled forward into the new assessment, on the basis that this has previously been accepted as sound for the purposes of the former Regional Plan, and that when compared to other recent studies undertaken by other local authorities the assumption appeared reasonable. In this respect the decision is supported by previous research and specific examples of practice elsewhere. The research published in 2003 on behalf of the, then, Office of the Deputy Prime Minister entitled ‘Local Authority Gypsy and Traveller Sites’ supported government policy by strengthening the evidence base and providing up-to-date and statistically reliable information on the current network of gypsy and traveller sites and the need for new

site provision. This identified that household growth rates of 2%-3% a year were appropriate when projecting future formations. The Council is unaware of any reason why this would have drastically changed in the time since. The approach advocated through the research is reflected in Basingstoke and Deane District Council's 2015 GTAA which applied a household formation rate of 2%, as did Luton Borough Council's 2016 GTAA.

- 2.37 Moving on, the objector's statement proceeds to question the availability of the 300 pitches at stage 4 of the GTAA. The LPA is then "put to proof on these figures". As outlined within the assessment this figure comes from records of approved planning permissions and the bi-annual caravan count, and are permanent in nature. Details of those sites which contribute towards the 300 pitches are provided in Appendix D. Whether these pitches are subject to a condition restricting occupation of the site to travellers is also queried. However as the objector would likely accept, Tolney Lane has been the long-term focus of gypsy and traveller accommodation within Newark. Indeed the "Take a walk down my lane..." Gypsy & Traveller information resource (extract appended at E) includes a brief history of Tolney Lane which quotes local elders talking about living on the lane in the 1960s. Many of the consents which contribute towards the 300 pitches are long-term in nature, having been originally granted as long ago as the late 1970s (see Appendix D). This predates the common use of such conditions and so to criticise the Council for their absence appears somewhat unrealistic.
- 2.38 Some of these pitches may be occupied by non-PPfTS defined travellers. The assessment has however assumed the opposite (i.e. that all residents on sites meet the definition). This is likely to be a significant over estimate, but such pitches are clearly suitable and capable of future accommodation by residents who would meet the definition should they become available – and some degree of fluidity in occupation is assumed (see 'turnover' rate). Aside from issues of practicality, to remove such pitches from the calculation of need would have a deflationary effect on requirements, and not as the objector believes drive figures upwards. Presently these non-PPfTS defined travellers influence household formation rates within the assessment, were this to no longer be the case then a reduction in future pitch requirements would follow.
- 2.39 Use of a 10% turnover rate has been deemed 'fanciful' by the objector, and given the lack of a public site it is suggested that any reliance on turnover would be unreliable. The justification for the approach taken within the GTAA is provided in the notes at stage 5, step 15 in the first five year tranche of the assessment. This is that based on the 2014 survey data in the west of the district a turnover rate of approximately 40% was recorded, though it was accepted that these sites are commonly transitory in

nature. For the east of the district an analysis of Council tax data was undertaken resulting in a turnover rate of 45%, this data however does not identify whether this was a result of site to site transfer or new residents. The previous GTAA applied a turnover figure of 8% which was based on consideration of the results of the survey undertaken, anecdotal evidence and evidence from other research. Recent studies undertaken by other local authorities have used turnover assumptions ranging from 4-12%. Elsewhere the Hammersmith and Fulham GTAA, 2016 identified an overall need of 12 pitches. The assessment assumes a pitch turnover 3 pitches (25%) with the resultant need of 9 pitches. Given the turnover recorded in the west of the District and the Council tax data elsewhere it is considered that the 10% applied is a conservative assumption, and in line with the approaches adopted elsewhere.

- 2.40 The final area of criticism is that stage 4 of the assessment for the first five year tranche factors in 31 pitches as being available, when these are suggested to be long-term voids that cannot be used and physically not able to be lived on. In response stage 4, step 12 subtracts those long terms voids, which existed at the 2013 base date, to establish a total number of pitches currently available to gypsy and travellers of 203. As already stated subsequently these long-term voids have in fact gone on to be brought back into use (most significantly the 34 pitches at Church View, as recorded in the most recent caravan count). Were the assessment to be amended to take account of this then those pitches which are no longer void would contribute towards an increase in the available supply. The implication being that this would then reduce pitch requirements. Notwithstanding this for the reasons outlined earlier in this statement the Council believes 2013 to represent an appropriate base date for the assessment, given that this forms the start of the plan period. The assessment is considered to provide a robust and proportionate assessment of future pitch requirements, it is therefore important that it retains its internal consistency. Altering key inputs in an ad-hoc and isolated manner with no regard for the potential knock-on effects elsewhere within the assessment would not support the generation of a robust output.

OTH/04 'Figures from Dr Angus Murdoch re GTAA calculations'

- 2.41 The additional evidence circulated at the hearing session builds on the objector's criticisms of various aspects of the submitted GTAA to produce a revised pitch requirement. Whilst as set out above these revisions are in the view of the Council unnecessary it would still wish to draw attention to a fundamental error of judgement. Setting aside its validity the objector seeks to include the 33% allowance for travellers residing in bricks and mortar housing back into the baseline figure. However this is quite clearly not 'baseline' and would be more correctly categorised

as future demand. Demand, which in any event is appropriately accounted for at Stage 3 Step 2 of the assessment.

3.0 Conclusion

3.1 The Council considers the following to provide the context for assessing the soundness of its proposed approach to establishing and meeting gypsy and traveller requirements through the Amended Core Strategy:

1. Does the submitted GTAA represent the proportionate evidence base envisaged in the tests of soundness;
2. Does the assessment equate to a sound and objective assessment of the 'likely accommodation needs', in line with the requirements of the PPfTS; and
3. Has this data been used to plan positively to ensure that those likely needs will be satisfied?

3.2 As demonstrated through this Statement the Council considers that it has brought together a sound evidence base concerning the future accommodation needs of the Gypsy and Traveller community. This has drawn on primary data where available and made reasoned judgements from justifiable sources of secondary data elsewhere. The Council is therefore of the view that this element of the Amended Core Strategy is supported by the proportionate evidence base required by national policy.

3.3 Beyond this the Authority has adopted a particularly moderate approach to the implementation of the revised traveller definition within the PPfTS. Given the evidence provided in this statement it is clear that this approach will have contributed towards the generation of increased pitch requirements, in all likelihood far exceeding the 'likely accommodation needs' of the District's gypsy and traveller community.

3.4 Together Core Policies 4 and 5 provide a positive approach towards the identification and securing of additional sites to deliver the land necessary to meet these likely requirements. This includes the proactive action already being taken by the Council, as outlined in its original Hearing Statement on Matter 14. Given the combination of overstated need and an appropriate and effective approach to site identification mean that it can be concluded, with some degree of assurance, that a scale of land supply will be promoted which exceeds that necessary to meet likely gypsy and traveller accommodation needs between 2013-2028.

3.5 It is the view of the Council that none of the arguments presented by the objector are sufficiently valid to render either the approach to identifying and meeting future gypsy and traveller requirements contained in Core Policies 4 and 5, or in consequence the whole Amended Core Strategy unsound.

**Appendix A – Allocations & Development Management DPD
Excerpt**

Newark Urban Area

- 2.5 The Newark Urban Area comprises the main built up areas of Newark-on-Trent, Balderton and Fernwood. Newark-on-Trent itself is the District's largest settlement and is significant as a centre of commerce and trade with strong links to the surrounding villages, farms and countryside. The area has excellent communication links with quick rail connections to London, Leeds, Edinburgh and Nottingham and its proximity to the A1(T) ensures that the area is also well connected to the trunk road network.
- 2.6 The Core Strategy identifies Newark as a Sub-Regional Centre and reaffirms its status as a Growth Point. The Core Strategy therefore directs significant levels of growth to the Newark Urban Area, with 70% of the overall District housing growth and the majority of the Newark Area's employment land requirement, between 80 to 87 hectares, to be provided in the area during the plan period. The Core Strategy addresses the majority of this growth in allocating three Strategic Sites, however a residual requirement of 1,544 dwellings and 25 to 32 hectares of employment land still remains to be planned for in this DPD.
- 2.7 The current requirement for Gypsy and Traveller provision in the Core Strategy of 84 pitches has now been met and exceeded with 93 pitches having been secured. This requirement covers the period to the end of 2012. Projecting forward based on the existing needs study it is anticipated that an additional 21 pitches will be required over the next 5 years. Currently the District Council is in negotiation to buy an existing site which has planning permission, but is not in use, to create additional capacity which should meet such a target. Cabinet has resolved that if necessary Compulsory Purchase Order powers can be used for this purpose. More fundamentally the District Council is updating its evidence base, in partnership with other Local Authorities, to reflect the substantial increase in pitch numbers that has occurred and will seek to secure any further allocations based on this information through a Gypsy & Traveller DPD over the next two years.
- 2.8 It is considered that this growth will strengthen Newark's role as a Sub-Regional Centre and build a critical mass that enables the area to support and provide a range of retail, commercial, employment, leisure and other services to people living in the town and the surrounding villages and facilitate the cost-effective provision of infrastructure.

Housing Allocations

Policy NUA/Ho/1

Newark Urban Area - Housing Site 1

Land at the end of Alexander Avenue and Stephen Road has been allocated on the Policies Map for residential development providing around 20 dwellings.

In addition to the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:

- Provision of an appropriate landscaping scheme submitted as part of any planning application to screen the site from the A46 Newark Bypass;

**Appendix B – Allocations & Development Management DPD
Inspectors Report Excerpt**

36. The current requirement for Gypsy and Traveller provision has now been met and exceeded with 93 pitches having been secured. This requirement covers the period to the end of 2012. Projecting forward based on the existing Needs Study²³ it is anticipated that an additional 21 pitches will be required over the next 5 years. There is a site with planning permission which would meet this need and currently the Council is in negotiation to buy the land, having formally resolved to use compulsory purchase powers if necessary. **MM17** introduces text indicating that the Council is updating its evidence base in partnership with other surrounding local authorities to identify requirements from 2012 until the end of the plan period and makes a commitment to seek further allocations based on this information through a separate Gypsy and Traveller Development Plan Document within 2 years. This, together with a criteria based policy contained in the CS (core policy 5), will ensure that Gypsy and Traveller requirements will be met.
37. *Retail.* The CS sets out a retail hierarchy (core policy 8) in accordance with the spatial policies for growth sought throughout the District. The overall quantum of retail development, included within the CS at paragraph 5.31, was based on the findings of the 2009 Retail Assessment²⁴. Following consultation on the Options Report²⁵ and the emergence of an additional site the Council commissioned additional retail advice²⁶. The results of this study were that elements of the retail capacity were not as great as assumed by the 2009 Retail Assessment. The retail study concluded that the comparison goods capacity was 15% lower than originally estimated (18,459 square metres) and was now 15,690 square metres net floor space²⁷. To clarify the Council's position on retail, **MM13** introduces text within the introduction of the Plan explaining the basis of the new figures.
38. Taking into account existing commitments (including a post submission planning permission for retail development at the Northgate site) and completions, as things currently stand an over-provision of retail is predicted. The convenience retail oversupply relates to existing permissions. There is a residual comparison retail requirement for the latter part of the Plan. Although some minor retail floor space has been allocated in smaller centres, the majority of comparison retail space is to be provided within Newark Urban Area on one, mixed use site (NUA/MU/3) as part of a wider regeneration scheme for the area.
39. The NUA/MU/3 allocation for 'retail up to 10,000 square metres (net)' pre-dates the Northgate permission. **MM55** is proposed reducing the level from 10,000 to 4,000 square metres, to reflect the revised figures for existing commitments. Although this may affect the viability of the allocation (addressed further in paragraph 46 of the report), without the modification or with a lesser reduction, the provision would not be justified. At this stage, in order to ensure that the plan is flexible and in the event that some of the committed sites and types of retail (including within SUEs) do not come forward in time, **MM15** is proposed. This adds a paragraph committing the

²³ EB4 Gypsy and Traveller Accommodation Needs Assessment

²⁴ EB18 Newark and Sherwood Retail and Town Centre Study

²⁵ ADM16 Options Report

²⁶ EB19 Retail Capacity and Retail Proposals Advice

²⁷ EB19 para 10

**Appendix C – Newark & Sherwood Caravan Count, Total
Caravans (January 2013)**

Site Name	Total Caravans Recorded
Bowers Caravan Site, Tolney Lane, Newark	13
Ropewalk Farm, Tolney Lane, Newark	8
Castle View, Tolney Lane, Newark	67
Church View, Tolney Lane, Newark	7
Riverside Park, Tolney Lane, Newark	26
Sandhills Sconce, Tolney Lane, Newark	49
The Burrows, Tolney Lane, Newark	9
Dunromin, Wellow Rd, Ollerton	14
Land North of Ropewalk, Tolney Lane, Newark	0
The Paddocks, Tolney Lane, Newark	9
Horners Paddock, Tolney Lane, Newark	8
The Paddock, Newark Rd, Ollerton	7
Greenwood Site, Newark Rd, Wellow	3
Shannon Caravan, Wellow Rd, Ollerton	27
Seven Oak, Edingley	4
Hirams Paddock, Tolney Lane, Newark	21
The Bungalow, Harrow Lane, Boughton	0
The Stables, Caravan Park, Wellow Road, Ollerton	5
Hoes Farm, Tolney Lane, Newark	15
Total	292

**Appendix D – Newark & Sherwood Caravan Count,
Permanent Pitches (January 2013)**

Site Name	Planning Permission Date (Year)	Number of Permanent Pitches
Ropewalk Farm, Tolney Lane, Newark	1977	42
Castle View, Tolney Lane, Newark	1985	60
Bowers Caravan Site, Tolney Lane, Newark	1986	20
Riverside Park, Tolney Lane, Newark	1989	23
The Burrows, Tolney Lane, Newark	1992	4
Church View, Tolney Lane, Newark	1993	35
The Paddocks, Tolney Lane, Newark	2000	3
Sandhills Sconce, Tolney Lane, Newark	2001	10
Dunromin, Wellow Rd, Ollerton	2001	8
Land North of Ropewalk, Tolney Lane, Newark	2002	21
Horners Paddock, Tolney Lane, Newark	2009	3
The Paddock, Newark Rd, Ollerton	2009	4
Shannon Caravan, Wellow Rd, Ollerton	2010	25
Hirams Paddock, Tolney Lane, Newark	2011	12
The Bungalow, Harrow Lane, Boughton	2012	1
The Stables, Caravan Park, Wellow Road, Ollerton,	2012	4
Hoes Farm, Tolney Lane, Newark,	2012	25
Total Pitches		300

Appendix E – ‘Take a Walk Down My Lane...’ Excerpt

A brief **history** of Tolney Lane

Newark has long been a town to which Gypsies and Travellers have been attracted, primarily because of the town's location close to the Great North Road/A1 – an important and historical thoroughfare for the community.

Much of the caravan site provision for Gypsies and Travellers at Newark is on, or close to Tolney Lane and research tells us that the lane has a long history of Gypsy and Traveller settlements.

Tolney Lane takes its name from a man named de Tolney and used to be home to a windmill - photographs of which can be found in the town hall. Tolney Lane used to belong to the Kelham area.

Below are quotes from some of the elders who live on the lane about their memories and experience of life '**...down my lane**':

'I've been on the lane for 40 years. Mr Shaw was on the lane 30 years ago; he moved to Lincoln then and died there. At that time there was just gravel on the lane, not what you can see now. There were no lights at all, it was very dark. It's much better now that you can see your way down the lane. There used to be an abattoir down here. The lane was horrible when I was a teenager because there was no services, no lights and no power.'

'I was on the lane briefly when I was expecting, so that would have been forty years ago at least. It was Bobby Price's ground back then. I was here for 12 months in 1962/1963. I remember there was only one set of toilets for the whole ground.'

'Tolney Lane was a stop off place on the way to and from Appleby Fair which has been going since the 16th Century and also a stopping place on the way to Stowe...'

[Appleby Fair runs for a week in June in the town of Appleby-in-Westmorland, Cumbria. It is probably the best known of the horse fairs attended by Romany families travelling to meet up with old friends and conduct business. It is world famous, the largest of its kind in the world, and attracts a huge gypsy gathering. It has existed as a fair for horse trading since 1685.]

'It used to be that there were always Gypsies in every lane across the country, every piece of land that was out of the way and wouldn't bother anyone...we would pull up for a couple of nights and find work and then move on. The commons too, the common ground would often have Gypsies on.'

