



**Newark and Sherwood Amended Core
Strategy DPD**

**Post-Hearing Matter 14 Statement –
Response to Objector**

Newark and Sherwood District Council

April 2018

1.0 Context

- 1.01 Following the close of the hearings the Inspector requested that the Council provide a response to paragraphs 17-34 of Dr Angus Murdoch’s hearing statement. The Council duly provided a reasoned response, with the objector then being given right of reply. This further statement on behalf of the Council therefore seeks to address and clarify a number of points made in the objector’s additional statement (dated March 2018).
- 1.02 Having reviewed the objectors submission the Council remains of the view, as presented within its original hearing statement on Matter 14 and subsequent post-hearing statement, 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

Unmet Historic Need

- 2.01 The Council continues to strongly contest the objector’s assertion of a residual unmet need moving into the current GTAA period. Through its Post-Hearing Statement evidence has been provided which corroborates this stance. The supply position was considered through the Development Plan process and assessed at examination in December 2012 with the Inspector concluding that *“The current requirement for Gypsy and Traveller provision has now been met and exceeded with 93 pitches having been secured”*. In this respect the Council would refer back to paras 2.01 – 2.04 of its post-hearing statement.
- 2.02 It is recognised that at the appeal at The Stables, Wellow Road, Ollerton (appendix 1 of the objector’s original statement) the Council accepted there was an unmet need for 39 pitches in June 2012. Nevertheless as outlined in our post-hearing statement 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 (93 pitches).
- 2.03 The second appeal decision referred to at Green Park, Tolney Lane Newark dates to 10th June 2014, which did post-date the examination and adoption of the Allocations

& Development Management DPD. However with respect to the unmet need for 21 pitches, as accepted by the Council at the appeal, the figure has been incorrectly stated within the decision letter as reflecting a level of unmet need up to 2012. In fact the 21 pitches provided the pitch requirement for the first five year tranche (2013-2018) of the current GTAA period (2013 – 2028), with the figure being derived from a rolling forward of the approach taken in the previous GTAA. This approach was deemed sound at examination and enshrined within the Development Plan. Para 2.02 of the Council’s post-hearing statement and the excerpts appended to that document provide further detail. Consequently far from reflecting historic need the figure of 21 pitches should have provided the relevant up-to-date need requirement, against which supply was considered in that particular appeal (falling as it did in 2014).

- 2.04 As detailed at para 2.03 of the Council’s first post-hearing statement – notwithstanding that 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.
- 2.05 The third appeal decision appended to the objector’s original hearing statement dates to April 2017 with the location in question being Newark Road, Wellow. In terms of how need was considered here it was the submitted GTAA which provided the basis, no reference to any historic unmet need was made.
- 2.06 Importantly the Councils position remains that outlined at para 2.04 of its original hearing statement, i.e. that 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.

Need for an Allocations Policy

- 2.07 The objector has argued that the Council has failed to meet successive requirements for site allocations to meet gypsy and traveller needs, with Circular 1/2006 and the 2012 and 2015 versions of the PPfTS being referred to. However the Council would highlight that at the point of the examination (December 2012) of the Allocations & Development Management DPD (the vehicle through which allocation would have occurred) there was no need, with the previous GTAA requirements having been surpassed and there being an extant consent in place addressing the 21 pitch requirement. Consequently a five year land supply was demonstrable through reference to this supply. The Council would again emphasise that this position and approach was tested through the Development Plan process and found sound.

- 2.08 Both versions of the PPfTS have been consistent in terms of the circumstances where site allocations would be necessary. This is only the case where there is need, given that otherwise the Plan would not be able to identify a supply of suitable and deliverable sites to meet five years' worth of requirements. Where there is no need then a criteria based policy approach is acceptable. The approach of the Council through the Allocations & Development Management DPD was consistent with this, and the objector's criticisms over the Council's track record are misguided.
- 2.09 This is particularly the case given that the Council openly acknowledges there is a current need and has outlined an detailed approach within Core Policy 4 (as amended) to deliver sufficient sites to meet this need, including site allocation. Core Policy 5 supplements CP4 and provides a framework for allocation to take place. The objector is mistaken in their reading of the PPfTS (para 10 of their additional statement), and has attributed a far more prescriptive approach to Policy B than that which actually exists. At no point is it prescribed within which form of Development Plan Document allocation must take place, i.e. it does not preclude this from occurring through a separate site allocations DPD. It merely refers to what should occur in producing a Local Plan – which the Council's approach is consistent with.
- 2.10 The Council does not consider that there are any difficulties with the format or nature of the Plan overall (including that it does not take the form of a single consolidated Local Plan), as outlined in its hearing statement on Matter 1. Given this stance it is appropriate for the strategic and site specific aspects of identifying and meeting gypsy and traveller needs to be addressed through two separate documents. This is after all consistent with how all other forms of development, the strategic sites aside, have been dealt with. There is no sound reason as to why the identification of specific a site/or sites to meet gypsy and traveller needs cannot take place through the subsequent review of the Allocations & Development Management DPD. The Council's post-hearing statement has made reference to similar examples of practice elsewhere.

Criticisms of the GTAA

- 2.11 Firstly at Para 15 the objector has referred to criticisms that he and others have made – the Council would question exactly whom those other parties are? Given that no substantive objections were received during the statutory representation period. This is considered to be a considerable overstating of the situation, given that he is the only remaining objector actively participating in the examination on this Matter.
- 2.12 The objector continues to promote the misunderstanding that the GTAA takes all gypsy and travellers living in bricks and mortar to have permanently ceased

travelling. This analysis, despite having been corrected several times, overlooks what occurs at Stage 2 Step 3 of the assessment. As highlighted at para 2.23 of the Council's post-hearing statement, the assessment firstly doubles the bricks and mortar figure on the basis that there may be hidden households. 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 top of this on the basis that such residents would take up a place on a site if offered. Application of this allowance adds significant numbers of pitches to the requirement.

- 2.13 Through para 19 the objector maintains previous criticisms over the lack of conditions restricting the use of some sites to gypsy and travellers. The Council would refer back to para 2.38 of its post-hearing statement in response. But would nevertheless emphasise that, 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.
- 2.14 In respect of turnover (para 20 in the objectors additional statement) the Council would refer back to its post-hearing statement (para 2.39) which it considers provides ample justification for the approach taken. It should be noted that the Council has considered evidence from multiple sources to establish what it deems to be an appropriate level. Given that the previous GTAA, considered sound and robust enough to support the Regional Plan, made an allowance for turnover within the District why would this no longer be relevant? This, along with the evidence obtained from Council Tax records, supports inclusion of turnover within the assessment and its precise level has been moderately set.
- 2.15 The Assessment has factored in transfers to housing from sites as a source of supply, this is not based on 'assumptions' from the previous 2007 Tribal Study as suggested but the result of the direct survey supporting that work (as confirmed at para 4.4.2 of the document). The carrying forward of this turnover rate is considered a reasonable and sound assumption.
- 2.16 The objector deems the scale of survey information obtained to be a fundamental flaw. Reference (para 28) is also made to the importance of the need for assessment to try to reach all the travellers living in an area. Indeed as outlined in the Council's post-hearing statement significant effort was expended in the pursuit of primary data to support the generation of future pitch requirements. The former County Council Liaison Officer was engaged for the West of the District and the East Notts

Travellers Association in the East. Consequently the pro-active efforts of the Council are clear, with suitable independent parties having been engaged on its behalf. The need for the Plan to positively address the needs of the gypsy and traveller community is a requirement which the Council takes seriously. With this in mind 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. As set out at para 2.15 of its post-hearing Statement the Council can refer to six Local Plans which were successfully supported by such evidence.

- 2.17 In respect of the use of the bi-annual caravan count the Council has openly recognised that many GTAA's do not directly drawn on this data source. It also maintains that this is due to the likelihood that such data sources will overestimate need, principally due to not 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.
- 2.18 The final area of criticism concerns the definitional change, and the change in stance of the objector here is noted. This has moved from arguing that the approach of the Authority had 'sought to reduce the extent of need', to now claiming the Council's position that the way it has taken account of the definitional change will have likely overstated need as being 'nothing but speculation'. The Council maintains that the amended definition has been implemented in a conservative and even-handed manner. With respect to the objector's line that this is mere speculation, the Council would counter and point to the DLP Planning Ltd and Opinion Research (ORS) research referred to within its post-hearing statement. The Council has not sought to reduce its pitch requirements on this basis, but is of the firm opinion that taking this approach has in all probability resulted in those requirements being greatly increased. 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. Paragraph's 2.16 -2.17 and 2.22 – 2.27 of the Council's post-hearing statement provide further detail over how the definitional change has been taken account of, and its likely implications.

3.0 Conclusion

- 3.1 As demonstrated throughout 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 In the view of the Council 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. The Council views the criticisms raised as a difference in opinion between two parties; no other objectors are actively participating in discussions on this particular Matter. Unfortunately it is not always possible to reconcile such differences through the Development Plan process. The key determinants are whether the proposed approach satisfies the tests of soundness and legality. The Council believes that this is the case, and that sufficient information and comfort has been provided to enable the Inspector to arrive at a judgement.