

East Herts Council Report

Executive

Date of Meeting: 12 July 2022

Report by: Cllr Haysey, Leader of the Council and Cllr Goodeve, Executive Member for Planning and Growth

Report title: East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA) May 2022

Ward(s) affected: All

Summary

- To outline the main findings of the GTANA and to seek Members' approval to agree the document as a material consideration in the determination of planning applications and as technical evidence to support any future review of the District Plan or local planning guidance.

RECOMMENDATIONS FOR Executive to recommend to Council:

- (a) That the East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA) May 2022, as detailed at Appendix A to this report, be agreed as a material consideration in the determination of planning applications; and**

- (b) That the East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA) May 2022, as detailed at Appendix A to this report, be agreed as technical evidence to support any future review of the East Herts District Plan, October 2018 and any potential local**

planning guidance.

1.0 Proposal(s)

- 1.1 The purpose of a Gypsy and Traveller Accommodation Needs Assessment (GTANA) is to ensure that, in line with its duties, the Council is fully informed of the current and future accommodation needs of the travelling communities in the district so that it can take appropriate measures to meet those needs going forward. It is therefore necessary for a robust assessment of these needs to be carried out and regularly updated in order to fulfil these requirements.
- 1.2 An East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA) May 2022 has been completed to replace the previous, now outdated, study which was published in 2016.
- 1.3 It is recommended that the Council agrees the GTANA both as a material consideration in the determination of planning applications and as technical evidence to support any future review of the East Herts District Plan, October 2018 or (once the situation in respect of the provisions of the forthcoming Levelling-Up and Regeneration Bill have become clearer) local planning guidance.

2.0 Background

- 2.1 The Council is required by legislation and Government guidance to assess and plan to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in the district. These requirements are detailed across the revised National Planning Policy Framework (NPPF) 2021; Planning Policy for Traveller Sites (PPTS) 2015; Housing Act 1985; the Housing and Planning Act (2016); and revised Planning Practice Guidance (PPG) 2021. As part of these requirements, local authorities have a duty to undertake an assessment of the accommodation needs of Gypsies, Travellers and Travelling

Showpeople and to ensure a 5-year land supply to meet those needs, in the same way as general needs housing for the settled community.

2.2 Locally, the GTANA is also required in order to:

- a) Provide evidence to underpin planning decisions in relation to planning applications and appeals;
- b) Assist in the Council's annual update of its 5-Year supply position;
- c) Aid negotiations on the timing of provision of traveller accommodation on strategic sites (particularly The Gilston Area GA1, North and East of Ware WARE2, and East of Welwyn Garden City EWEL1);
- d) Inform enforcement cases;
- e) Assist in devising a strategy to meet identified traveller accommodation needs;
- f) Act as evidence to underpin the production of any future review of the District Plan, October 2018; and,
- g) Support the potential formation of local planning guidance, which could provide detailed material to guide potential applicants, aid the consideration of future planning applications by the Council, and further support its position at appeal.

2.3 In order to be able to demonstrate a 5-year land supply, a GTANA should normally be updated at least every five years. The last previous GTANA Update for East Herts was completed in May 2016 and is now considered to be at the end of its useful lifespan.

2.4 While the completion of a new GTANA by its five year end date in May 2021 was not feasible (as Covid constraints had, understandably, delayed the ability to carry out necessary site visits to achieve face-to-face interviews), as soon as possible after national restrictions were lifted, consultants (ORS) were appointed in May 2021 and commenced fieldwork shortly after. The consultants are nationally recognised experts in their field

(which is of an extremely specialised nature) and, having also carried out the Council's previous three assessments, have amassed significant local knowledge of the district's travelling communities.

- 2.5 While appointed in May 2021, due to the movements of the travelling communities last year and the addition of new households moving into the district post the initial 2021 data being obtained, interviews were not finally concluded until April 2022. N.B. in order to ensure the validity of the data that had been obtained in 2021, follow-up contact was made with all households previously interviewed, and these confirmed the position as now reported in the final GTANA. The study achieved an excellent 100% return rate of interviews with the travelling communities across the district.
- 2.6 The final report is attached at **Appendix A** to this report and its main findings are discussed below.

3.0 Reasons

- 3.1 As discussed above, the Council is required by legislation and Government guidance to assess and plan to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in the district.
- 3.2 The Council engaged contractors, ORS, in May 2021 to carry out a revised GTANA to replace the outdated 2016 study.
- 3.3 The revised 2022 GTANA has identified the accommodation needs for the travelling communities in the district as discussed below. It should be noted that only the need from those households who meet the planning definition, and from those of any undetermined households who subsequently demonstrate that they meet it (of which there were none identified in the study), should be formally considered as need arising from the GTANA.
- 3.4 The headline numbers of need identified within the report (page 7-8) for Gypsies and Travellers and Travelling Showpeople

who meet the Annex 1¹ definition of PPTS are as follows:

Figure 1 – Need for Gypsy and Traveller households in East Herts (2022-37)

Status	2022-37
Meet Planning Definition	43
Undetermined	0
Total	43

Figure 2 – Need for Gypsy and Traveller households in East Herts that met the Planning Definition by year periods

Years	0-5	6-10	11-12	13-15	Total
	2022-27	2027-32	2032-34	2034-37	
	31	6	3	3	43

Figure 3 – Need for Travelling Showpeople households in East Herts (2022-37)

Status	2022-37
Meet Planning Definition	23
Undetermined	0
Total	23

Figure 4 – Need for Travelling Showpeople households in East Herts that meet the Planning Definition by year periods

Years	0-5	6-10	11-12	13-15	Total
	2022-27	2027-32	2032-34	2034-37	
	16	2	3	2	23

¹ Annex 1 can be viewed here: <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>

- 3.5 The needs identified above should be met through the provision of pitches and plots on sites appropriate to the needs of the specific groups. While not forming part of the published GTANA due to data protection reasons, officers are satisfied that the background data leading to the pitches and plots identified in the study for future provision are accurately reflective of traveller needs in the district across the time period.
- 3.6 While not a requirement of a GTANA, the Council is also obliged to meet the need of those cultural Gypsies and Travellers and Travelling Showpeople who no longer meet the Annex 1 definition. As there is no standard methodology for completing such an assessment within a Strategic Housing Market Assessment (SHMA) that assesses the future accommodation needs of the settled community, it is considered good practice to also assess the accommodation needs of non-nomadic traveller households at the same time as the travelling communities.
- 3.7 The headline numbers of the need identified within the report (page 51-52) for Gypsies and Travellers and Travelling Showpeople who do not meet the Annex 1 definition of PPTS are as follows:

Figure 5 – Need for Gypsy and Traveller households in East Herts that do not meet the Planning Definition (2022-37)

Status	2022-37
Do Not Meet Planning Definition	9

Figure 6 – Need for Gypsy and Traveller households in East Herts that do not meet the Planning Definition by year periods

Years	0-5	6-10	11-12	13-15	Total
	2022-27	2027-32	2032-34	2034-37	

	5	2	1	1	9
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Figure 7 – Need for Travelling Showpeople households in East Herts that do not meet the Planning Definition (2022-37)

Status	2022-37
Do Not Meet Planning Definition	4

Figure 8 – Need for Travelling Showpeople households in East Herts that do not meet the Planning Definition by year periods

Years	0-5	6-10	11-12	13-15	Total
	2022-27	2027-32	2032-34	2034-37	
	3	0	1	0	4

3.8 The accommodation needs of the above two groupings are, as supported by the revised NPPF (2021), expected to be met as part of general housing need. Therefore, these needs will be covered under other arrangements and do not form part of the pitches and plots to be provided to meet the accommodation needs of Annex 1 conforming travellers.

3.9 In terms of the identification of accommodation needs of those travellers who do meet the Annex 1 definition, there has been a significant rise since the previous study (2016) when a total need of 9 (as later adjusted) Gypsy and Traveller pitches and 9 Travelling Showpeople plots were identified for the period from 2016-2033.

Next Steps

3.10 The Council will now need to consider how best to meet the needs identified and a strategy for doing such will be identified in due course. It should be noted that there may potentially be

(as yet unknown) considerations arising from both the revised NPPF, expected to be published in July, and the forthcoming Levelling-Up and Regeneration Bill, which may affect that approach going forward.

- 3.11 However, while it is recognised that the Council faces a challenge in meeting its requirements in respect of the identified traveller accommodation need in the GTANA, it should be noted that, in anticipation of further needs being identified during the plan period, Policy HOU9 made provision for the safeguarding of land for a significant number of pitches and plots to meet longer term need on the strategic sites at Birchall Garden Suburb, East of Welwyn Garden City (EWEL1), The Gilston Area (GA1) and North and East of Ware (WARE2). These provisions will enable a significant proportion of the identified need for the first five years to be met, alongside the consideration of the potential for expansion of some existing traveller sites, where in suitable sustainable locations and other potential mechanisms.
- 3.12 In order for the Council to move forward on meeting its identified need, providing its required 5-year land supply, and for the other purposes outlined above, it is recommended that the GTANA be agreed.

Consultation

- 3.13 As this is bespoke technical evidence, no consultation is required other than through the mechanisms which were adopted by the consultants in formulating the GTANA to achieve interviews with members of the travelling communities in the district and other key stakeholders, as appropriate.

4.0 Options

- 4.1 Option 1- Not agreeing the GTANA – The non-agreement of the revised GTANA would leave the Council reliant on outdated evidence in the May 2016 study. Contrary to Government requirements, the Council would be unable to demonstrate up

to date accommodation need requirements for the travelling communities in the district or to assess its position in relation to meeting those needs or demonstrating a 5-year land supply. It would therefore be at significant risk of its credence being undermined in appeal situations and planning negotiations on relevant strategic sites. This approach is not recommended.

- 4.2 Option 2 – Agreeing the GTANA – The agreement of the revised GTANA would provide the Council with an up to date, robust and reliable evidence base. This would strengthen the Council's position in relation to being able to demonstrate identified accommodation needs of travelling communities in the district; assess its 5-year land supply position; and, inform discussions with applicants of the relevant key strategic sites. It would also be a material consideration in the determination of planning applications and appeals and would provide necessary technical evidence for any forthcoming review of the East Herts District Plan, October 2018, or any emerging local planning guidance that the Council may wish to produce, once the situation in respect of the provisions of the new NPPF and the forthcoming Levelling-Up and Regeneration Bill have become clearer.

5.0 Risks

- 5.1 The non-agreement of the GTANA would place the Council at significant risk in respect of not being able to demonstrate up to date accommodation needs of travellers in the district, not subsequently being able to demonstrate a 5-year land supply, being in a weakened position in the determination of planning applications, appeals and negotiations on relevant strategic sites.

6.0 Implications/Consultations

- 6.1 N/A.

Community Safety

No

Data Protection

No

Equalities

Yes – ensures that the accommodation needs of travelling communities in the district are assessed in order that appropriate provision may be made to meet such needs.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 East Herts District Plan October 2018:

- Chapter 14 Housing
<https://www.eastherts.gov.uk/districtplan>

7.2 **Appendix A:** East Herts Council Gypsy and Traveller Accommodation Needs Assessment (GTANA) May 2022

- 7.3 Planning policy for traveller sites (2015)
<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>

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