

# **Heine Planning Consultancy**

**Alison T Heine B.Sc, M.sc**



## **Dover Local Plan**

### **Inspectors' Matters, Issues and Questions 30.8.2023**

#### **Issue 4 Meeting the needs of Gypsies and Travellers**

#### **Further comments from Mrs Alison Heine, Heine Planning Consultancy**

**13.9.2023**

1. I have previously submitted comments on the Reg 19 Gypsy Traveller policies ( ID 202375 dated 9.12.2022). I wish to add to these given that the Council has changed its position as set out in Examination Document ED12. I am not able to attend the EIP as there is no funding for Third Parties to do so. But I do ask that these further comments are taken into consideration.

2. Examination Document ED12 dated 24 July 2023 and associated appendices confirms that the Council mis understood their own Gypsy Traveller Need Assessment and failed to appreciate that cultural need is the total need and includes the PPTS need. The overall need is now given as 26 pitches for the period 2020-2040 and not 42 pitches for the period 2017-2036. Of the 26 pitches, 16 would be needed to meet the PPTs need and 10 for cultural. The Council confirm that they intend to address the cultural need. This approach is supported by the Lisa Smith judgment issued late 2022.

3. In my representation on the draft submitted plan submitted in December 2022 I stated as follows:

The 2018 GTAA identified a need for 30 pitches of which 18 would be PPTS 2017-2037 and a need to front load this with provision of 15 pitches (of which 12 PPTS) within the first 5 years.

I do wonder why it took the Council until July 2023 to correct their misunderstanding of their own Evidence Base.

## **Update Note**

### **Para 1.6**

4. This refers to an update of the GTAA. I can not find any such update by Arc4. The Council continue to rely on a GTAA published 2018 based on field data from October-December 2017 which is now almost 6 years out of date.

5. The update which the LPA refer to appears to be the “Gypsy and Traveller Site Options review” published in January 2020. This did not refresh or update any of the survey work carried out in 2017, nor did it update the 2017 GTAA to include the need arising from new sites granted permission since November 2017. The document’s sole purpose appears to have been to consider how the need identified in the 2018 GTAA could be addressed. It is now over 3 years old.

### **Table 1**

6. Table 1 updates the supply position. The Council claims 8 vacant pitches are now occupied. These are all on 4 private sites. Hollyoak and Cobbs Yard were included in the 2018 GTAA (Table 4.4 entries Priv3 and Priv 9). They were counted as existing authorised pitches in 2018. It is not clear what evidence the Council has to support the claim that they add to the supply position since the GTAA was completed.

7. The 2018 GTAA records a turnover allowance on the Kent CC site at Aylesham of 6 pitches 2017-2037 but no where does the July 2023 statement to the EIP address the situation on this site.

8.The Council maintain that since April 2020 an additional 25 pitches have been granted permission and they rely on an additional 9 pitches from unimplemented permissions.

This is disputed for the following reasons:

- 3 sites (Hollyoak, Cobbs Meadow, Short In Alkham) were included in the 2018 GTAA  
-18 pitches are for two sites (Plot 3 Ham Ln which is also known as Strawberry Place and Meadows Caravan Park Alkham) where permission has been granted for additional statics and not for additional self contained pitches with their own utility blocks and private amenity space suitable for new households. From checking the Council website it would appear an important highway condition for the Alkham site has not been discharged and a similar condition was not discharged for a previous (2017) application for the same site. It is not clear if the highway condition can be discharged to enable the permission to be implemented. The permissions for the Alkham site do not appear to have been lawfully implemented.

-The permission granted at Strawberry Place has resulted in the loss of Traveller pitches (which is contrary to para 7.27 of Policy H3) as genuine pitches have been replaced with rows of static caravans which fail to accord with the Council's own definition of a Traveller pitch (see policy H3 para 7.25).

-All of these permissions are understood to have been granted with conditions limiting occupation to those complying with the planning definition in the 2015 PPTS. The Council can not rely on these to address the cultural need of households who, according to a now outofdate GTAA, were not found to comply with the Planning Definition.

9.If the 2023 revised need update submitted by the Council is to be accepted, the PPTS need for pitches for the period 2020-2040 for 16 pitches has been exceeded by 10 pitches before the submitted Local Plan is even examined . The cultural need for 10 pitches has still not been addressed and remains additional to this figure. This alone should raise serious concerns as to the accuracy of the need assessment finalised in 2018.

## **Para 2.6**

10. The Council can not claim (para 2.6) that the GTAA position of 26 pitches is met in full as reliance on turnover of pitches has not been evidenced and no new provision has been made to address the cultural need for those who do not comply with the PPTS need. Permissions granted since 2017 are restricted by condition to those complying the Planning definition for Travellers in PPTS.

11. This evidence would strongly suggest the 2018 ARC4 GTAA has greatly underestimated the PPTS need for additional pitches in Dover. The number of pitches granted since 2017 exceeds the estimate by ARC4. Need arising from household formation for the remainder of the Plan period will also be greater than that estimated in the GTAA as the population base is already much greater. If Dover Council analysed the data submitted with planning applications they would realise that most permissions granted since 2017 have been for Irish Traveller families who culturally are inclined to have larger families than average and this is also likely to lead to higher household formation rates in future.

## **Letter dated 24<sup>th</sup> July 2023 from Ashley Taylor Planning Policy and Projects Manager**

12. This letter stresses the need for the Plan to be **'justified by the evidence'**. I agree. However the analysis provided by the Council fails to provide or rely on all available evidence. Indeed Dover Council is content to rely on a study completed in 2018 with evidence collated in 2017 and have chosen to ignore other evidence that is in the public domain. They have not referred to the biannual caravan count and fail to identify and they have failed to analyse their own database and records of all the sites that are unauthorised, have temporary permissions or where there are outstanding planning applications/ appeals. As it is very expensive to purchase land, submit a planning application and appeal a refusal, few would incur this cost if a site was not required to address an immediate need.

13. According to the Biannual Caravan Count in January 2019 a total of 53 caravans were counted in Dover, 14 on the socially provided sites, 36 on private sites of which 3 were unauthorised. In January 2023 the total had risen to 78 caravans. Since January 2019 the Council has recorded a consistent 14 caravans on the site run by Kent CC with no vacancies and no caravans on unauthorised sites not owned by Travellers. The Council appear to have omitted to record the 2 pitches with temporary permission at Ewell Minnis since February 2020. In January 2023 a total of 39 caravans were counted on unauthorised sites owned by Travellers and 25 caravans on authorised private sites. Caravans on unauthorised sites out-number those on authorised private sites. It is very difficult to understand how the Council can claim in July 2023 that it has addressed the need identified when its own statistics confirm such a high number of unauthorised caravans on sites owned by Travellers in January 2023. I am not aware of any sites granted permission in 2023. The last site to be approved was Eastling Down Road in December 2022.

14. I list below my assessment of applications submitted and determined since the baseline date of the GTAA (November 2017) up until August 2023. I prepared and submitted this information to the Council in April 2023 for an application that is still pending and I have gone to the trouble (yet again) of checking the Council's website to update this information to 31<sup>st</sup> August 2023 for outstanding applications.

Temporary permission -2 pitches

-approval of 2 pitches (temporary on appeal) at The Paddocks Ferne Lane until 2023 with application to renew pending (see below)

Permanent permission- 14 pitches and 22 additional static caravans

-approval of 1 pitch Half Acre Alkham (permanent on appeal) in 2018

-approval of 1 pitch Midgard Guston granted July 2021

- Approval of 6no. caravans (not pitches) at The Meadows (Caravan Site) Alkham Valley Road, a retrospective application, granted January 2018

- Approval of 6no. additional caravans (not pitches) at Strawberry Place Hay Hill, a retrospective application (superseding a subdivision consent resulting in a total of 12 caravans), granted November 2019

- Approval of 10no. additional caravans (not pitches) at Meadows Caravan Site Alkham Valley Road granted October 2021

- Approval of 1no. additional pitch at 1C Land At Hay Hill Hay Hill Ham CT14 OED, granted November 2019

- Approval of 1no. additional pitch at 1A Land At Hay Hill Hay Hill Ham CT14 OED, granted Nov 2019

- Approval of 1no. additional pitch at 1B Land At Hay Hill Hay Hill Ham CT14 OED, granted Nov 2019

- Approval of 1no. additional pitch at 2B Bluebell Place Land At Hay Hill Hay Hill Ham CT14 OED, granted July 2019

- Approval for 8no. pitches at Land North Of Eastling Down Farm Cottages And East Of Sandwich Road, Waldershare 2022- a part retrospective application, granted December 2022

Current/Pending Applications (20 additional pitches and 11 additional mobile homes) homes)

- Pending application for 4no. additional pitches at Falconsview Meadows Barville Road 21/00717 submitted June 2022, (the 2018 GTAA noted 1 pitch on this site)

- Pending application for 8no Pitches on Land south of Ash Road, Sandwich, 21/00658 submitted April 2021

-Pending application for 4 mobile homes at Romani Acres Belsey Ln Ewell Minnis 22/01165 submitted Sept 2022 (the GTAA 2018 noted one pitch on this site)

-Pending application for 2 pitches, The Paddock Ferne Lane Ewell Minnis –renew consent for site granted on appeal, 23/00536 submitted April 2023

-Hollyoak Marshborough for 3 additional mobile homes (not pitches) 22/01210 submitted Sept 2022

-Bluebell Paddocks Eastry for 4 additional statics 23/00221 Submitted Feb 2023

-Peartree Paddock Eastry for 4 additional statics 22/01074 submitted August 2022

Note: I question if some of the applications for additional statics are correctly described as on some sites (eg at Eastry) they appear to result in the loss of Traveller sites which have proper pitches with space for 2 caravans/ utility blocks

etc and seek permission for caravans sites that are simply filled with lots of static caravans and are not laid out with individual pitches.

Refused with no appeal/ dismissed at appeal (3 pitches and one dwelling)

- Refusal of 1no. dwelling on a Single Pitch Gypsy/Traveller site at Cobbs Yard Longmete Road, dismissed at appeal,
- 2 additional pitches Cobbs Yard 23/00015 submitted Jan 2023 refused May 2023
- 1 pitch dismissed on appeal (retrospective) Barnsole Rd Staple

Appeals pending ( 14 pitches)

- Temporary permission for 8 pitches (following appeal) at Rose Farm Caravan Site, Westmarsh, CT3 2LP, then refusal of application to renew consent which is currently the subject of a s78 and enforcement notice appeal
- Refusal of 3no. pitches at Sherleys Farm Upper Road Feb 2023 (resubmission),
- Refusal of 3no. Pitches at Land South Of Ferne Lane And East Of Warren Lane, a retrospective application in 2022,

15. In summary, if I have correctly identified all the applications/ appeals for Dover since the 2018 GTAA was finalised there have been applications/ appeals for

34 pitches

33 additional static caravans

With appeals for a further 14 pitches pending of which at least 8 are already occupied following a previous temporary permission.

That gives a potential total need for an additional 81 households. I believe I am correct in saying that all the applications approved to date have been conditioned to require compliance with the Planning Definition in PPTS and none for a cultural need. The evidence suggests a need that greatly exceeds the estimate in the 2018 ARC4 GTAA and any subsequent updates. The 14 pitches and 22 static caravans (which the Council count as pitches) approved already on a permanent basis (34 in total) exceeds the total number of pitches/ households anticipated by the GTAA for the whole plan period (26).

16. An additional concern is the length of time some current applications have been pending. They all predate the July 2023 note submitted to the EIP Examination for the Dover Local Plan yet this information was not volunteered.

17. From information provided with applications/ appeals it would appear quite a few applications/ appeals pending seek permission retrospectively for sites that are already occupied. This list is clear evidence of a need that is much larger than that identified in GTAA 2018 and it has not been taken into account by the Council in their update note of July 2023 to the Examination process.

18. The GTAA 2018 assumes a supply of pitches from Turnover on the Council site at Aylesham. I have spoken with Rebecca Street of Kent CC Traveller Unit and she confirmed (1.9.2023) that they have over 50 families on their waiting list at present and there are currently 2 vacant pitches at Aylesham. One is about to be filled but the other needs refurbishment before it can be let. Since 2018/19 there have been 5 vacancies on the site that she could recall due to a death, 2 families going into housing, one family getting married and moving away. She said that Aylesham was a small site and less settled than others run by Kent CC.

19. There have been no applications for Transit provision and no Transit sites are available in this district or this part of Kent. No single Council in Kent appears prepared to make provision. This is not credible. Prior to Covid and Brexit many Gypsy Travellers were using Dover to go abroad for work. I sense fewer are travelling abroad now due to the restrictions imposed by Brexit but find it hard to believe there is not a need for Transit provision in this area.

### **Proposed modifications**

Para 3.57

It is agreed that the Council failed to understand the need identified in the GTAA and this should be corrected. But the GTAA period is 2017-2037 not 2014-2037 as given in amended para 3.57

It is incorrect to say the GTAA was updated March 2020. No further assessment has been made.

The need identified in the 2018 GTAA is for 26 pitches but this was front loaded for the first 5 years with a need for 18.5 pitches. It is misleading to express the need as an annualised figure of 1.3 pitches a year as this ignores and overlooks the fact the 2018 GTAA identified a high immediate need for the first 5 years.

#### Para 3.58

Planning permission has not been granted for 26 pitches . On at least two sites (Strawberry Place plot 3/ Meadows Caravan Site Alkham) the Council has approved applications for 16 additional static caravans not additional pitches with a space of 600 sqm that could be occupied by individual households with two caravans and their own utility blocks. Dover Council believe that households can be expected to live in single unit static caravans providing not much more than 30 sq m of living space with no separate utility buildings for bathroom, Kitchen and laundry facilities. Such accommodation may suffice for members of an extended household who are able to share existing facilities but most Traveller households need and expect their own enclosed private space with a utility building, space to keep a touring caravan and parking for at least 2 vehicles including room for a works vehicle/ trailer and amenity space for children/ to sit out/ hang washing etc.

#### Para 3.59

The identified need to 2040 has not been met as no new provision has been made to address the cultural need.

#### Para 3.61

The Council can not demonstrate a 5 year supply as

- a) it has failed to address the cultural need and
- b) if you ignore the applications for additional caravans on authorised pitches and ignore the associated loss of proper pitches to make room for these caravans, permission has only been granted for 10 additional pitches (Midgard-1, Halfacre-1, Eastling Down-8).

**Summary.**

19. It is agreed that the Local Plan should address cultural need and that the Council misunderstood its own Evidence Base.

20. The update note from the Council appears incomplete and fails to report other evidence which points to a much greater need for pitches than the Council is prepared to admit. This is worrying for this behaviour is repeated elsewhere in Kent. It took Swale Council until 2022 to finally admit their Local Plan assessment could not be relied on and they are still unable to confirm how a site granted for Travellers but filled with static caravans and not proper pitches at Brotherhood Woodyard is being used. The 2023 GTAA for Maidstone has identified a huge unmet need for over 600 pitches even though the number of pitches granted in recent years greatly exceeds previous estimates. Need has arisen in Thanet where none was previously expected.

21. Third parties should not have to spend hours checking the Council website to ensure all the facts are before the Local Plan Examination. It undermines public confidence in the Planning System when Councils do not produce timely, up-to-date assessments of need as required by PPTS/ NPPF. Council should be required to carry out a new GTAA without further delay together with an early review of Traveller policy.

22. The Council should be asked to explain why it has ignored its own policy advice on what constitutes a Gypsy Traveller pitch when granting permissions for additional caravans on Traveller sites and review its own assessment of pitch supply given that in

granting some permissions the Council has condoned the LOSS of Traveller pitches in order to facilitate the provision of caravan sites filled with static caravans but not laid out as individual pitches suitable for Travellers.

23. As the 2018 GTAA relies on turnover of pitches on the Kent CC site at Aylesham to offset future need, it is essential that this is monitored to check whether these assumptions can be relied on. According to the Biannual count prepared and submitted by Dover Council there are consistently 14 caravans on this site and no vacancies.

24. The need identified in the 2018 GTAA should be treated as a minimum figure as it has clearly underestimated the actual need for more pitches. A new GTAA should be commissioned without delay with an early review of policy.

25. There has been a high number of appeals over the last decade in Dover. It is clear that, in the absence of any allocated sites, many struggle to find suitable sites and some will choose locations that are not considered appropriate. Much of the district is designated for its landscape and wildlife interests. Much is at risk from flooding. It cannot be assumed that need will be met from windfall sites alone as that puts the onus on Travellers to identify and purchase suitable sites with no certainty the Council will support their choice. It is essential that the Council identify and allocate enough sites to meet need to give some certainty to those needing to settle in this area and ensure sites are identified which are accessible, available, affordable and suitable.

26. To ensure the EIP Inspector is fully appraised of the need for sites in this district I think it would assist the Inspector if the Council provided the following information:-

- to confirm the number of applications/ appeals outstanding
- provide details of unauthorised/ temporary sites
- identify sites where permission has been granted but which have not been lawfully implemented as pre/ retrospective conditions have not been discharged/ agreed

-provide layout plans to demonstrate how the allocations in Table 7.1 can be delivered to provide 3 pitches (as per the Council's own advice at para 7.25) on plot 1a Hay Hill, 2 pitches on plot 2b Bluebell Place (where there is a current application for additional static caravans), and 3 pitches at Half Acres Short Hill which is in the AONB.

-explain how allocations in Table 7.1 alone, will address the current need given that no new sites are proposed/ allocated and there is total reliance on intensification/infill of existing private sites which in the case of Hay Hill do not have capacity for further sub division and are unlikely to be available to other households with an existing need, especially those who are not even related to or are culturally different to the owner / occupiers of these three sites.

-justify why there is such a high be reliance on windfall sites as per Policy H4 when it is clear there is a high number of refusals/ appeals for windfall applications in Dover and Gypsy Travellers are clearly struggling to find suitable sites.

-explain how cultural need will be addressed given the reliance on intensification/ infill of existing sites which restrict occupation to those complying with the PPTS definition

-explain why it has failed to consider the need for transit provision and what alternative transit provision they rely on in this part of Kent.