

13th March 2019

Dear Mr. Banks,

Examination into Lewes District Local Plan Part 2 Site Allocations and Development Management Policies – Inspector’s Matters, Issues, and Questions Discussion Note

In advance of Mr. Fox MRTPI opening the Examination of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies (LLPP2) on 2nd April 2019, please find below my responses to the Inspector’s Matters, Issues, and Questions Discussion Note.

In the preparation of these representations, I can confirm that I have read the Guidance Note from the Inspector and have prepared my submissions in line with it. I have had regard to the Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment East Sussex and the South Downs National Park Authority (GTAA) (January 2015) and the Gypsy and Traveller Background Paper (December 2018) in relation to the proposed allocation. These documents form the evidence base relied upon by the Council.

I can also confirm I would like to attend the Examination and present my case that Policy GT01 should be deleted from the LLPP2 orally. I will be represented by Mark Best MRTPI of Parker Dann.

3.7 Gypsies and Travellers

Is policy GT01, which allocates a site for the provision of 5 net additional permanent Gypsy and Traveller pitches on land south of The Plough, to the north of Plumpton Green village, justified and in accordance with national planning policy?

No, for the reasons explained below, policy GT01 is neither justified as it is not the most appropriate strategy when considered against reasonable alternatives and is not based on proportionate evidence; nor is it in accordance with national planning policy. It is my belief that policy GT01 is not justified (as per paragraph 182 of the National Planning Policy Framework (NPPF) 2012 for 4 reasons:

1) The Council’s evidence base does not demonstrate a need for the 5 permanent Gypsy and Traveller pitches.

The Council’s Gypsy and Traveller Background Paper indicates that *"the need for permanent pitches was established through the 2016 East Sussex and South Downs National Park Authority Gypsy, Traveller and Travelling Showpeople Accommodation Assessment."* This document is dated January 2015, not 2016.

Paragraphs 2.16 to 2.22 of the Council's GTAA discuss defining Gypsies and Travellers. The discussion opens with the suggestion that *"defining Gypsies and Travellers is not straightforward"* (Paragraph 2.16)

Despite this conjecture, it is remarkably simple for planning purposes.

The definition the Council should use to inform its assessment of the need for Gypsy and Traveller accommodation is found in Planning Policy for Traveller Sites (August 2015). This states:

"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."

The Council's evidence base acknowledges that it has not used the correct definition for planning purposes instead preferring the term "Traveller" which is much wider in its scope and therefore potentially shows a need that is greater than the actual need present. There is no requirement for the Council to meet this wider need. Please refer to paragraph 2.21 of the GTAA.

The Council's GTAA accepts the definition of the term Gypsy and Traveller for planning purposes was under review as the result of a Government consultation which took place in 2014. Paragraph 2.22 states:

"As highlighted above, at the time of this assessment, the Government was consulting on proposed changes to planning policy and guidance. The proposed changes include changing the planning definition so that it includes only those who travel. As above, any change to policy may impact on the delivery against the need and issues identified in this report." (Paragraph 2.22)

This consultation resulted in the further narrowing of definition for planning purposes. The change is shown below.

"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 ~~or permanently~~, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such".

Paragraph 12.2 confirms the assessment of accommodation need was modelled using Planning Policy for Traveller Sites (March 2012).

Paragraph 14.5 confirms the recommendation that the GTAA *"is repeated in due course (circa 5 years) to ensure this assessment remains as accurate as possible."* The assessment is therefore at the end of its useful life and should be updated regardless of issues I have identified above in relation to the definition of Gypsy and Traveller used.

The Council's background paper acknowledges the wrong definition was used for the evidence base at footnote 4 on page 27.

In essence, the Council have used a definition of Gypsy and Traveller that is incorrect and wider in scope than the definition found in Planning Policy for Traveller Sites (August 2015) which we are told is to be used for planning purposes. The Council's proposed allocation is not based on a proportionate evidence base as this is plainly out of date even by its own admission.

The document can be made sound by deleting Policy GT01. The Council should then commission a revised GTAA which utilises the correct definition. This should then be used to inform a separate Gypsy and Traveller Development Plan Document to make an allocation if required.

An allocation cannot be made until the actual need is clearly understood.

2) The Council's evidence base, particularly the Gypsy and Traveller Background Paper, shows no evidence that the site proposed to be allocated is deliverable or developable.

The Council has not gone about delivery in a conventional way. This would usually be achieved through the expansion of an existing Gypsy and Traveller site, the allocation of land already owned by the Council or by a Gypsy or Traveller or through the allocation of housing land with a requirement for the developer to provide a Gypsy and Traveller site as part of the allocation.

Section 4 of the Council's background paper discusses delivery. Paragraph 4.1 notes, *inter alia*:

"The Council is investigating the grant funding available from central government to assist in the delivery of the site"

"The costs of delivery are not known"

"It is not immediately clear how this land use with a low and protracted rate of return would be delivered without substantial assistance from central Government"

In other words, the Council doesn't know how much money it needs from the Government as it doesn't know acquisition costs or delivery costs, doesn't know how much money is available (if any) and doesn't know if this would cover the acquisition and delivery costs and but does know that without this unknown amount of money to meet its unknown acquisition and delivery costs it unable to deliver the site.

With all of these unknowns, there cannot be said to be *"a realistic prospect"* of delivery or that the site *"could be viably developed at the point envisaged"* as required by footnotes 4 and 5 in Planning Policy for Traveller Sites (August 2015). In this respect the allocation of the site is not in accordance with National Planning Policy.

The allocation is not justified as a result of being undeliverable. It cannot be the most appropriate strategy.

Policy GT01 should be deleted and an alternative site found (if a genuine need can be established) through a subsequent Gypsy and Traveller DPD.

3) Access to the site cannot be achieved.

Plumpton Action Group has commissioned Reeves Transport Planning to determine whether as the Council allege an access can be provided. I support the conclusions of Reeves Transport Planning as set out in Plumpton Action Group's response.

4) The selection process is not demonstrably robust.

The selection process has been obscure. There has been no proper assessment of sites and the assessment work that has been undertaken has been conducted in a clandestine manner. For example, the Council has not provided a list of sites assessed and stated the reasons they are unsuitable, it has not given details of sites that landowners indicated were not available and it has not provided details of sites where no response was received.

The Council describe the search for a site that informed the Joint Core Strategy (2013) as an "extensive" search. This may be the case, but the evidence base relating to this search is nearly 10 years old and distinct from the evidence base informing the LLPP2.

In Section 3 from paragraph 3.3 onwards, the Council's background paper outlines the steps that were undertaken by the Council specifically as part of the preparation of the LLPP2. This essentially boils down to the following actions:

- 3 month 'call for sites'
- Reassess own landholdings and sites put to the Council as affordable housing sites

From the evidence the Council has submitted in the background paper, the Council has not:

- Written to planning consultants or land and property professionals to ask them to notify their clients of the Council's requirement for a Gypsy and Traveller site
- Write to the owners of specific parcels of land that pass a high level assessment
- Interrogated its Brownfield Register and written to landowners as appropriate
- Liaised with the Gypsy and Traveller community to ascertain their existing land ownership
- Written to landowners who have previously submitted land to the Council's SHLAA

Policy GT01 has not been based on proportionate evidence and is not therefore justified. Evidence supporting the Joint Core Strategy is nearly 10 years old and efforts to find a site as part of the LLPP2 have been minimal. Policy GT01 should be deleted as it is not justified and a thorough search for alternative sites undertaken, leaving no stone unturned. This work should be undertaken by the Council as part of a separate Gypsy and Traveller DPD.

Bearing in mind the guidance contained in the National Planning Policy Traveller Sites 2015 (PPTS2) and in Section 41 of the PPG on the relationship between Local Plans and Neighbourhood Plans:

(i) Firstly, is policy GT01 in conformity with the requirements of Core Policy 3 (Gypsy and Traveller Accommodation) of the Lewes Joint Core Strategy 2010-2030?

Policy GT01 provides 5 Gypsy and Traveller pitches in Lewes District outside of the National Park. This is where conformity with Core Policy 3 stops.

Policy GT01 does not comply with criterions 2, 4 or 6 of Core Policy 3.

The site is not well related to and does not have reasonable access to the existing services and facilities of Plumpton Green. It is the site is 1500 metres from the post office and village store. The LLPP2 acknowledges "*the site is not within a reasonable walking distance of these facilities*" at Paragraph 2.136. The site is divorced from the settlement edge as denoted by the development boundary and sits in an area of open countryside. Notwithstanding this view, I believe any allocation should be contingent on both a footpath to the bus stop and a footpath to the village centre being provided.

The site cannot deliver safe and convenient vehicular access to the road network as per the Technical Note provided by Reeves Transport Planning provided by the Plumpton Action Group. It does not comply with criterion 4.

The site would not achieve adequate levels of privacy for residents. As my previous representations show there would be inadequate levels of privacy for future residents of the site as a result of overlooking from my property Downhurst. The Inspector is invited to view the proposed site from my property. It does not comply with criterion 6.

(ii) If policy GT01 does not accord with Core Policy 3, has the Council considered alternative sites as part of the preparation of the Plan?

No. Please refer to my comments above at point 4).

(iii) How does policy GT01 relate to the Plumpton Neighbourhood Plan (PNP) (including the spatial plan for the parish) and the advice in the Government's National Planning Policy for Traveller Sites 2015

Policy GT01 would not comply with the provisions of the Plumpton Parish Neighbourhood Plan (PPNP).

Policy 1 concerns the spatial plan for the Parish. It confirms development outside the revised planning boundary will not be supported if it individually or cumulatively alters the spatial character and views of the landscape. The explanatory text accompanying this policy states that to:

"preserve the rural character of the village by ensuring new development is contained around and within the current centre of Plumpton Green." (Paragraph 5.10)

Policy GT01 if delivered would alter the spatial character of the village and adversely impact views of the landscape which is valued for its intrinsic beauty. It would be located some 1.5 kilometres outside the centre of the village.

Policy 3 has regard to landscape and biodiversity. It seeks to protect existing trees and hedges regardless of whether they are covered by relevant protection and acknowledges their valued contribution to the local landscape.

As demonstrated by the Technical Note prepared by Reeves Transport Planning, in order to create an access (notwithstanding the other issues identified in the Technical Note) a substantial portion of hedgerow would need to be removed. This would cause offence to Policy 3 of the PPNP.

In terms of the relationship with the Government's National Planning Policy for Traveller Sites, the site is not deliverable as I canvass above. It does not have due regard to the protection of local amenity and local environment as per criterion k. at paragraph 4.

Policy GT01 does not sit comfortably with paragraph 9 as the Council has not *"set pitch targets for gypsies and travellers as defined in Annex 1."* It has utilised its own definition which is wider in scope and artificially inflates the need.

(iv) Given the national policy requirement to provide for the needs of the gypsy and traveller community, in the event of policy GT01 being found unsound and no alternative sites currently "on the table", how should the Plan be modified to address this issue? One possible option would be to commit to an early review of the Plan to address the need for gypsy and traveller sites; in addition, another modification could comprise a set of development management criteria to give the Council a consistent set of parameters to assess any future planning applications for gypsy and traveller sites.

An early review would be possible but this may be difficult to confine to issues connected to the provision of Gypsy and Traveller accommodation only. This may make the process unduly cumbersome for the Council in my view.

I do not favour a set of development management criteria to give the Council a consistent set of parameters to assess any future planning applications for gypsy and traveller sites as this is broadly already contained within Core Policy 3. It is difficult to see that this approach would provide greater clarity.

My suggested option to modify the Plan is for Policy GT01 to be deleted with a commitment to produce a separate Gypsy and Traveller DPD. As part of this DPD the Council should commission a fresh GTAA to assess the actual need for Gypsy and Traveller accommodation based on the current definition of gypsies and travellers for planning purposes found in Planning Policy for Traveller Sites (August 2015). In the event that this new GTAA identifies a need for Gypsy and Traveller accommodation a fresh search for sites should be undertaken leaving no stone unturned. In the unlikely event that the Council is unable to find a suitable, deliverable site, a set of development management criteria could then be produced.

Yours sincerely

Mr David Kenyon

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