

## Appendix C – Summary of key issues raised and initial responses

The Council will set out responses to all points made during the consultation when it agrees the plan to be submitted for examination. This will include all site specific points that have been made.

**1) *A more dispersed pattern of sites should be delivered and more urban sites should be considered, including sites closer to Sevenoaks.***

The council previously undertook a number of district-wide calls for sites, and invited all landowners, developers and agents on its LDF mailing list to submit sites. In addition, known Gypsy and Traveller households in the District were contacted, as were local Gypsy and Traveller representative groups. Sites were considered by officers and assessed against criteria agreed by members. In order to be compliant with national policy, allocated sites have to be deliverable/developable. Paragraph 9 of Planning Policy for Traveller Sites (CLG 2012) states that:

“to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years.”

A further call for sites was carried out as part of the recent consultation. Many of the alternative/additional sites promoted were not promoted by the landowner and the Council is now identifying and contacting landowners of a number of these sites. Unless landowners in parts of the District that do not currently contain Gypsy and Traveller sites express a willingness for their sites to be allocated, it is very difficult for the Council to enforce a dispersed distribution of sites. To allocate sites that are not deliverable would risk the Gypsy & Traveller Plan being found unsound at examination.

**2) *A number of respondents, including a large number from the Gypsy and Traveller community, made suggestions about how sites should develop. This included a preference for extensions to existing sites and new smaller sites to be allocated, which could then be expanded once integrated. It was suggested that the development of sites needs to be phased to ensure that pitches come forward in a planned manner. There were differences of opinion about the preference for private or public sites. A number of respondents also suggested that the Council’s assessment criteria should be weighted.***

The Council acknowledges that in many instances, extensions to existing sites and smaller sites may integrate better with the surrounding community than brand new or larger sites, where there has not previously been a Gypsy and Traveller presence in the local community. This will be taken into account as the plan progresses.

The council recognises the need for both public and private sites to accommodate the Gypsy and Traveller accommodation needs of the district, as highlighted in the GTTAA. This will be considered further as the additional/alternative sites proposed are considered in more detail. However, it is acknowledged that the majority of potential site options are private sites and therefore further work needs to be undertaken to explore potential options for additional public pitches.

The Council will consider the phasing of sites further once the list of preferred sites has been identified.

In relation to weighting of the Council's assessment criteria, please see para 11 of the report.

- 3) *A number of potential sources of social problems were raised. These included perceived problems if English and Irish travellers were mixed on sites and a potential increase in crime as a result of new development.*

Many of the sites being considered are private sites, where the owner of the site would decide who is allowed to stay. Whilst the Council may in some instances insist that occupation of certain sites is limited to named individuals, it is highly unlikely that a situation will arise where the Council could justify insisting that occupation of private sites is restricted to a certain group falling within the definition of a Gypsy and Traveller. For public sites, the mixing of different Gypsy and Traveller groups is a matter for the allocations policies of KCC and SDC (as site managers), rather than a planning matter.

There is a social element to sustainable development set out in the NPPF, and paragraph 69 states that local policies should:

“aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other” and “promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”

In addition, paragraph 11 of Planning Policy for Traveller Sites (CLG 2012) states that local policies should:

“promote peaceful and integrated co-existence between the site and the local community.”

Whilst, in this context, these criteria mainly relate to the promotion of community inclusion between Gypsy and Traveller sites and the wider local community, they can also be applied to the different Gypsy and Traveller communities themselves. In terms of integration between the settled and travelling communities, respondents from both groups have suggested to the Council that developing smaller sites (at least initially) will help this integration. This will be taken into account as the list of preferred sites is identified.

The safety aspect of the concerns raised is addressed in paragraph 3.9 of the Gypsy and Traveller Plan: Site Options consultation document, which seeks to ensure sites are designed to a high quality, providing a safe and pleasant living environment for residents. This sub-objective echoes policy SP1 of the Core Strategy. The Council will prepare design guidance for any sites that it proposes to the Planning Inspectorate for allocation. In addition, any application would be determined in accordance with policy SP1 of the Core Strategy.

- 4) *Some respondents were concerned about the pressure that the development of sites will place on local infrastructure, including schools, health facilities, roads*

*and sewerage. Others saw the benefit in improving Gypsy and Traveller children's access to schools.*

The Council acknowledges that new housing, whatever form it may take and wherever it may be, can place increased pressure on local infrastructure. Infrastructure providers were invited to comment on the suitability of the sites during the public consultation. Any comments will be taken into account as the list of preferred sites is identified. However, no overriding objections from infrastructure providers were received, including Kent County Council Highways. In respect of schools, the Cabinet member for education at KCC raised concerns about the impact of a 15 pitch site in Shoreham on the local primary school.

Southern Water wishes to ensure that Gypsy and Traveller accommodation is adequately separated from wastewater treatment works and pumping stations in order to safeguard amenity and to avoid potential land-use conflict. In addition, they wish to ensure that Gypsy and Traveller accommodation is connected to the sewerage network, at a point where there is adequate capacity. The Council will ensure that policies reflect the need to provide adequate sewerage arrangements.

- 5) *Concerns were raised over the impact of Gypsy and Traveller sites on a number of landscape and environmental constraints, including flood risk, ancient woodland and Areas of Outstanding Natural Beauty. A number of respondents stated that brownfield sites should be considered before greenfield sites.*

The Environment Agency, in general, raised no objections with regards to fluvial flood risk. However, they did raise specific concerns with Land at Knockholt Station, as the site is located within Flood Zones 3a & 3b. The Council contacted the Environment Agency previously about this site and were advised that the 'site is remote from any watercourse and believed to occupy a "dry valley", which means the site is not at risk from fluvial flooding'. Officers have contacted the Environment Agency for clarification of their position. Without an explanation for why their position has changed (if it has) it is not accepted that this site should be ruled out on the grounds that it is in Flood Zones 3a & 3b, especially as it is an existing site that was permitted at appeal without a Planning Inspector raising any overriding concerns about flooding.

New development in the district is considerably constrained, in particular due to Green Belt, the Kent Downs and High Weald AONBs, ancient woodland and local wildlife sites. Site assessment criteria (e) in the Site Options consultation document states that 'the development will have no significant adverse impact upon the landscape, biodiversity or heritage asset'. A key justification for the proposed removal of the Shoreham site is that it is considered that there are now site options that would have less impact on the AONB.

Ancient woodland is a characteristic of the land surrounding the built up area of Fort Halstead. However, it is not the case that the whole of the Fort Halstead site option published for consultation (as an 'area of search') is ancient woodland. In any event, it is now recommended that the Fort Halstead site is no longer considered for a Gypsy and Traveller allocation.

The council is committed to doing what it can to protect Green Belt and AONB but has to have regard to national policy in determining the weight to be given to them in preparing the Gypsy and Traveller Plan.

Paragraph 15 of the Government's Planning Policy for Traveller Sites allows local planning authorities to make exceptional limited alterations to Green Belt boundaries to meet needs for Gypsy and Traveller sites. The Council's experience is that, in making development management decisions, planning inspectors commonly consider the need for pitches to outweigh harm to the Green Belt. This remains the case in recent decisions. No alternative available non-Green Belt sites have yet been identified.

Paras 115 and 116 of the NPPF provide national policy on AONBs. AONBs are not referred to in Planning Policy for Traveller Sites. The NPPF states that:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

Paragraph 116 of the NPPF sets out the factors that should be taken in to account when considering development in AONBs. The factors to consider include need, opportunities to develop elsewhere and the impacts of the development.

The reuse of brownfield land is one of the NPPF's core planning principles. Both brownfield and greenfield sites were included in the Site Options consultation document. However, insufficient brownfield sites have been identified to meet the identified need to allow the Council to rule out development of greenfield sites, at this stage.

- 6) *A number of respondents questioned the validity and reliability of the GTTAA. Some argued that the pitch need figure is too low and others argued that it is too high. It was also argued that the Council does not need to plan for the period to 2026.*

As noted previously, Salford University have established themselves as a market leader in the preparation of Gypsy and Traveller Accommodation Assessments. The consultants were employed by SDC and Maidstone Borough Council following a competitive tender process that included the assessment of 4 written submissions and interviews.

One criticism of the approach used by Salford University is that they employed Gypsy and Traveller community interviewers to undertake some of the interviews. Appendix 1 (p68) of the document addresses the issue of community interviewers. It notes that in the opinion of the report's authors, the work of these interviewers was of crucial importance in engaging with the Gypsy and Traveller population. It also notes that two members of the Gypsy and Traveller community, who had worked with Salford University before and lived outside of the District, were involved in this research. Each interviewer was given refresher training and feedback during the survey period.

By having relatively high response rates (approx. 50%), the Council will have a better chance of having a plan found sound. It will mean that it will have a better chance of justifying basing the assessment of need for additional pitches over the first 5 years on the basis of the survey rather than a standard compound growth rate of 3%, which has been supported by inspectors in the past. Instead, the growth rate that results from using the survey data in the first 5 years is 1.25% (see para 11.27 of the GTAA 2012).

The use of the 3% compound growth rate in the 2017-2021 and 2022-2026 periods has been criticised on the basis that it overestimates need and does not reflect past rates of growth in the number of pitches. It is worth noting that the 3% compound growth rate has been subject to a pitch sharing assumption that sees each new household requiring 0.75 pitches (see para 11.27). This is on the basis that some Gypsy and Traveller children growing up on sites within the District may well eventually form households with other Gypsy and Traveller children growing up on sites in the District. In determining whether the 3% rate (subject to the pitch sharing assumption) was correct, officers asked Salford University to consider the demographics of the population identified through their survey work (set out in appendix 2 of the GTAA), as it is expected to be the children of households currently on sites in the District that will form new households in the period to 2026.

A number of respondents suggested that the Council should not be planning for the period to 2026. The Council notes that paragraph 9 of Planning Policy for Traveller Sites (CLG 2012) states that local planning authorities should, in producing their local plan:

“Identify and update annually, a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets” and “identify a supply of specific developable sites or broad locations for growth, for 6-10 and, where possible, for years 11-15.”

It is recommended that the Gypsy and Traveller Plan should plan for the needs for Gypsy and Traveller pitches over the period to 2026, which is the end of the Core Strategy plan period. This would provide a reasonable period over which the Council will be able to demonstrate a rolling 5 year supply of deliverable pitches from the anticipated date of adoption in 2016. Planning for a shorter period would bring forward the date that the plan would need to be reviewed. This is not to say that the development of sites could not be phased in the final version of the Gypsy and Traveller Plan to ensure that all sites are not developed in the early years of the plan. The Council will consider the phasing of sites further once the list of preferred sites has been identified.

Criticism has also been raised that Salford University, and subsequently the Council, did not interpret the planning definition of a Gypsy and Traveller in a sound manner. It has been suggested that the Council should have excluded from the assessment of future need households that have stopped travelling *frequently* for a reason other than those listed in the definition. The proposed approach is not considered to be consistent with the Government’s definition of a Gypsy and Traveller, however. This definition makes no reference to the frequency with someone travels, it simply excludes people that have ‘ceased to travel’ (unless for

one of the specified reasons). The Council will continue to monitor Government policy on this issue.

Respondents also raised the issue that planning for increasing numbers of Gypsies and Travellers now will increase need in the future as families grow. This is a point that is agreed. It is one of the reasons why the Council was keen to support the 'redistribution' option that the former regional assembly was progressing. This would have shared responsibility to make provision more widely and increased opportunities for Gypsies and Travellers to settle in new areas. However, the mechanism to secure this no longer exists (unless voluntarily agreed by neighbouring authorities with lower needs through the Duty to Cooperate) and Government policy is now that local authorities should assess and meet their own needs.

**7) *There was a criticism that there was a lack of evidence of the Duty to Co-operate having been met.***

All neighbouring authorities responded to the consultation (some currently only with 'officer level' responses) but all suggested that they would be unable to help the Council meet its need due to difficulties in meeting their own needs.

In addition to contacting neighbouring authorities during the consultation period, the Council has regularly met with these counterpart officers to specifically discuss Duty to Co-operate issues in relation to gypsy and traveller provision and share best practice. The Kent Planning Officer Group (KPOG) Planning Policy Forum has also facilitated regular discussion and debate on this issue. There has also been dialogue with some neighbouring authorities at member level. However, none of these avenues have resulted in any assistance with meeting the level of need in Sevenoaks District.

**8) *There was a criticism that the Council's treatment of Gypsy and Traveller sites in the Green Belt is not equitable with its treatment of householder applications.***

The Council must have regard to national planning policy in preparing local plan documents and determining planning applications. At present, the Council has an adopted Core Strategy and emerging Allocations and Development Management Plan that show that the adopted housing target can be met without the release of Green Belt land. The Council is unable to show that it is able to meet the need for Gypsy and Traveller pitches without releasing Green Belt land for this form of development. Paragraph 15 of Planning Policy for Traveller Sites allows local authorities to release Green Belt land to meet needs for Gypsies and Travellers. The Council's experience is that, in making development management decisions, planning inspectors commonly consider the need for pitches to outweigh harm to the Green Belt. This remains the case in recent decisions.

**9) *Some criticism was received regarding the timing of the Swanley consultation event (2pm). Some residents were unable to attend due to work commitments and would have preferred an evening event.***

Three public consultation events were organised during the six week consultation period. There were afternoon sessions in Swanley, Sevenoaks and Edenbridge (2-4pm), which were the best attended, and one additional evening session held in

Sevenoaks (6-8pm), which was less well attended. Sevenoaks was deemed the most appropriate for the evening session as a central location within the district. Nevertheless, the Council will take these comments into account when organising similar consultations in the future