

Issue 2 – Do the LPP2's policies reflect the size and type of accommodation needed for different groups in the community?

Traveller Accommodation

90. Policy AHN4 of LPP1 expects LPP2 to allocate sites to provide for accommodation for Gypsies, Travellers and Travelling Showpeople in accordance with identified needs. The requirement and supply figures set out in the Regulation 19 version of the Plan, have, however, been overtaken by events, and in order to provide a justified and effective basis for LPP2's policies, re-basing these figures to 1 April 2022 is necessary, and would be effected by means of **MM98** and **MM103**. These updated figures demonstrate that planning permissions granted since 2017 (57) would comfortably meet the needs for Gypsy and Traveller provision identified in the Gypsy and Traveller Accommodation Assessment³⁵ (GTAA) (39), for those households that meet the definition of 'traveller' given in the Planning Policy for Traveller Sites (PPTS).
91. Nevertheless, LPP2 includes a number of allocations for Traveller accommodation focused on intensification of existing sites. Whilst I return to site-specifics below, in general, the LPP2 is clearly positively prepared in this sense. Moreover, the LPP2 approach would also accord with national policy (as expressed in PPTS at paragraph 4), insofar as it seeks to reduce the number of unauthorised developments and encampments, to increase the number of Traveller sites in appropriate locations with planning permission, and to enable the provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.
92. All of the allocations are within the Borough's rural areas, and Policy AHN4 of LPP1, and PPTS (at paragraph 14) anticipate circumstances in which rural and semi-rural settings may be suitable for this form of development. LPP2 sets out a list of development types that may be acceptable in rural areas, but omits Traveller accommodation. Consequently, **MM34** is required, which would see the inclusion of this type of development in the list, and would thus secure consistency with both national policy and the adopted development plan in this sense.
93. The GTAA identifies needs for accommodation for Traveller (10 pitches), and Travelling Showpeople (2 plots) households which do not meet the definition given in the PPTS. Although the PPTS does not require allocations to be made to meet the needs of such households, the Framework is clear (at paragraph 62) that the size, type and tenure of housing needed for different groups in the community should be reflected in planning policies. The LPP2 is unclear as to how applications for Travellers who do not meet the PPTS definition would be assessed, and consequently the Plan is inconsistent with the Framework in

³⁵ Document Reference: LPP2/CD2/31

terms of ensuring that such needs are reflected in policies. **MM99** is therefore necessary, which sets out that the relevant policies of LPP1 and LPP2 would apply to consideration of proposals relating to households that fall outside of the PPTS definition, to achieve consistency with the Framework in these terms.

94. LPP2 is unclear as to the design aspects that would be taken into consideration at the planning application stage relating to Traveller sites. In this way, LPP2 is inconsistent with the Framework insofar as it requires (at paragraph 127) plans to set out clear design expectations, and would not meet the PPTS requirement for Councils to have regard to the need that Travelling Showpeople have for mixed-use yards to allow for residential accommodation and space for storage of equipment. Consequently, **MM100**, **MM101** and **MM102** are required which would set out clear design expectations in these terms through the introduction of specific policies, and the amendment and inclusion of justificatory text and thus ensure that LPP2 is consistent with national policy. Consultation on the MMs highlighted that issues relating to waste management measures for Traveller sites had not been adequately captured in **MM101** and **MM102**. As a consequence, I have made minor amendments to those MMs to ensure that they would accord with the requirements of the National Planning Policy for Waste (NPPW) (at paragraph 8) and the PPTS (at paragraph 10(e)) for the local environment and amenity to be protected, and for developments to make sufficient provision for waste management. This point has been adequately covered in the consultation on the MMs and as the changes merely reflect national policy on these matters no prejudice to the interests of any parties would occur as a result of these minor post-consultation changes.
95. Further work in relation to the DS20 Old Stone Yard allocation indicates that the site capacity (4) included in the LPP2 is unlikely to be feasible as a result of residential amenity and other relevant design considerations, meaning that the policy is unjustified and ineffective. Consequently, **MM103** and **MM109** are necessary, which would update the site capacity to a total of 2 pitches and ensure that the allocation is justified and effective in this respect.
96. The *Lisa Smith v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWCA Civ 1391 judgement of the Court of Appeal (the *Smith* judgement) was handed down on 31 October 2022, and has potential implications relating to consideration of the definition of 'traveller' given in the PPTS. As set out above, LPP2 includes a healthy supply of Traveller sites, which could come forward in a timely manner on adoption, with combined capacities in excess of currently identified needs. Moreover, **MM99** would ensure that households that do not meet the PPTS definition would be covered by the relevant policies of the Plan. Furthermore, the GTAA finds only a limited need for Travelling Showpeople accommodation for those who fall outside of the planning definition. As modified, LPP2 would also set a clear and effective policy position, in terms of the assessment of relevant applications coming forward both on allocated and other sites. In addition, the *Smith* judgement

would be likely to constitute a material consideration in the assessment of any relevant planning applications, and any wider implications of its findings would appropriately be the subject of any future plan review activity. These considerations, taken together, lead me to the view that there are no overriding soundness reasons to progress further MMs to LPP2 as a result of the *Smith* judgement.

97. The selection of individual sites for allocation to provide Traveller accommodation has followed the process set out in Policy AHN4 of LPP1. The allocations all relate to the intensification of existing sites, which LPP1 considers to be preferable to the identification of entirely new sites. LPP2 is therefore consistent with LPP1 in this respect, is justified, and thus soundly based. Several allocation policies do not include adequate coverage of the potential effects of their anticipated development on European Protected Sites, other biodiversity designations and heritage assets. Consequently, **MM104, MM105, MM106, MM107, MM108** and **MM109** are necessary, which would introduce assessment criteria to ensure that the relevant proposals' effects on biodiversity interests and heritage assets would be appropriately taken into account at the planning application stage to ensure the effectiveness of the site allocations in these regards, and to achieve consistency with national policy.
98. In terms of access to the allocated sites, the local highway authority has tendered no in-principle objections to any of their potential transport effects, or to the quantity of additional pitches anticipated on them. Furthermore, Policy DM9 of LPP2 requires proposals to provide safe access for all highway users – and this is a matter that would be likely to be further scrutinised at the planning application stage, in terms of detailed site layouts and designs. Moreover, the production of and adherence to construction management plans, which amongst other things can relate to the movement of vehicles associated with building activities on sites, can be required by conditions attached to any relevant planning permissions. The allocations are consequently sound in these regards.
99. The DS19 allocation relates to the intensification of the use of an existing site. Although I am aware of intentions relating to a neighbouring site, it is not allocated for development, and does not appear to benefit from planning permission relating to those emerging proposals. Against this background, the DS19 allocation does not conflict with Policy DM8 of the LPP2 (as modified), insofar as it relates to comprehensive development. Neither do these considerations cast any material doubt on the developability of the use anticipated by the DS19 allocation.

Self-Build and Custom Housebuilding

100. Policy DM36 sets out that development proposals of 20 or more dwellings would be expected to make available at least 5% of their plots for self-build or custom