

# **Croydon Local Plan: Detailed Policies and Proposals Evidence Base**

## **Technical Paper – Gypsy and travellers**

**August 2016**

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# **1. Introduction**

1.1 This technical note aims to set out and discuss the evidence on the need for gypsy and traveller sites. The evidence has informed the amendment to the Strategic Policy SP2.9 and SP3.2 in the Proposed Submission of The Croydon Local Plan: Strategic Policies- Partial Review and the proposal for a site allocation for a permanent gypsy and travellers site in Proposed Submission of The Croydon Local Plan: Detailed Policies and Proposals.

1.2 The note sets out the policy context and outlines how the evidence has been used to inform the gypsy and traveller policy SP2.7 (now SP2.9) in the Croydon Local Plan: Strategic Policies- Partial Review (CLP1.1) and the site allocation in the Croydon Local Plan: Detailed Policies (CLP2).

1.3 This note is not designed to explain each specific piece of evidence in detail. It is only designed to explain how the evidence has been used to inform the amended policy and allocated site for gypsy and travellers.

## 2. Policy Context

### National Planning Policy

2.1 The National Planning Policy Framework (NPPF) includes a separate document Planning Policy for Traveller Sites (PPTS). This states the Government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c. to encourage local planning authorities to plan for sites over a reasonable timescale
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k. for local planning authorities to have due regard to the protection of local amenity and local environment

2.2 Furthermore, the PPTS states local planning authorities should, in producing their Local Plan:

- a. identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
- b. identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- c. consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d. relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
- e. protect local amenity and environment.

2.3 Criteria based policies where there is no identified need should be fair and facilitate the traditional and nomadic life of travellers whilst respecting the interests of the settled community The criteria in policies should ensure that they do the following:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

2.4 Policy E `Traveller Sites in Green Belt` of the PPTS identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

2.5 . However the National Planning Policy Framework (NPPF) does allow for the redevelopment of previously developed sites (NPPF paragraph 89, 6<sup>th</sup> bullet) in the Green Belt.

2.6 The definition of gypsies and travellers is defined in the PPTS as persons of nomadic habit of life whatever their race or origin, including such persons who in grounds only of their own or their family's or dependents' education 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' and states the determining of whether people are `gypsies and travellers` for the purposes of this planning policy consideration should be given to the following:

- a) Whether they previously led a nomadic habit of life*
- b) The reasons for ceasing their nomadic habit of life*
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

2.7 The key change that was made to the definition was the removal of the term persons who have ceased to travel permanently. Meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a Gypsy and Traveller Accommodation Needs Assessment.

2.8 Provisions set out in the Housing and Planning Act 2016 now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed.

2.9 Draft Guidance related to this section of the Housing and Planning Act has been published setting out how the government would want local housing authorities to

undertake this assessment and it is the same as the Gypsy and Traveller Accommodation and Needs Assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the new 'planning' definition of a Traveller will need to be assessed as part of the wider housing needs of the area through the Strategic Housing Market Assessment (SHMA) process, and will form a subset of the wider need arising from households residing in caravans. In the absence of clarification on the Guidance, which was due on 12 July, 2016, on how this should be applied, the London Borough of Croydon has used its' Gypsy and Traveller Accommodation and Needs Assessment (GTANA) of 2013 as the basis for identifying Croydon's local need for more pitches and in the development of policy and the allocation of suitable sites. Therefore, the Council's GTANA is not based on the definition set out in the PPTS.

## The London Plan

2.10 The London Plan requires boroughs to, in Policy 3.8 Housing Choice to inform Policy 3.3 on housing supply to ensure that i) the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed, with sites identified in line with national policy, in coordination with neighbouring boroughs and districts as appropriate.

## Local Planning Policy

2.11 The Croydon Local Plan: Strategic Policies (2013) Policy SP2.7 defines the criteria for sites for gypsies and travellers, with a proposed amendment to the criteria to remove the requirement to be near bus routes and other transport nodes as Council officers from Education Liaison stated that the gypsy and travellers they have had contact with, do not want to use public transport for fear of abusive behaviour from the public and tend to use their own transport.

## 3. Key Evidence - evidence of need

3.1 The Council commissioned a Gypsy and Traveller Accommodation and Needs Assessment (GTANA) 2013 by RRR Consultancy which assessed the need based on the definition prior to the revised definition of PPTS. This established in November 2013 that 49 pitches are required and one emergency stopping place for one pitch to provide for the full twenty years of need to 2036. The document is on Croydon Council's website here

<https://www.croydon.gov.uk/sites/default/files/articles/downloads/Croydon%20GTANA%202013%20Final%20Report.pdf>

3.2 The adjusted figure of 36 pitches net (from 39 in SP2.7 of CLP1.1) is to reflect the proportion of homes that can be provided in Croydon and final SHMA which is 73%. The Council's ability to meet a minimum of 73% of gypsy and traveller need is driven by the constrained capacity of suitable sites in the borough when considered against the NPPF, PPTS, London Plan and the Council's site selection criteria. This is entirely consistent with the approach to planning for overall housing need as also set out in the Croydon Local Plan: Strategic Policies – Partial Review.

<b>Period of Need- Table 9.12 Summary of Gypsy and Travellers net accommodation needs 2013-36</b>		
Period	Residential Pitches-adjusted net need total is 36	Emergency Stopping Places

Total 2016-2021	19	Consists of 9 Romany, 8 Irish, 2 from in housing (Romany) / overcrowding (Romany)	1
Total 2021-2026	5		0
Total 2026-2031	5		0
Total 2031-2036	7		0
Total 2016-2036	36		1

- The first five years (2016-2021) supply figure for pitches in the GTANA is adjusted to 19 pitches (from 27) with a further 5 pitches required in the following 5 years (adjusted from 7), making a total of 24 pitches for the first ten years,(adjusted from 34 pitches if the figure was at 100%).
- Ideally two sites are required reflecting that management of a large site of 36 pitches would be difficult and CLG guidance on Designing Gypsy and Traveller Sites - A Good Practice Guide (2008) now withdrawn, stated that a site of a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. Although withdrawn and in the absence of other relevant guidance the Council has given this CLG guidance regard to inform site layout and nature.
- Croydon's existing site at Latham's Way, which expanded by four to 19 pitches in 2008 does not have significant management problems.
- Transiting Gypsy and Travellers are not included in this as the GTANA has not identified a need for a transit site, as there have been persistent numbers of unauthorised caravan days in Croydon area, but the large proportion of unauthorised encampments were due to movements of a small number of families.
- The GTANA concludes that with evidence derived from stakeholders suggests a stopping place is required. A stopping Place is defined as for up to 28 days stay and is pieces of land in temporary use for all travelling communities. They may not require planning permission if they are in use for fewer than 28 days a year. The requirements for emergency stopping places reflect that the site will only be used for a proportion of the year and that individual households will only stay on the site for a few days.

3.3 As further context, in 2016 an Irish Traveller family acquired permission from a landowner to reside on a site in Kenley in the London Borough of Croydon which was in Metropolitan Green Belt and a Site of Nature Conservation. They had proposed 8 pitches on the site. In 2016 their appeal for use of the site for residential development was dismissed by the Planning Inspector following original refusal of planning permission by the Council. The GTANA of 2013 identified that the Council should consider providing permanent accommodation for the Irish families who make up a large proportion of the unauthorised encampments.

## The search for permanent sites and a stopping place

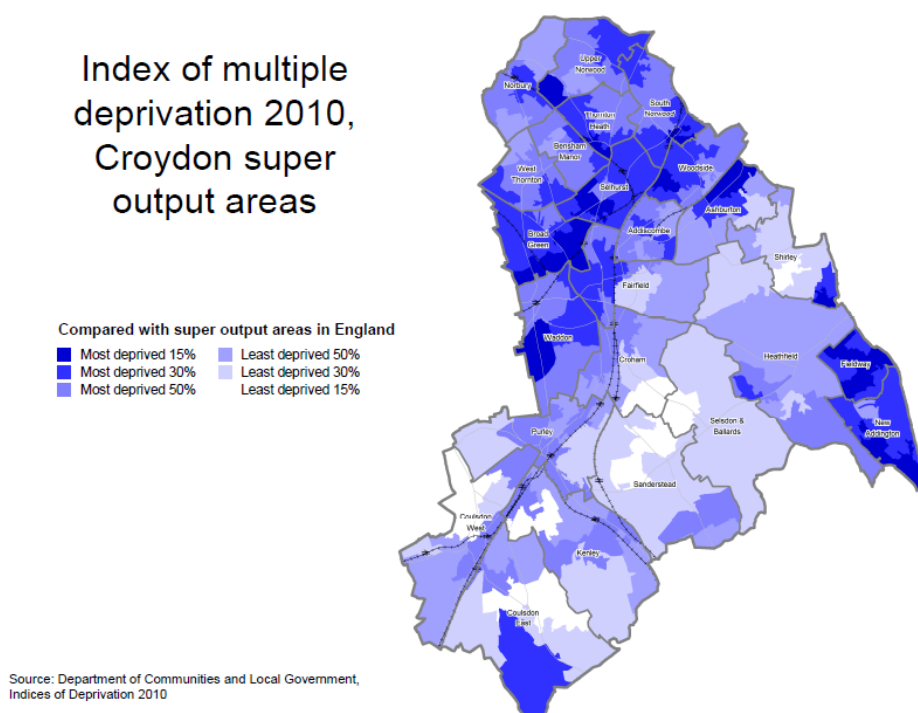
3.4 The Council also carried out a 'call for sites' in 2013 and again in early 2014, for all land uses which included gypsy and traveller sites, although not specifically named. No sites were submitted for this use.

3.5 The Council looked at all opportunities for gypsy and traveller sites on brownfield sites that met the Council's site specific criteria. The search was extended to Green Belt sites to ensure a comprehensive search was made for suitable sites and to enable the Council to demonstrate at the Examination in Public of the Local Plan that all possibilities have been considered. The search was carried out in the context of the NPPF, Green Belt policy and the designation of Metropolitan Green Belt and Metropolitan Open Land was accorded a high negative score in the 'Assessment and selection of sites for Gypsy and Travellers' reflecting that gypsy and traveller sites are inappropriate development in Metropolitan Green Belt.

3.6 The sites search, methodology and scoring is explained and can be found here [https://www.croydon.gov.uk/sites/default/files/articles/downloads/Gypsy%20and%20Travellers\\_Site\\_search\\_Evidence\\_%20August\\_2015.pdf](https://www.croydon.gov.uk/sites/default/files/articles/downloads/Gypsy%20and%20Travellers_Site_search_Evidence_%20August_2015.pdf)

3.7 A criteria that sites should avoid being in the highest areas of social deprivation of the most deprived 15% in the 'Index of multiple deprivation 2010 Croydon super output areas' from the Croydon Observatory – (see Figure 1) was included in the site selection screening in recognition that the social and health infrastructure are already heavily impacted with services under pressure and the addition of a gypsy and traveller site could exacerbate this.

Figure 1



3.8 The updated version, dated July 2016, of the Sites Search Evidence with development of the site search for the Proposed Submission stage includes corrections to scoring of the August 2015 site assessment following responses



received from the consultation on the Preferred and Alternative Options (November – December 2015), for ‘land with built form in Metropolitan Green Belt and Metropolitan Open Land’. The July 2016 update also includes updates to the scoring for Sites 502, (Coombe Farm) 504 (Stroud Green Pumping Station) and 755 (Pear Tree Farm) and 324 (Purley Oaks Depot), in the light of additional information received from the Strategic Flood Risk Assessment.

3.9 Comment was made in the consultation responses on the Preferred Options that there should be consideration of privacy of existing residents as well as considering the privacy for the gypsy and travellers in the site assessments. The site selection criteria of ‘privacy’, is meant to operate for both and this has been made clearer in the July 2016 Sites Search Evidence.

3.10 The paper also referred to ‘absolutes’ for discounting sites for the initial screening as pitch size, site size, stopping place size and that all sites in Metropolitan Green Belt and Metropolitan Open Land not previously developed and the exclusion of sites in Croydon Metropolitan Centre, within District Centres, Strategic Industrial Locations and Conservation Areas due to viability, deliverability and impact on heritage consideration. This has been updated to refer to ‘parameters’ rather than ‘absolutes’ to offer flexibility. Furthermore, Strategic Industrial Locations (Tier 1 & 2) are now not excluded in recognition that gypsies and travellers struggle to find a suitable sites and Tier 1 & 2 locations’ may meet the criteria of the Strategic Policy (SP2.9) of the Croydon Local Plan: Strategic Policies – Partial Review.

## **The preferred options proposed in the Croydon Local Plan: Detailed Policies and Proposals**

3.11 As the NPPF allows for the redevelopment of previously developed sites, paragraph 89, 6th bullet sites, identified in the Assessment as ‘with built form’ were given a lower negative score in the assessment.

3.12 Three of these sites were identified as preferred options for gypsy and traveller sites and included in the Preferred Options for consultation from 6 November to 18 December, 2015:

- Coombe Lodge Nursery, off Conduit Lane, owned by the Council and
- Coombe Farm off Oaks Road –in private ownership and
- Pear Tree Farm, Featherbed Lane – in private ownership

3.13 A mobile home and amenity block which would be located on each pitch would count as built form and the proposed development would need to be of a similar quantum to the existing built area on each site to ‘not have a greater impact on the openness of the Green Belt’ in compliance with the NPPF.

## **The Sustainability Appraisal**

3.14 The Sustainability Appraisal of the preferred options commented on the three sites as being adjacent to Sites of Importance for Nature Conservation and confirmed that the three Preferred Option sites are in Metropolitan Green Belt, although with built form, a detailed assessment of the impact on openness and the purposes of the Metropolitan Green Belt for the proposed use as a gypsy and traveller site would be required if any of these sites were taken forward.. The Sustainability Appraisal identified that measures of mitigation would be required to reduce any adverse impacts

## **The proposed submission draft of the Croydon Local Plan: Detailed Policies and Proposals**

3.15 Following the consultation on the Preferred and Alternative Options, the private landowner's were unwilling to make sites available, along with receipt of the Strategic Flood Risk Assessment in November 2015, a further investigation has been carried out of Strategic and Separated Industrial Locations, Integrated Industrial Locations (Tier 1 & 2) and Scattered Employment Sites (Tier 4) to determine if there are any deliverable alternative options for a permanent site or a stopping place. This did not produce any new deliverable sites, but did establish that Latham's Way should be looked at to see if any further expansion is feasible to assist in meeting the first 10 years of need. The feasibility undertaken to explore further at Latham's Way proposed a layout with phasing to reduce impact on existing residents and identifies that, subject to a Contaminated Land Assessment, there is the potential to provide 3 more pitches. The feasibility is in Appendix 3 of the Assessment and selection of sites for gypsy and travellers paper July 2016 (in website link in 3.6 above).

3.16 This paper, the 'Assessment and selection of sites for Gypsy and Travellers' July 2016 evidence paper explains the search, the outcome of the preferred options consultation and further investigation to find suitable sites that are developable and deliverable to be included in the Proposed Submission draft of the Croydon Local Plan: Detailed Policies and Proposals.

3.17 One site in Council ownership is proposed for a new gypsy and traveller permanent site at Purley Oaks Depot, the Council's Highway Depot. A feasibility study has been carried out and established that 20 pitches could be accommodated. The Purley Oaks Depot study and the related study for relocation of the Highway Depot to another Council owned site in Factory Lane, Croydon are in Appendix of the Assessment and Selection of Sites for Gypsy and Travellers paper July 2016. The site would be for a mixed Gypsy and Traveller site, to provide for the Irish Travellers and English (Romany) Gypsy population in Croydon. The London Gypsy and Travellers Unit support a site being for both Romany and Irish Travellers.

3.18 Following this more detailed planning analysis and feasibility work Purley Oaks Depot is considered to be deliverable against the requirements of the NPPF and PPTS as it is available, offers a suitable location for gypsy and traveller development and there is the real prospect that development will be delivered on the site within five years

3.19 The Proposed Submission Croydon Local Plan: Detailed Policies and Proposals is proposing to provide 23 permanent pitches, ideally this would be 24 pitches, which would meet Croydon's identified need for the first ten years of the Local Plan.

3.20 No site has been identified a stopping place after all suitable sites were considered against the NPPF, PPTS, London Plan, the Council's site selection criteria and consideration given to representations received on the Preferred and Alternative Options. However, this does not prejudice a site being brought forward against the criteria set out in Policy SP2.9 of the Croydon Local Plan: Strategic Policies – Partial Review Proposed Submission. Equally, nor does it prejudice a stopping place arrangement being achieved outside of the planning process.

3.21 In recognition of the difficulty to find suitable sites for a permanent site or stopping place and that gypsies and travellers struggle to find sites for new pitches, the amended Policy SP3.2 'Innovation, Investment & Enterprise' of the Croydon

Local Plan: Strategic Polices – Partial Review Proposed Submission is proposing to include the use of a gypsy and traveller site as a permitted use for gypsies and travellers with a qualified connection to Croydon (as outlined in paragraph 4.36 of the Croydon Local Plan: Strategic Polices – Partial Review Proposed Submission) in Tier 1 locations. The requirement for a qualified connection to Croydon is necessary to ensure that the gypsy and traveller accommodation need in the GTANA is the need planned for over the plan period. Furthermore, as residential development in a Tier 1 location will not be permitted by the Plan other than in these exceptional circumstances it is essential that this provision in the Plan is carefully controlled by the qualified connection to Croydon and focused on the gypsy and traveller accommodation need in the GTANA. In addition, when considering gypsy and traveller proposals in Tier 1 locations the Council will very carefully consider the proposal against the Plan as a whole to ensure that primary Tier 1 employment function or amenity are not undermined.

## **The Sustainability Appraisal**

3.22 The Sustainability Appraisal (SA) for the Proposed Submission of the Croydon Local Plan: Strategic Policies- Partial Review (CLP1.1) has considered the proposal of a new gypsy and travellers site at Purley Oaks Depot (Site 324) and states in 10.16.8 that ‘the site benefits from good access to a District Centre; however, this can equally lead to a risk of tensions between communities. It is also noted that the site intersects (c.20 - 25%) with the identified flood risk zone. As such, it is clear that there is benefit to ensuring a policy framework is in place to guide development of this site. Policy SP2 includes high-level policy focused on the selection of suitable Gypsy and Traveller sites, and a range of other development management policies will act to guide planning decisions on this site; however, there could be benefit to more detailed site-specific policy.’

3.23 The SA comments on the emerging preferred approach as a whole that ‘In total the proposal is to meet 73% of the need for homes and gypsy and traveller pitches in the borough. The remaining need will have to be met under the Duty to Co-operate by other boroughs in London and the wider South East. There are also some question-marks regarding the specific approach that is proposed in relation to Gypsy and Traveller accommodation, with the single proposed site allocation being associated with certain issues.’

3.24 The Council has not made any changes to the proposal for a site for a gypsy and traveller site at Purley Oaks Depot in light of these comments and it should be noted that the Strategic Flood Risk Assessment of November 2015, considered Site 324. It identified the groundwater protection zone which Site 324 falls in is the Inner Zone was in reference to below ground development. As Gypsy and traveller sites do not usually have basements this is not considered a risk to the proposed use of the site.

3.25 The SFRA also identified that for strategic planning purposes there is nothing significant in terms of flood risk that could not be managed out of the site through engineering (such as surface water and groundwater). Given the significant area of Flood Zone 1 the development would all need to be located in this area on the site and outside Flood Zone 2 and 3a but on this basis would be considered to pass the Exception Test. (This test is carried out on sites that are in Flood Zones 2 and 3 and where the Sequential Test alone cannot deliver other acceptable sites for the particular use). It would need to be dealt with through the Flood Risk Assessment at the time of any application and managed through engineering.

3.26 The SA for the proposed submission of the Croydon Local Plan: Detailed Policies and Proposals commented on the site selection process (6.2.10) and repeated the comments of the SA of CLP1.1. Both SAs commented that the delivery of sites that meet the needs of the Gypsy and Traveller population should be monitored.