

Gloria Alexander
Programme Officer
South Cambridgeshire Hall
Cambourne
Cambridge
CB23 6EA

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Your ref:
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Planning & New Communities
Contact: Caroline Hunt
Email: caroline.hunt@scamb.gov.uk
Direct dial: 01954 713196

Dear Gloria

South Cambridgeshire Local Plan Examination: Gypsy and Traveller Accommodation Assessment

I refer to your letter of 30 March 2017 raising some initial questions with the Council.

In the proposed modifications, the Council has sought to respond to changes in national planning policy since the Local Plan was submitted, including the revised Planning Policy for Travellers (PPTS).

The new Gypsy and Traveller Accommodation Needs Assessment (GTANA) (RD/Strat/221) identifies the accommodation needs of households who meet the definition of traveller as defined by the Government's Planning Policy for Travellers. It also identifies Gypsy and Traveller households that do not meet this definition.

Taking account of existing provision, the GTANA did not identify a need for additional pitches to meet the needs of those Gypsies and Travellers who meet the definition of traveller for the purposes of planning identified in the PPTS.

In carrying out the GTANA it was not possible to determine the travelling status of a number of households of both Gypsies and Travellers and Travelling Showpeople, who did not or refused to participate in the survey process, and a proportion of these may meet the definitions provided in the PPTS. The Local Plan (as proposed to be modified) includes an appropriate response to meeting their needs, through a criteria-based policy (Policy H/21) to guide consideration of any planning application proposals for Gypsy and Traveller sites to meet potential need which may arise during the plan period. The housing needs of any Gypsy and Traveller households who do not meet the new 'planning' definition of a traveller will form part of the wider housing needs of the area, consistent with national planning policy. The Cambridgeshire Strategic Housing Market Assessment (SHMA) 2012 includes a chapter on Gypsies and Travellers taking account of the

previous GTANA. In due course the SHMA will be updated to reflect the updated GTANA for all types of need.

As such, proposals for residential caravan sites to help meet the needs of those who do not meet the Secretary of State definition of Travellers are capable of being appropriately considered through the policies that address residential development in the Local Plan through the normal development management process. For example, a site within the development framework of a settlement could in principle be developed as a park home site consistent with the relevant policies (which may represent such culturally appropriate accommodation). It is considered that to approach the needs of those who do not meet the definition of “travellers” within national planning policy in this way is consistent with the PPTS. The Council does not consider that any further modification is required in this respect.

As the Inspector notes, within the GTANA, at paragraph 3.20, it is noted that some who fall outside the current definition of “gypsies and travellers”, “may be able to demonstrate a right to culturally appropriate accommodation under the Equalities Act 2010”. Whether or not any individuals in fact have a requirement for culturally appropriate accommodation, pursuant to the Equalities Act 2010 will depend on the particular circumstances of those individuals. As such, any proposals would need to be considered on a case by case basis. If, on the basis of their personal circumstances, a person or persons were able to demonstrate a specific need, whether derived from the Equalities Act 2010 or otherwise, which is not in practice of being addressed through the general policies for residential development within the submitted plans, the personal circumstances of the applicant(s) are capable of being properly considered, in the normal way, as a material consideration through the planning application process. This may give rise to a basis to depart from policies which would otherwise restrain development.

However, the Council is concerned that it would not seem to be a sound approach to propose modifications that sought to make explicit provision in a Local Plan policy for those that do not meet the planning definition as exceptions to national policy. By definition, exceptions are not normally included in policy. Moreover, it would plainly not be appropriate to allocate land on a contingent basis. As such, the Council considers its current approach to be sound.

For the above reasons, at the present time South Cambridgeshire District Council is not minded at present to submit further proposed modifications. However, if, notwithstanding what is set out above, the Inspector still considers that further modifications should be considered by the Council, it would be helpful if the Inspector were able provide further clarification of those concerns at this stage so that these may be considered and addressed by the Council formally before the examination session on the relevant policies.

As you note, the further modifications considered by Council in November 2016 and as described in the document Further Proposed Modifications (RD/FM/010), including those resulting from the updated GTANA, have not been subject to consultation. The Council took this approach reflecting your advice that there should be only one further round of consultation on those modifications that the Inspector considers are necessary for soundness, after the hearings had been held. However, in response to your concerns that parties with a legitimate interest have not been consulted, the Council is willing to contact Mr Michael Hargreaves and the other relevant organisations, and parties that made objections to the Gypsy and Traveller policies H/19 to H/22, with a view to preparing a statement of common/uncommon ground in relation to the GTANA. In order, to be most helpful to the Examination, it would be helpful to understand if you consider this is now appropriate in light of the Council's response.

Yours sincerely

Caroline Hunt

Caroline Hunt
Planning Policy Manager