



MM
MM-01
MM-05
MM-37
MM-48

For and on behalf of
Gleeson Strategic Land

DEVELOPMENT PLAN SUBMISSION

In relation to:

Mid Devon Local Plan Review 2013-2033

Schedule of Main Modifications

following 2019 Examination Main Hearings and
receipt of Inspector's Post Hearings Advice Note

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CONTENTS	PAGE
PERSONAL AND AGENT DETAILS	4
1.0 INTRODUCTION	4
2.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS - REFERENCE CODE: MM01	6
3.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS – REFERENCE CODE: MM05	11
4.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS - REFERENCE CODE: MM37	16
5.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS: REFERENCE CODE: MM48	18
 APPENDIX A: LOCAL PLAN REVIEW – REPRESENTATIONS MADE TO LOCAL PLAN REVIEW EXAMINATION: HEARING SESSION 4, January 2019.....	 24
- Representations made to Hearing Session 4, Development Management Policies, January 2019	
- Representations made to the Inspector’s Post Hearing Advice Note – Housing Land Supply Updated Addendum, July 2019	

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1.0 INTRODUCTION

- 1.1 This representation is submitted in relation to the Mid Devon Local Plan Review 2013-33 and in response to the MDDC Schedule of Main Modifications following 2019 Examination Main Hearings and receipt of Inspector's Post Hearings Advice Note.
- 1.2 Previous representations were submitted in response to the Local Plan Examination hearings including supplementary statements to the hearing session into gypsy and traveller provision; and to the Housing Land Supply (HLS) Update prepared by Mid Devon at the request of the Inspector ahead of consultation on this Main Modifications. These previous representations are attached at Appendix A.
- 1.3 This representation focusses on Main Modifications MM01, MM05, MM37, MM48. Such matters include concerns over the allocation of Gypsy and Traveller sites as part of wider

housing allocations, which has implications for both Gypsy and Traveller and general housing delivery, and consequently the housing trajectory and 5-year housing land supply. In particular, these concerns relate to what is considered an inadequate response by the Council to the Inspector's Interim Advice Note in relation to concerns for the allocation of Gypsy and Traveller sites as part of wider housing allocations, which is leading to significant delays in unlocking consents of some large sites and the consequential stalling of delivery.

2.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS - REFERENCE CODE: MM01

Policy: Overall Provision of housing and employment - Table 6 Housing Forecast – Local Plan pages 26-27

Objection

2.1 Tests of Soundness:

Legally Compliant: Yes

Positively Prepared: No

Justified: No

Effective: No

Consistent with National Policy: No

- 2.2 Table 6: Housing Forecast 2013-2033 is to be replaced to update the housing trajectory following the Inspector's post hearings advice note. However, there remain inaccuracies in the housing trajectory, the delivery rate remains unrealistic and whilst consultation has taken place on the preferred route and technical work is now progressing in order to bring forward the Cullompton Town Centre Relief Road (TCRR), an ambitious programme does not anticipate that the Relief Road will be open for use before 2023. There also remain concerns over the allocation of Gypsy and Traveller sites as part of the larger housing allocations, which has implications for the delivery of both Gypsy and Traveller and general housing delivery, and consequently the housing trajectory and 5-year housing land supply.

Inaccuracies in the housing trajectory

- 2.3 There remain inaccuracies within the housing trajectory at Table 6 which have not been addressed since either the original representations or representations to the Inspector's Post Hearings Advice Note were made and consequently the trajectory cannot be accepted as robust. An example of this relates to the Pedlerspool site at Crediton, CRE5 which is indicated with a yield of 200 units. This is the minimum capacity set out in draft policy CRE5

however the outline application has a resolution to grant for a total of 257 dwellings. It could be argued that this is taking a conservative approach to housing land supply but it highlights a disconnect between the Development Management and Plan-making functions of the Council and demonstrates a lack of understanding of the relative stages that many of the sites are currently at.

Unrealistic delivery rate

- 2.4 Unrealistic assumptions as to the rate of delivery of some of the sites have also been made. The Pedlerspool application 17/00348/MOUT achieved a resolution to grant at Planning Committee in September 2018. Since then negotiations have been ongoing in relation to finalising the s106 planning obligation most particularly in relation to the provision of a Gypsy and Traveller Site on-site and the implications for delivery which have also been the subject to representations to the Local Plan Hearings. The updated housing trajectory assumes a start on site in 2020/2021, Year 3 of the five-year period 2018-2023. The trajectory therefore anticipates the delivery of the first 12 units within the next 14 months' during which time, the s106 must be finalised, reserved matters and discharge of conditions applications submitted and approved, significant infrastructure delivery as well as the initial 12 units completed.
- 2.5 Despite a resolution to grant received in September 2018, progress has been slow in negotiating the s106 largely as a result of delays in clarification of the allocation of a Gypsy and Traveller site as part of the wider market housing allocation. Even though changes to the Heads of Terms were approved at Committee on the 12th February 2020, assuming adoption of the Local Plan within the next 6 months, a more likely trajectory would see delivery of the first units on this site by 2022/23, Year 5 at the earliest.
- 2.6 The trajectories for delivery on other sites are also considered to be overly optimistic for the reasons previously given. Examples include:
- 2.7 **NW Cullompton, CU1** - The draft trajectory for the NW Cullompton is also considered unrealistic. Current applications include: **17/01178/MFUL** (200 dwellings, new access, phase of link road, primary school site and open space – still awaiting decision); **17/01346/MOUT** (200 dwellings, associated infrastructure, open space and full permission for a portion of Link Road – still awaiting decision); and **17/01170/MOUT** (up to 200 dwellings, associated infrastructure and access – Phase 1 of the NW Cullompton Urban Extension – also still

awaiting decision). None of these have received planning consent yet and with considerable infrastructure to implement the delivery of housing units is considered more likely to take place in 2022/23, Year 5 at the earliest, than the currently projected 2020/21. None of these early applications for NW Cullompton include sites for Gypsy and Travellers as required by the proposed policy CU1 despite the requirement for these to be delivered 'in step' with market housing. Ultimately the issue is likely to result in delivery delays with the resulting impact on the HLS trajectory if not resolved as soon as possible.

Colebrook, CU21 an outline application **19/00118/MOUT** for 105 dwellings which has still also not yet received consent, is scheduled to commence in 2020/21. Delivery is considered more likely to be 18mths – 2 years away at a minimum and therefore more realistically commencing to deliver in 2021/22 or 2022/23, Yr5.

Sampford Peverell, SP2 - Despite its previous recommendation for approval in July 2018, the application at Higher Town, Sampford Peverell **17/01359/MOUT** for 60 dwellings was refused on 1st August 2019. As far as we are aware this has not been resubmitted or appealed to date. This will add significant delays to the delivery of this site. This puts the site in jeopardy of delivering any units within the first 5-year period of the Plan.

- 2.8 It is likely that the delivery trajectory is equally unrealistic for other sites in the schedule. An adjustment to the draft housing trajectory should therefore be made and the resulting housing land supply revised accordingly.

Timescale for delivery of the Cullompton Town Centre Relief Road (TCRR)

- 2.9 There is a lack of clarity over the timing for delivery of the TCRR. The Update Housing Land Supply states at paragraph 2.2 that the Council has entered into a grant funding agreement with Homes England to secure funding through the Housing Infrastructure Fund towards the TCRR thereby providing greater certainty to this scheme. It goes on to state that it is assumed that the TCRR will be completed by the end of 2023. This reflects the information published in relation to the recent public consultation November – December 2019. However, the programme anticipated is an ambitious one and may well be subject to slippage beyond this date. Further, and notwithstanding this, the Statement of Common Ground SCG10 referenced a condition that use of the HIF monies and substantial completion of the TCRR would need to take place before March 2021. There is a discrepancy here which casts further

uncertainty on delivery. This is the basis for establishing the trajectory for delivery at NW Cullompton and East Cullompton and whilst some slack is built into the trajectory, already there have been significant delays.

- 2.10 In order to make the trajectory more robust, the likelihood of further delays should be factored in, certainly until the funding deal has been finalised, monies released, and a programme of implementation put in place.
- 2.11 This makes it even more important that the housing trajectory is not updated in isolation from other matters raised in the Inspector's Advice Note such as the decoupling of allocated G&T sites from general market housing allocations sites, to enable sites beyond Cullompton to come forward quickly and easily, freed from unnecessary delivery constraints, to bolster supply within the first five-year period.

Gypsy and Traveller Sites

- 2.12 The allocation of Gypsy and Traveller Sites as part of the larger housing allocations, is also an issue of concern raised in the Inspector's Advice Note. The concerns are twofold: the delivery of sufficient sites to meet needs and the potential problems of delivery for both Gypsy and Traveller and general market housing, and consequential implications for the housing trajectory and 5-year housing land supply. The Inspector's Advice Note sets out the requirement for Main Modifications to be made to ensure the need can be met without jeopardising delivery of either Gypsy and Traveller accommodation or general market housing in the process. The Inspector was quite clear in his Advice Note that this was to be achieved by decoupling allocated G&T sites from general housing allocations. Whilst modifications are proposed to paragraph 2.31 and Policy DM7, it is not considered that these modifications go far enough in terms of removing the uncertainty over deliverability and therefore impact on the housing trajectory. (See also representations to MM05).

Conclusion

- 2.13 Inaccuracies remain within the updated housing trajectory which should be checked and corrected.
- 2.14 Unrealistic assumptions have been made in relation to converting several of the large /strategic site outline planning applications to the delivery of completed housing units.

- 2.15 Uncertainty remains as to the implementation of the Cullompton TCRR which has implications for housing delivery at the Cullompton strategic sites and resulting trajectory.
- 2.16 Unless the shortcomings of delivery are considered in the round, including those related to inaccuracies in the trajectory, unrealistic timeframes and ensuring that Gypsy and Traveller allocations are decoupled from general market allocations, the housing trajectory and therefore the housing land supply will remain inaccurate and not robust. As a consequence, this Modification will not pass the tests of soundness.
- 2.17 Consequently the Main Modification is not considered to be positively prepared, justified or effective and does not therefore fulfil the test of soundness.

It is suggested that further modification should be made:

- **The housing trajectory should be further updated to ensure accuracy and therefore robustness before the housing land supply is recalculated.**
- **Associated amendments should be made to the Sustainability Appraisal.**

3.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS – REFERENCE CODE: MM05

Policy: Paragraph 2.31, Local Plan page 36

Objection

3.1 Tests of Soundness:

Legally Compliant: Yes

Positively Prepared: No

Justified: No

Effective: No

Consistent with National Policy: No

3.2 Modifications to paragraph 2.31 are proposed in response to the Inspector's post hearing advice note in relation to the provision of gypsy and traveller sites within larger housing sites; and to ensure consistency with MM48 proposed for Policy DM7. The proposed Modification states that it is the Council's 'preferred approach' for on-site provision as part of larger housing proposals TIV1, CU1, CU7 and CRE5, and for alternative provision but only where this represents a 'more favourable outcome' for gypsies and travellers.

3.3 There are a number of issues with this proposed Main Modification.

3.4 The case was made at the Local Plan Examination hearings (Appendix A Representation to Hearing 4 of the Examination: Development Management Policies) for de-coupling Gypsy and Traveller sites from the larger housing allocations and this was accepted by the Inspector in his subsequent Advice Note:

'I have some concerns with the approach in both general and specific terms.

...

*On top of that, while I make no criticism of the Council for having put forward allocations for Gypsy and Traveller Sites as part of wider housing allocations, **it is clear from the evidence I heard at the Hearing, which was expanded upon subsequently, that this course of action might well lead to problems of delivery of either or both (which adds to my concerns about the housing trajectory expressed above). A more pragmatic approach is required, in my view.***

...

Against that background, MMs will be required to the Plan under examination to ensure the need can be met and thereby make this part of it sound.

There are options that I might suggest:

*1. Plan to meet the identified need in full by allocating enough sites while **ensuring those sites are decoupled from general housing allocations to form separate allocations;***
or

*2. Make Policy S14 permissive of G&T Sites in the countryside **while decoupling allocated G&T Sites from general housing allocations and deleting the stipulation in relation to need in Policy DM7.***

(Our emphases)

- 3.7 The continued expression of a preference for on-site provision within the larger housing proposals flies in the face of the Inspector's Advice Note which sets out the requirement for Main Modifications to be made to ensure the need can be met without jeopardising the delivery of either Gypsy and Traveller accommodation or general market housing in the process. The Inspector advises that this is to be achieved by decoupling allocated G&T sites from general housing allocations. Despite this, the Council are continuing to insist on a preference in the first instance for on-site provision. This is not realistic and will have a

considerable impact on delivery as set out in the representations to MM01.

- 3.8 The Council has a duty to make provision for the needs of Gypsy and Travellers yet seeks to pass this duty onto housebuilders seemingly without any regard as to how that delivery will realistically be made.
- 3.9 Notwithstanding the fact that the Council has ignored the Inspector's requirement for decoupling provision from the larger market housing sites the only alternative for off-site provision which would be considered is where 'a more favourable outcome' for Gypsies and Travellers would be achieved, as set out in Policy DM7 2). Paragraph 2.31 to the Submission Local Plan sets out that it is the Council's *preference* for on-site provision as part of larger housing proposals. As such this implies alternatives to on-site provision are available. However the proposed amendment to the text a paragraph 2.31 through MM05 states that provision off-site will *only* be accepted where a more favourable outcome for Gypsies and Travellers would be achieved. Further, the list of requirements which would constitute a '*more favourable outcome*' are considered to be unreasonably extensive (further representations are also made to Policy DM7, MM48) and no alternative stand-alone sites for Gypsy and Travellers have been identified. In summary:
- As currently drafted, paragraph 2.31 does not provide sufficient flexibility for alternative provision to be made for off-site Gypsy and Traveller provision;
 - Definition of what would constitute a 'more favourable outcome' in order to facilitate off-site provision of Gypsy and Traveller sites is considered to be too extensive and onerous (MM48, Policy DM7 2). The current drafting of MM48, DM7 2) dictates that all five criteria which are to be taken into account in demonstrating off-site provision will achieve a more favourable outcome for Gypsies and Travellers must be achieved. This is unreasonable and should be amended; and
 - There are no stand-alone sites identified or allocated for Gypsy and Travellers which may therefore be brought forward independently of, or facilitated by, the larger housing sites. Alternative sites should be identified and allocated as such.
- 3.10 The complete lack of any identified sites for the provision of Gypsy and Traveller pitches means that the process of delivering alternative Gypsy and Traveller site is long-winded and

will generate considerable delays to delivery of the general market housing it is currently coupled with. Developers must undertake their own site searches and in order to ensure there is LPA support for a site, will also need to undertake pre-application enquiries prior to procurement. Planning permission must then be sought (which by their nature can be controversial and often take time to determine), and conditions discharged before a start on site can be made. The off-site provision of pitches must also be provided and made available for occupation before occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing site. However, if a developer finds and secures a site, then transfers it to a Registered Provider (RP) along with contributions for them to layout, the developer would be reliant on the RP to deliver in full and without delaying delivery of the remaining general market housing. This long-winded process and the front loading of the gypsy and traveller pitches will introduce significant delays in delivery of both Gypsy and Traveller sites and general market housing alike.

- 3.11 Consequently, Main Modification MM05 is not considered to be positively prepared, justified or effective and does not therefore fulfil the test of soundness.

It is suggested that further modification should be made to MM05 in relation to paragraph 2.31:

- **To decouple the gypsy and traveller allocation from the larger housing sites; and**
- **Identify standalone gypsy and traveller sites which may be brought forward independently of, or facilitated by, the larger housing sites**

Without prejudice to the above:

- **Where an alternative site is secured and transferred to a Registered Provider provision should be made for a corresponding contribution to allow the RP to layout the site themselves. The obligation on the developer should then cease in terms of delivery and no further requirement made to link provision to on-site numbers i.e. occupation of the remaining open market housing**
- **Remove reference to the provision of off-site Gypsy and Traveller pitches will**

only be accepted where it is demonstrated that provision on a different site would achieve a *‘more favourable outcome’ for Gypsies and Travellers as described in Policy DM7; and*

- **Associated adjustment to MM48 Policy DM7 2)**

4.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS - REFERENCE CODE: MM37

POLICY: CRE5 Pedlerspool, Exhibition Road

CRE b) Inclusion of a new primary school with early years provision and children's centre service delivery base

Objection

4.1 Tests of Soundness:

Legally Compliant: Yes
Positively Prepared: Yes
Justified: No
Effective: No
Consistent with National Policy: Yes

4.2 A modification to CRE5 criterion b) is proposed through MM37 to include reference to '*with early years provision and children's centre service delivery base*'. No approach has been made to the landowner or promoter by either MDDC or DCC with regard to the practicalities of this request within the CRE5 allocation. Discussions have been ongoing with the County Council in relation to the terms of the provision of the school site and the additional definition sought within representations has not been raised to-date.

4.3 Criterion b) already makes provision for a serviced site of 1.1ha for a new primary school on site. This requirement has been accepted by the site promoter and provisions made within the master planning exercise within the outline planning application. The school site will be made available and transferred to the County Council at market value set out in the terms of the draft s106 which in that respect, has been agreed. It is not known what implications the late request made by the County Council for inclusion of early years provision and a

children's centre service delivery base will have on either the site size or design brief for the school site. These matters will need to be resolved within the existing parameters set out in CRE5, criterion b) including requirement for a site of 1.1ha; the agreed Master Plan; and subsequently through the detailed planning application for the school when this is made by the County Council.

- 4.4 Whilst there is no in-principle objection to MM37, further clarification is required. Consequently, as currently drafted MM37 is not considered to be positively prepared, justified or potentially effective.

It is proposed that a further modification should be made within the supporting text to policy CRE5 to clarify that the provision of any additional facilities or services on the school site will need to be made within the identified 1.1ha site:

“MM37 Amendment to criterion (b) to include reference to ‘with early years provision and children’s centre service delivery base’ within the 1.1ha site safeguarded for primary school provision”

Key:

Black type reflects MM37

Red text reflects the objection and suggested required amendments.

5.0 REPRESENTATIONS MADE TO THE SCHEDULE OF PROPOSED MAIN MODIFICATIONS: REFERENCE CODE: MM48

POLICY: DM7 Traveller sites 1) Planning applications for pitches and plots; 2) Provision on allocated sites; and paragraph 4.29

Objection

5.1 Tests of Soundness:

Legally Compliant: Yes
Postively Prepared: No
Justified: No
Effective: No
Consistent with National Policy: No

DM7 1) Planning applications for pitches and plots

5.2 Two additional criteria are proposed within DM7 1):

c) regarding landscape and ecological impact and flood risk

e) safe and convenient access

Criterion d) is proposed to be changed to include dependents within the definition of gypsies and travellers.

Text cross referencing to Policies S13 and S14 are proposed for deletion.

5.3 Policy DM7, 1) sets out the parameters where planning applications for gypsy and traveller pitches will be permitted. An additional criteria c) is proposed through MM48 which seeks to control unacceptable impact on the landscape or ecology and is not located in an area at

high risk of flooding.

5.4 The additional criterion c) is unnecessary as Policy DM1 already sets out detailed development management principles for the design of high-quality new development generally. Specifically, the principles also include inter alia:

a) *'a clear understanding of the site, its wider context and the surrounding area;*

c) *Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*

e) *Visually attractive places that are well integrated with surrounding buildings, streets and landscapes and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses ..*

f) *Appropriate drainage ...*

5.5 Policy DM6 deals with Rural Exception Sites and again, the requirements for gypsy and traveller sites should be no more onerous than for rural exceptions housing.

5.6 Modifications to criterion d) seek augment the definition of gypsies and travellers to include *'or their dependents'*. The definition of 'gypsies and travellers' was amended in August 2015. The updated publication 'Planning policy for traveller sites' changed the definition of 'gypsies and travellers', which now no longer includes those who have ceased travelling permanently for any reason, including old age or disability. The enhanced definition sought within criterion d) therefore goes beyond the statutory definition and should be removed.

5.7 The additional criterion e) is again superfluous where Policy DM1 d) *provides for the 'Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling'*. It should not be necessary to impose additional criteria for gypsy and traveller sites over and above those which are deemed to be satisfactory for application to general market housing. This similarly applies to the inclusion of 'scale and nature' sought in relation to gypsy and traveller sites associated with employment or storage elements.

5.8 The deletion of references to Policies S13 and S14 are however **supported**.

In order to de-couple the provision of Gypsy and Traveller pitches from the delivery of the strategic and larger housing allocations as required by the Inspector:

- **Specific sites for the provision of Gypsy and Traveller pitches should be identified and allocated within the Plan through further site allocations.**

Without prejudice to the objection that the provision of Gypsy and Traveller pitches should be decoupled from the larger housing allocations, further modification to MM48, DM7 1) Planning Applications for Pitches and Plots, should be made:

- **delete criterion c) as unnecessary**
- **delete the additional text ‘or their dependents’ from criterion d) as this contradicts the national definition of gypsies and travellers which excludes those who have permanently ceased to live a peripatetic life**
- **delete criterion e) as unnecessary**
- **delete the additional text ‘scale and nature’ from the text beneath the criterion**

DM7, 2) Provision on allocated sites

- 5.9 The proposed Modifications for Policy DM7, 2) relate to gypsy and traveller provision on allocated sites. The proposed modification states that ‘*Gypsy and Traveller pitches on allocated sites ... should be provided on site unless ...*’. The proposed modified supporting text states that ‘*Pitches must be provided on site*’. These iterations do not tally with the proposed modification at MM05 which makes it clear that this is the Council’s preferred approach (see separate response to MM05) whereas the drafting of proposed modification at MM48 implies a more absolute requirement. The drafting should be brought into line with that of MM05 to avoid confusion and uncertainty.
- 5.10 Several elements are referenced in relation to the achievement of a more favourable outcome for alternative off-site gypsy and traveller provision. These are in addition to part 1 of DM7. Whilst it is helpful to understand what elements of provision would be considered as part of

the delivery of a 'more favourable outcome' it remains unclear as to how what would actually constitute a 'more favourable outcome' and consequently there is a lack of clarity which will bring with it uncertainty. This will in turn impact on the overall delivery of both gypsy and traveller sites and general market housing together with consequential implications for the district-wide housing trajectory.

- 5.11 Representations were made to hearing session 4 of the Local Plan Review Examination regarding provision of gypsy and traveller pitches and their linkage with the larger housing allocations. These are appended at Appendix A for reference as the points raised then remain valid.

Without prejudice to the objection that the provision of Gypsy and Traveller pitches should be decoupled from the larger housing allocations, further modification to MM48, DM7 2) Provision on Allocated Sites, should be made:

The drafting of this policy should be brought in line with that of MM05 to avoid confusion and uncertainty. As set out in the representation to MM05, policy DM7, reference to the Council's preferred approach for the provision of gypsy and traveller sites within the larger housing sites should be deleted to reflect the Inspector's advice to de-couple the provision of gypsy and traveller provision from these allocations.

Without prejudice to the above:

- The phrase 'a more favourable outcome' should be replaced with 'an *acceptable* outcome';**
- the couplet '*and*' after criterion iv) should be deleted because it implies that the entire list of criteria for a 'more favourable outcome' should be achieved and which would be unreasonable.**

DM7, Paragraph 4.29 Supporting Text

- 5.12 The supporting text to policy DM7 is also proposed for modification at paragraph 29.

Reference to a requirement to provide '*serviced sites*' within '*any proposals for more favourable off-site provision*' should be deleted. The list of elements to be taken into account when considering off-site provision is set out in part 2 of the policy but as referenced against the comments against DM7 2) above, this list should not be required in its totality, rather it sets out examples of what factors would contribute towards '*more favourable*' or '*acceptable*' provision.

- 5.13 Proposed modifications to paragraph 4.29 state that only where gypsy and traveller pitches are to be provided on-site can these be counted against the affordable housing targets for the associated allocated site. This exclusion is unjustified. There is no reason to exclude off-site pitch provision from counting against the affordable housing target for associated allocated sites and this paragraph should be amended accordingly.

Without prejudice to the objection that the provision of Gypsy and Traveller pitches should be decoupled from the larger housing allocations, further modification to paragraph 4.29 should be made:

- Reference to a requirement to provide '*serviced sites*' within '*any proposals for more favourable off-site provision*' should be deleted as this is unjustified and instead, reference to an '*equitable outcome*' included
- Reference to counting gypsy and traveller pitches within the affordable housing targets only where these are provided on-site on housing allocations should be deleted as this is unjustified. There is no difference between the tenure provision of on or off-site gypsy and traveller pitches and as such either should be counted against the affordable requirement. Paragraph 4.29 should therefore refer to Gypsy and Traveller pitches provided 'on or off-site' on housing allocations being counted against affordable housing targets.

APPENDIX A: LOCAL PLAN REVIEW – REPRESENTATIONS MADE TO LOCAL PLAN REVIEW EXAMINATION

- **HEARING SESSION 4: Representation to Hearing 4 of the Examination: Development Management Policies, January 2019**
- **Representations made to the Inspector's Post Hearing Advice Note – Housing Land Supply Updated Addendum, July 2019**

[See separate Appendix]

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For and on behalf of
GLEESON STRATEGIC LAND


APPENDIX A

STATEMENT TO THE MDDC LOCAL PLAN REVIEW EXAMINATION

Hearing 4: Development Management Policies
- **Draft Policy DM7 (Traveller Sites)**

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January 2019

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CONTENTS	PAGE
1.0 INTRODUCTION	4
2.0 Q6: IS DRAFT POLICY DM7 (TRAVELLER SITES) REASONABLE AND / OR WORKABLE?	5
3.0 MODIFICATIONS TO POLICY SOUGHT.....	15
APPENDIX A - Gypsy and Traveller Forum 15 th May 2018 - Minutes	17
APPENDIX B - Gypsy and Traveller Forum 16 th OCTOBER 2018 - Minutes.....	18

1.0 INTRODUCTION

- 1.1 This Statement is prepared by DLP Planning Ltd on behalf of our client Gleeson Strategic Land and is submitted as supplementary evidence as part of the Mid Devon Local Plan Review Examination.
- 1.2 The issues covered by this Statement relate to Hearing 4: Development Management Policies but specifically in relation to Question 6: Is Draft Policy DM7 (Traveller Sites) reasonable and / or workable?

2.0 Q6: IS DRAFT POLICY DM7 (TRAVELLER SITES) REASONABLE AND / OR WORKABLE?

- 2.1 Draft Policy DM7 is essentially couched as a permissive policy setting out three criteria where planning applications for gypsy and traveller pitches will be permitted. Notwithstanding this, the policy is considered to be unduly restrictive in that it rules out development proposals where need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches. It must therefore be read within the context of provision within the wider Plan. **We do not consider that the Council's approach to the delivery of gypsy and traveller pitches is reasonable, effective or workable.**
- 2.2 The supporting text explains that the quantified need for pitches are to be included within allocated developments at Tiverton Eastern Urban Extension, North-West and East Cullompton, and Pedlerspool in Crediton and that proposals for gypsy and traveller accommodation will not be permitted in other locations unless it is demonstrated that the existing consented or allocated sites will not be available to the prospective occupiers within a reasonable timescale. Clearly there is an inter-relationship between Draft Policy DM7 and the relevant allocation policies and therefore both are considered together below.
- 2.3 We consider that there is a lack of coherent policy for the delivery of gypsy and traveller pitches within Mid Devon and as a result the policies which purport to be positive are likely, perversely, to inhibit provision. A number of inconsistencies outlined below make **the Plan unsound** on the basis that Policy DM7 in conjunction with the site allocation policies (specifically Policy CRE5 relating to the allocation at Pedlerspool, Crediton) will be **ineffective** in delivering sites to meet the need for Gypsy and Traveller pitches. The justification for this is set out below, supported with reference to the Council's evidence base.

1) The lack of a coherent policy for the provision of Gypsy and Traveller Sites across the Plan / Inflexible application of policy

The Strategic Housing Topic Paper, 2017 sets out the quantum of need for pitches but despite a change in the definition of 'traveller' and the corresponding reduction in need, and a strong supply of windfall sites between 2006/7 and 2016/17 on an

annual basis, an unnecessarily level of supply is sought.

The Topic Paper states that the focus for delivery of traveller pitches is on a limited number of 'strategic sites' together with the identification of broad locations and application of Policy DM7 which purports to provide the framework for the positive consideration of windfall applications for pitches.

Policy S3 e) states that '*A five-year supply of gypsy and traveller pitches will be allocated on deliverable sites ...*' and that '***A further supply of developable sites or broad locations for growth will be identified equivalent to a further 10 years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding***'. (My emphasis).

It is clear that the Council's only realistic mechanism for delivery of gypsy and traveller sites is through the requirement for pitch provision on allocated strategic sites. The Council nominally states that policy should be applied flexibly in order to secure delivery whether that is within an allocated site or off-site, but this flexibility is not evidenced in practice. There are difficulties with the accommodation of pitches on allocated sites particularly those which are not strategic in nature (such as CRE5) which lack the scope to appropriately accommodate pitches within the site layout and the difficulty and / or uncertainty of mortgage finance availability for properties on sites which also include pitches (see more detail on this issue at point 2) below). Without the applied flexibility of being able to deliver pitches off-site as an alternative there will be implications for delivery not only of the pitches themselves but also of the five-year housing land supply where whole sites are delayed whilst seeking to resolve the issues.

Despite the positive drafting of Policy S3 e), no developable sites or broad locations have been identified within the Plan which would assist in the identification of suitable sites for pitch provision and no public site has been identified.

To compound this, Policy DM7 is considered to be too restrictive such that planning applications for gypsy and traveller pitches which would otherwise be approved under criteria a) – c) would not be granted where the need cannot be met on another suitable site which has consent or is allocated for gypsy or traveller pitches.

Consequently, DM7 will inhibit rather than facilitate windfall sites coming forward.

As a result, the policy will be ineffective, will jeopardise delivery and the maintenance of a robust five-year housing land supply for both pitches and general market housing which could be delayed through the uncertainties associated with pitch provision and delivery.

The requirement for gypsy and traveller pitches and the issues highlighted above are considered in more detail below.

2) Supply and Demand for Gypsy and Traveller Pitches

The Strategic Housing Policies Topic Paper, March 2017 sets out the need for traveller pitches but this is based on the GTAA which pre-dated the Government's Planning Policy on Traveller Provision and which changed the calculation of 'traveller' needs.

The need for 35 permanent gypsy and traveller pitches and 11 plots for travelling show people was identified through the Devon-wide Gypsy and Traveller Accommodation Assessment. The GTAA shortly predated the publication of the Government's revised Planning Policy for Traveller sites (PPTS) in August 2015 which made changes to planning policy, most significantly, it changed the definition of 'traveller' for planning purposes to exclude those who have permanently ceased travelling. On this basis, it would be possible to reduce the assessed need by 9% on the basis that 9% of responses to the GTAA survey indicated that they had ceased to travel permanently. This would reduce the need from 35 pitches to 32. Notwithstanding this, the original target of 35 pitches was retained and is therefore higher than the actual needs arising. (Paragraphs 3.26 – 3.29 of the Housing Topic Paper).

Further, the Topic Paper goes on to confirm that 25 pitches are to be allocated across 4 sites despite windfall sites providing an average of 5 pitches per year since 2006/7 i.e. a total of 51 pitches, and the conclusion that windfall sites will continue to come forward. (Paragraphs 3.30- 31). This historic buoyant windfall supply annually since 2006/7 means that the projected supply (whether taking into account the change in definition or not) has been fulfilled already even before the end of the Plan period.

The demand for sites is also questioned. There is no justification as to the spatial distribution of pitches across the District which appears to have been determined solely circumstantially through the location of the three strategic sites and the smaller non-strategic site CRE5 in Crediton.

This is borne out through reference to the minutes of the Gypsy and Traveller Forum. The minutes of 15th May 2018 (Appendix A) drew the Forum's attention to planning application 17/00348/OUT, the CRE5 Pedlerspool site at Crediton (and the 5 pitches contained within the application). The Forum was encouraged to comment on the application in particular, on need, how the pitches are incorporated into the site and whether the location of pitches within the site as shown on the masterplan was suitable. (Section 6 of the minutes). Notwithstanding that no positive representations to the application were received or support for the inclusion of pitches within the application.

The Forum was also encouraged to put forward any land that they were aware of or owned which may be suitable for a new site and reference was made to the potential to approach Devon County Council about land that they own. (Section 6 of the minutes). Again, no sites have come forward subsequent to this meeting.

And further, the Forum was advised that a waiting list for pitches coming forward through the planning process has been set up and publicised to the Forum and via the Mid Devon website (Section 7 of the minutes). Despite this, there were no entries on the waiting list as of October 2018 (Minutes of the Gypsy and Traveller Forum held on 16th October 2018, Section 8 refers).

In stark contrast, reference is made within the paper 'Housing Needs and Planning Policy for Gypsy and Travellers: The Approach of Devon Local Authorities' prepared by Devon County Council, September 2018, to the Teignbridge Local Plan adopted in May 2014 whereby developers of the 2 major urban extensions proposed, are invited to make provision for Gypsy and Traveller pitches (**on or off site**). (Paragraph 6.1). My emphasis. At least 37 Gypsy and Travellers had registered on the waiting list register (Paragraph 6.2) and whilst under current policies there is a focus on the need for pitches to be delivered within sites allocated for development, planning officers are open to offers from developers to consider sites off allocations if appropriate

(Paragraph 6.4). Teignbridge continues to apply this flexibility as can be seen from the recent example of an application at Teigngrace 18/01759/FUL which was considered by Teignbridge District Council on 18th December 2018. This application was for the alternative off-site pitch provision otherwise required at the South West Exeter strategic site. The report presented to the 18th December 2018 Planning Committee meeting states:

'3.11 The off-site provision is required as a consequence of funding/financial constraints not only on the developers but also potentially on mortgagees. This is a difficulty that Officers are looking to resolve more widely but timescale do not permit resolution at this stage.

3.12 The delivery of pitches at this site is therefore of direct relevance to the delivery of the pitches allocated at South West Exeter.

*3.14 It is officers' view that these figures only serve to illustrate the vulnerability of our 5-year supply position to very small fluctuations in delivery and permissions etc. and therefore where there are appropriate proposals to deliver additional pitches to meet the wider need of the community, **these should be considered positively** – in line with our general duty to consider proposals positively as expressed through the NPPF' [my emphasis].*

Teignbridge DC concluded, accepted that due to the reluctance of lenders to provide mortgage finance to properties on sites incorporating pitches and the vulnerability of the five-year housing land supply to very small fluctuations in delivery, that it was appropriate to approve the alternative off-site provision. This would appear to be a proactive and effective way forward in achieving the delivery of suitable sites for required pitch provision and is highlighted as best practice in the DCC Report, 'Housing Needs and Planning Policy for Gypsy and Traveller: The approach of Devon local authorities', September 2018. It is an approach which should be embraced through the Local Plan process and could easily be replicated through Mid Devon policy.

To support this, the DCC 2018 Report identifies as best practice the identification of land owned by either Devon County or Mid Devon District Councils which is suitable for the development of either permanent or temporary sites for Gypsy and Traveller

communities (Paragraph 8.1). The Mid Devon Local Plan review does not do this nor does it identify other developable sites or a broad location for the search of suitable sites, as advised through the Government statement 'Planning policy for traveller sites' (referenced at paragraph 2.31 of the Local Plan Review, which would support Policy DM7.

Therefore, both the level of need and the demand for sites within Mid Devon has to be challenged – the need appears to have been inflated through a change in Government Policy and there appears to be a lack of demand, certainly for sites which are 'conveniently identified on large site allocations' but not necessarily attractive to the gypsy and traveller community.

It can only be concluded that either the level of pitches required through allocated sites is not necessary and/or appropriate and instead, Policy DM7 should be redrafted to effectively support rather than restrict windfall provision which would facilitate additional flexibility for the provision of pitches otherwise required on large sites and allow the traveller community to identify sites which they themselves consider to be suitable.

3) Appropriateness of Pitch Location

As things stand, the provision for pitches is only facilitated within the four large site allocations where pitches must be provided on-site regardless of whether there is demand from the traveller community on the site / in that locality or not. There is an apparent mismatch in the needs and aspirations of the traveller community and the requirement for on-site allocation through these four large allocated sites listed.

This point is also evidenced through the DCC report: 'Housing needs and planning policy for Gypsy and Travellers: An approach of Devon local authorities' at paragraph 5.5 which summarises the feedback from engagement with the traveller community as to where they would like to be housed: semi-rural locations with good transport links (rather than on large traditional housing estates which will be delivered through the large site allocations). More specifically, despite the Pedlerspool site, CRE5 being brought to the attention of the Gypsy and Traveller Forum (Appendix B), no comments to the application were received in relation to the pitches proposed in accordance with the requirements of Policy CRE5.

One of the main issues raised to the Proposed Modifications Consultation is summarised at paragraph 6.7 of the Housing Topic Paper including concern about the reliance on large sites to delivery Gypsy and Traveller Pitches. This concern was raised both by the development industry and the National Gypsy and Traveller Community's Liaison Group - that reliance on large urban extensions to meet all the need for sites is considered unrealistic. Notwithstanding this, the Council continues to propose to meet identified needs focused on requirements within major allocations and no further modification was made (Paragraph 6.7, last bullet point).

As outlined above, greater flexibility within the policy to seek off-site pitch provision should that become necessary, would secure not only the delivery of the pitches in locations where the traveller community desire / need to be and in a manner to suit their cultural requirements but remove unnecessary constraints on delivery of the wider site (including both market and affordable housing) thus contributing towards a more robust five-year housing land supply.

4) The inappropriate requirement for pitch provision on a non-strategic site:

The allocated sites at which gypsy and traveller pitches are to be provided are limited to 4 sites: Tiverton Eastern Urban Extension (TIV1), North-West and East Cullompton (CU1 and CU7), and Pedlerspool in Crediton. 3 of these are strategic sites which range between 1350 and 2,600 dwellings including variously additional major commercial development and the required infrastructure. In contrast, Pedlerspool at Crediton (CRE5) is NOT a strategic site, being proposed for the allocation of just 200 dwellings yet despite this, it is also required to provide a similar number of pitches as the strategic sites. As a comparator, the proposed allocation at Blundells School which is also proposed for 200 dwellings has no corresponding requirement. There is no explanation as to the disparity of requirements between sites nor any justification as to why pitches are required on the Pedlerspool site which is not a strategic site and is significantly smaller than the 3 strategic sites listed. This has generated difficulties in terms of appropriately accommodating the required pitches within the site (as advised by the Devon and Cornwall Police Architectural Liaison Officer during pre-application discussions) which does not by definition have the scope or opportunities to do so that the strategic sites have. It has placed a disproportionate burden on the viability of the site and generated

viability issues as a result that have been considered in-depth and accepted through the Development Management process (application 17/00348/OUT) and a corresponding reduction in the affordable housing provision has been agreed by the Council accordingly, a perverse outcome bearing in mind the traveller pitches are also to be considered within the affordable housing provision.

The application of policy in this way is therefore ineffective in the delivery of both Gypsy and Traveller pitches and affordable housing.

5) Inflexible application of policy

Despite acknowledgement in the Council's own evidence base (Housing Topic Paper, paragraph 3.35 and highlighted at the Gypsy and Traveller Forum) that *'in order to safeguard delivery, the lpa would consider applying the policy flexibly through off-site provision where appropriate and delivery can be assured, or where viability problems with on-site delivery can be demonstrated'*. This does not however, translate into reality where officers have consistently refused to consider off-site provision despite the acknowledged difficulties of both accommodating gypsy and traveller pitches on site satisfactorily and proven viability issues. Were that flexibility to be forthcoming, it would facilitate the identification of alternative off-site provision (in a similar way to the approach adopted by Teignbridge DC as outlined above) which would, in turn avoid on-site deliverability issues (the difficulties of appropriate juxtaposition within site layouts; the reluctance of lenders to provide mortgages for properties on sites with pitch provision; viability issues including a reduction in value as a result of proximity to pitches; and the perverse implication of a reduction in affordable housing where pitches themselves contribute to affordable housing provision).

This scenario points to the need for flexibility highlighted in the evidence base, to be specifically built in to Policy DM7 as well as being written into the site allocation policies.

6) Lack of Standalone Sites or Broad Locations Identified

- Despite acknowledgement of the Government statement 'Planning policy for traveller sites' within the Plan at Policy S3 e), that a five-year supply of deliverable

sites and a further supply of developable sites or broad locations should be identified, equivalent to a further ten years of predicted growth, no such provision for either standalone sites or broad locations of search has been made within the Plan. The difficulty of finding / identifying new gypsy and traveller sites was acknowledged at the Gypsy and Traveller Forum held on 15th May 2018 (Appendix A) and confirmation that no progress has been made in identifying new sites. It can only be concluded that identifying new standalone sites or even broad locations has been put on the 'too difficult pile' with reliance being placed solely on accommodating the requirement within larger housing sites, for example at Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlarspool in Crediton. Any other provision would be reliant on windfall sites coming forward. However, the scope for this is severely restricted through the application of Policy DM7 which will only consider proposals favourably where *'the need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches'*. We also understand that no progress has been made to secure a public site for gypsy and traveller pitches due to a lack of funding – This is confirmed in the minutes of the 16th October 2018 Gypsy and Traveller Forum, section (Appendix B).

7) Lack of Delivery or Management Mechanism

6.1 Any pitches arising on an allocated site are to be considered as part of the affordable housing provision for that site. However, there is no cohesive mechanism for the future management of the pitches once provided. Unlike the established mechanisms for the provision of affordable housing by a Registered Provider, there is no such established means for the future management of the pitches arising. MDDC have confirmed through the development management process for the CRE Pedlarspool application 17/00348/OUT that it would not be interested in accepting management of any resulting pitches. Discussions with the Gypsy and Traveller Liaison Officer at Devon County Council also threw no light on future management of these affordable pitches and early discussions pursued with a number of specialist housing associations confirmed that none of the providers approached were interested in taking on the pitches due to a variety of reasons but included a lack of grant funding and disproportionate management costs.

6.2 This situation where MDDC appear to have no idea as to how any resulting pitches

will be managed in the long term as affordable housing compounds the lack of coherent planning policy.

3.0 MODIFICATIONS TO POLICY SOUGHT

- 3.1 It is considered that Draft Policy DM7 (Traveller Sites) is neither reasonable nor workable whether as a standalone policy or in conjunction with the site allocation policies.
- 3.2 The following further Modifications are therefore sought in order to make Policy for the delivery of Gypsy and Traveller pitches effective and therefore sound:

Policy DM7 ~~Gypsy and Traveller Accommodation~~ Traveller sites

Planning applications for gypsy and traveller pitches, ~~including pitches~~ or plots for travelling showpeople, will be permitted where:

~~a) The need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches;~~

~~b) Local services can be accessed without the use of a car;~~

a) it is demonstrated that pitches within existing consented or allocated sites will not be delivered to the prospective occupiers in a reasonable timescale whether that be through difficulties in incorporating pitches within site constraints, delivery of associated housing or site viability;

~~a~~e) Suitable onsite facilities will be provided including space for children's play;

~~b~~d) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and

~~c~~e) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling show-people.

KEY:

~~Red~~ Proposed Modifications deleting original text

Blue Proposed Modifications – additional text inserted

Green Suggested Further Modifications required to make the policy effective and sound

Policy CRE5 Pedlerspool, Exhibition Road

A site of 21 hectares at Pedlerspool, Crediton, is allocated for residential development subject to the following:

- a) ~~200~~ **257** dwellings with 28% affordable housing **subject to viability**, including ~~at least up to~~ **five** pitches for gypsies and travellers **to be provided either on or off-site**;

....

KEY:

Green: Suggested Further Modifications required to make the policy effective and sound

APPENDIX A - GYPSY AND TRAVELLER FORUM 15TH MAY 2018 - MINUTES

Mid Devon Gypsy & Traveller Forum
15th May 2018
Meeting Minutes

1. Welcome and Introductions

17 people attended the first forum meeting, including council officers, elected members, representatives from the Police Diverse Communities Team, a representative from EMTAS, DCC Gypsy and Traveller liaison officer, Teignbridge forum coordinator and members of the Gypsy and Traveller community.

Everyone in the room introduced themselves.

2. Talk about the Teignbridge Gypsy and Traveller Forum

The co-chair of the Teignbridge Gypsy and Traveller's Forum talked about the how this Forum had been successful in bringing together members from different parts of the Travelling community over the last 10 years. It is important that respect is given for people from all of the different travelling communities and the Forum is an opportunity to learn about each other's culture. It is important that the Forum is chaired by a member from the Travelling community and that this should be the same for the Mid Devon Forum. The setting up of a Forum in Mid Devon can help provide a voice and support for the Travelling community where there is a lack of other support organisations. Travellers were encouraged to use the Forum to bring up burning issues and to use the Forum as a way for their voice to be heard.

The Forum heard about some of the history of Romani Gypsies and dates in the summer that are of historical significance, including 16th May (Romani Resistance Day), June (Gypsy Roma Traveller History Month) and 2nd August (Roma Genocide Remembrance Day) event being held in Dorchester.

The new definition was also spoken about and the impacts of this, it was mentioned that a group had been set up recently to tackle this and that a member would be willing to talk to the Forum.

The co-chair was thanked for her very informative talk.

3. Terms of Reference

The need for the scope of the Forum to be set out was discussed and copies of the Draft Terms of Reference were available. Forum members were encouraged to look at this document and provide any comments. The draft is to be agreed at the next meeting.

The terms of reference can be found here:

<https://www.middevon.gov.uk/media/345130/forum-terms-of-reference-draft-20218.pdf>

4. Talk on Hate Crime

The Police Diverse Communities Team gave a talk about the work that it does, including the “Zero Tolerance to Hate Campaign” to eliminate prejudice, promote respect, educate two-way, report incidents and raise awareness. There is a presentation about this on the Devon and Cornwall Police website: <https://www.devon-cornwall.police.uk/advice/threat-assault-abuse/hate-crime/resources/>

The Police are keen that more incidents of hate crime are reported so that this can help the Police provide more resources to tackle this crime, including through third party reporting if people aren't comfortable reporting directly to the police. But, there was concern expressed that the Police do not listen to or represent the Travelling community well. It was pointed out that the Diverse Communities Team is new and that police officer's training involves a placement in the community for some officers, who present their experience to the wider trainee team. The Travelling community were encouraged to use the diverse communities team to mediate between themselves and other Police officer if/when issues arise.

There was reference to a conference that will be held in London on 20th June about 'Reporting Racism GRT' a new tool to tackle hate crime against Gypsies, Roma and Travellers.

There was reference to unauthorised encampments that have caused bad publicity for the wider Travelling Community and unrest. It was heard that Leeds City Council has negotiated stopping places, which has helped to reduce the cost of responding to unauthorised encampments. It was suggested that there should be a partnership arrangement between local authorities in Devon to arrange negotiated stopping places.

5. Traveller Education

The Forum heard that there is only one person employed by Devon County Council to help assist with education issues arising for members of the Travelling community in Devon. Previously there have been 6 people for this. The role includes a range of work, including visiting children on encampments, helping to get children into schools and arranging travel packs for children on the road, and supporting children experiencing bullying or not achieving, support is given to both travelling children and schools with travelling children. Training opportunities have been made available to schools but there has been limited interest.

Children must spend a minimum of 100 days in a school each year. It is the duty of their schools to provide education material for those children while they are travelling and to follow up their learning on their return.

It is recognised there is a need for schools to be supportive of children from the Travelling community. It is rare for children to progress from primary into secondary education and common for children to be afraid to tell other children at school that they are from the Travelling community. It was heard that young people's thoughts about the Travelling community changes as they become older and are influenced by others people's views.

The Forum discussed how supportive schools is the key to achievement in school for members of the travelling community

6. 17/00348/MOUT

The Forum was told about a current planning application for 256 new homes at Cridton which includes 5 pitches for Gypsies and Travellers. An indicative site layout masterplan was circulated for all to see, with the location of the pitches on the site indicated. It was explained that this is an 'outline' planning application on land identified by the Council in a local plan. Detailed planning proposals about the siting of new homes, pitches and other matters would follow later.

The Forum was encouraged to comment on the application if they wished to do so, in particular on need, how the pitches are incorporated into the site and whether the location of pitches within the site as shown on the masterplan was suitable. The Forum members were advised that further planning applications for this site and other sites could be brought to the Forum for discussion, on detailed design and other finer details, like site allocation and management. The Forum discussed the need to use Government guidance when designing sites, as good practice.

The Forum was told that the Council wants to set up a public site for Gypsies, but no suitable site has been found for this and funding is also needed. The Council is not permitted to buy sites on land that has been allocated for new pitches in the Local Plan. The Police representatives indicated there is a need to avoid high density development, which can cause social issues. The Police have an Architectural Liaison Officer.

The difficulty in finding/identifying new sites was discussed. Although the forum has an ambition to help advise on the development of new sites in the district, in particular a public site, which has been supported by planning policy for a number of years. The Forum members were encouraged to put forward any land they were aware of/owned that may be suitable for a new site. There is also potential to approach Devon County Council about land they own.

If and how racist and discriminatory comments on planning applications were reported was questioned, this will be looked in to and reported back to the Forum.

7. Waiting list for pitches

The Forum heard there is a need to make sure that pitches coming forward through the planning process are made available to those households in the Travelling community that have the greatest housing need. Forms were made available at the Forum meeting for households to register their housing need. This form is also available on the Council's website:

<https://www.middevon.gov.uk/residents/gypsies-and-travellers/register-your-need-for-a-pitch/t>

It was pointed out that the housing needs can differ between Travelling households (such as the size of pitch). The forum was encouraged to use the waiting list form and to share it with others with a housing need, to help better inform Mid Devon of the current need in the area.

8. Next Meeting

The Forum agreed to have the next meeting in the evening and that it should be alternated between daytime and evening to give different people an opportunity to attend.

Next meeting to be held in October outside of the travelling season, avoiding key events held in October. Date to be agreed and circulated.

The Forum agreed that the Moorhayes Centre was a good venue that was easy to find with convenient parking.

The Forum briefly discussed topics for the next meeting, these included education and wellbeing.

The forum closed at 2pm.

APPENDIX B - GYPSY AND TRAVELLER FORUM 16TH OCTOBER 2018 - MINUTES

Mid Devon Gypsy & Traveller Forum
16th October 2018
Meeting Minutes

1. Welcome and Introductions

Unfortunately attendance was lower than the first forum meeting with less members of the Gypsy and Traveller community. The forum discussed how attendance could be boosted for the next meeting in April, ideas included:

- A flyer drop with details of the next meeting during the January count
- To have the meeting during the daytime
- Setting up a facebook page specifically for the forum to advertise the event and link with other know groups through social media to advertise the forum, including FFT.

Other suggestions are welcome; please get in touch if you have any other ideas: GT@middevon.gov.uk

For this forum meeting we had to change the venue from Moorhayes Community Centre to Phoenix House as Moorhayes had no availability in the evenings. If holding the forum at Phoenix House in the future is a problem, please let me know.

2. Agree minutes of previous meeting and Terms of Reference

The minutes and terms of reference were agreed. The terms of reference can be revised at any point and is a working document.

3. A Positive Image for Travellers, update on work with a National Advisory Panel. To include showing a short film 'Voices from Home' – Lynne Garnett

The forum heard about the work Lynne has been doing with the National Advisory Panel, including working with housing associations that provide Gypsy and Traveller pitches and promoting positive images of the community.

The forum also heard about and watched the short film 'Voices From Home' it was produced in conjunction with Rooftop Housing Group and includes a poem by Damian Le Bas. The film was made by Polly Garnett and is intended to be used as a tool for Local Authorities and others to send a positive message about the community. The images in the film were collected by housing officers. The film is available to watch here:

<https://www.youtube.com/watch?v=Bc5kg7hUpI4>

4. Hate Crime Reporting, an update on the GATE Herts Tool – Hannah Cameron (MDDC)

GATE Herts is a community led organisation based in Hertfordshire. GATE stands for Gypsy and Traveller Empowerment. They seek to educate Travelling communities and the wider population to live side by side in a diverse community. GATE Herts has set up an independent tool for reporting hate crime, as they understand that many community members are reluctant to report directly to the police for a number of reasons. Reporting can be done

by a third party and anonymously. The data doesn't identify individuals but helps to highlight to government and police the extent of incidents against community members, so that hopefully they can counter the problem. GATE Herts can also provide support to victims of racism.

The forum heard that 607 incidents had been reported, most of which were online hate crimes or through social media. Only 20% of the incidents reported were also reported to the police. The most common reason for not reporting to the police was that the incidents were too frequent to report.

You can report hate crime incidents using the GATE Herts tool here:
<http://reportracismgrt.com/>

You can also report directly to the Police through the True Vision website:
http://www.reportit.org.uk/your_police_force

The forum heard from the police that they are trying to make children more aware of their actions and hate crimes through working in schools.

The police are also trying to increase reporting and are open to suggestions of how to improve reporting.

The forum also discussed the definition of hate crime and protected characteristics and how these need to be updated to include all of the travelling community, as currently New Travellers are not afforded any protection.

5. Presentation on a recent report on Gypsy and Traveller Planning Policy and the Approaches of Local Authorities in Devon – Richard Merrifield (DCC, Public Health)

The forum heard from Richard Merrifield on a recently completed report (the full report was sent out with the agenda and can be found here: <http://www.devonhealthandwellbeing.org.uk/library/prof/planning/>). The report discusses the approaches of Devon Local Authorities and it is hoped that the report will act as a tool kit for Authorities to share best practice and discuss problems faced by the delivery of local plan sites.

The forum discussed the lack of transit sites in Devon. The forum also discussed a need to think about its next steps and what it wants to achieve, including the provision of permanent pitches and stopping places. The forum heard that in Somerset there is a principle called 'meanwhile use' where land identified for development that hasn't started can be used for temporary stopping.

Further work on unauthorised encampments and negotiated stopping places across Devon is being done by Devon County Council. An update on this will be provided at the next forum meeting. Suggestions for existing hardstanding sites/areas of land in MDDC that have historically been used for stopping or

would be potentially suitable are welcomed. Please contact GT@middevon.gov.uk if you have any suggestions.

6. Education Update – Charlotte Small (Babcock, Ethnic Minority and Traveller Achievement Service)

There have been further cut backs to the service. Academy schools have to pay for the service separately and this often isn't a priority, concerns over the impact to children in academies.

The forum heard about work being done with the police and welfare officers to provide education and training.

The forum also heard that fairground families have had a poor summer in terms of trade and some are looking for ways to diversify to maintain/increase income. This may mean additional educational support is needed if children are travelling more.

7. MDDC Update – Tristan Peat (MDDC)

The forum had an update on the progress of Mid Devon Local Plan, it is likely that the examinations will take place in early 2019 and it is hoped the plan will be adopted in 2019.

The plan has policies for the delivery of the following:

- 35 pitches for Gypsies and Travellers – meet need on larger housing sites
- 11 plots for Travelling Showpeople
- Seek to provide a public site for Gypsy and Traveller pitches subject to funding

The forum heard that on the 5th of December there is a Royal Town Planning Institute conference on social inclusion, there are a number of talks relating to Gypsies and Travellers, including a talk by Tristan Peat, Hannah Cameron and Celia Hadow on the creation of a forum. Tristan will report back at the next forum meeting. The presentations will be made available on the Mid Devon website on the forum page.

The forum also heard that an unauthorised encampment policy is being written for Mid Devon Council by the property services department.

Cllr Richard Chesterton questioned whether there has been any consultation on the document. Since the forum it has been agreed that the document should be consulted on. There is now an opportunity for members of the forum to provide comments on the documents (attached to this email).

The covering letter to go with the consultation reads as follows:

The Council's Property Services team is inviting comments on the 'procedure' from stakeholders, including persons, groups or organisations who we believe will have an interest in the 'procedure'.

The Council's procedure will clarify how illegal encampments will be managed in Mid Devon. It has been written in relation to current legal requirements and planning legislation. It also has regard to the welfare of people and groups making illegal encampments.

Comments are invited on the following documents that are attached to this email:

- **Procedure for managing illegal encampments Nov 18**
- **Illegal Encampments – Five Stage Procedure Nov 18**
- **Illegal Encampments – flowchart Nov 2018**

Comments should be sent by email to propertyservices@middevon.gov.uk, or by post to Mr A Busby, Group Manager for Corporate Property and Commercial Assets, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

Comments must be received by the Council by **12:00 midday Friday 7th December 2018**.

I would also be grateful if you could forward this email to other relevant stakeholders or relevant person(s) within your organisation who may also be interested in this consultation.

8. Waiting list for pitches – Hannah Cameron (MDDC)

No applications have been received to date. Please encourage anyone you know with a need to fill out this form or contact Hannah on GT@middevon.gov.uk or 01884 234218.

The forum discussed updating the website with a direct contact number to make this process easier.

If anyone has any other suggestions to improve the waiting list, please let Hannah know.

9. Support Networks – Hannah Cameron (MDDC)

The following resources are available:

TravellerSpace, Cornwall - tspace@travellerspace-cornwall.org

TravellerSpace can offer support to people wanting to set up groups and apply for funding. They have provided me with some documents on setting up a constituted group, I am happy to forward these on to anyone that would like them, please contact Hannah on GT@middevon.gov.uk.

Read Easy – offers 1 to 1 tuition to adults who struggle with reading. www.readeasy.org.uk there are groups in Exeter, Torbay, Barnstaple, Axminster, Honiton, Wellington and Taunton.

10. Open Forum and Discussion

The forum discussed how best to publicise the next meeting and are open to suggestions.

The forum discussed linking our waiting list page with Friends Families and Travellers to encourage people in our area with a need to fill out the form.

The forum requested information on how many hits the Gypsy and Traveller page is having on the website. Hannah to report back at the next meeting.

11. Agree topics, chairperson(s), day and timing for the next meeting in the spring

Chairperson(s) to be selected once the forum has better attendance from the community. Hannah to continue to be chair for the time being.

The next meeting is to be during the day on **Tuesday the 2nd of April 2019** between 12pm and 2pm at Phoenix House.

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For and on behalf of
Gleeson Strategic Land

DEVELOPMENT PLAN SUBMISSION

In relation to:
Mid Devon Local Plan Review 2013-2033
Housing Land Supply Update:
Addendum to January 2019 update in response to the Inspector's Post Hearing's
Advice Note

Prepared by:
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July 2019

Prepared by:	Jane Terry
Date:	31.07.2019

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CONTENTS	PAGE
1.0 INTRODUCTION	4
2.0 CONSIDERATION.....	5

1.0 INTRODUCTION

- 1.1 This representation is submitted in response to the Mid Devon 'Housing Land Supply Update: Addendum to January 2019 update in response to the Inspector's Post Hearings Advice Note'.
- 1.2 The Housing Land Supply (HLS) Update has been prepared by Mid Devon at the request of the Inspector and consultation on the draft ahead of consultation on the Main Modifications. We welcome the opportunity to comment on the Update in draft, however this is a very narrow response to the Inspector's note. The Update concentrates on the request of the Inspector for a projected housing trajectory for years 1-5 and 6-10 incorporating realistic assumptions about the delivery of the Cullompton Town Centre Relief Road (TCRR) , demonstrating how a five-year supply of deliverable housing sites will be maintained throughout these periods.
- 1.3 The Council's draft response to the Inspector's concern over housing land supply has been circulated for comment prior to and in isolation of publication and consultation of the Main Modifications; it does not respond to all other matters raised in the Inspector's Post Hearing Advice Note. Consequently, this HLS Update cannot be complete and will need to be revisited and picked up through the Main Modifications unless the implications of other matters raised in the Inspector's Advice Note,
- 1.4 Such matters include in particular, concerns over the allocation of Gypsy and Traveller sites as part of wider housing allocations, which has implications for both Gypsy and Traveller and general housing delivery, and consequently the housing trajectory and 5-year housing land supply. As things stand, the lack of clarity over the Council's response to the Inspector's Interim Advice Note in relation to concerns for the allocation of Gypsy and Traveller sites as part of wider housing allocations, is leading to significant delays in unlocking consents of some large sites leading to a stalling of the consequential delivery.
- 1.5 As such and unless the robustness of the housing trajectory is revisited on a more comprehensive basis in this consultation, both supply and trajectory will need to be revisited again at a later stage. Further Main Modifications may be required to address any shortfalls.

2.0 CONSIDERATION

- 2.1 The Inspector has suggested a number of approaches that could be considered to address any shortfalls. This is a matter for Mid Devon to consider. The proviso is that whatever approach is taken to ensure a robust 5-year housing land supply, it must be realistically capable of making a contribution to housing supply on adoption of the Plan.
- 2.2 We consider there are a number of shortfalls in the Council's approach and set out in their response that need to be reviewed.
- 2.3 The Council state (Summary, page 3) that they have carefully assessed the Inspector's post hearing advice and considered his comments '*in the round*'. This has not taken place. Rather, the housing trajectory in relation to the Cullompton Town Centre Relief Road (TCRR) has been taken in isolation from other factors which also have a bearing on the housing trajectory and housing land supply namely:
- In order to demonstrate 5 years' worth of deliverable housing sites, robust up to date evidence needs to be used.
 - Concerns over the allocation of Gypsy and Traveller sites as part of wider housing allocations, which has implications for both Gypsy and Traveller and general housing delivery, and consequently the housing trajectory and 5-year housing land supply.
- 2.4 These are set out in more detail below.

Housing Trajectory

- 2.5 The proposed housing trajectory is not considered to be robust for the reasons set out below.

Inaccuracies in the housing trajectory

- 2.6 There remain inaccuracies within the housing trajectory at Appendix 1 which have not been addressed since the original representations were made to previous iterations of the Plan and consequently the trajectory cannot be accepted as robust. An example of this relates to the Pedlerspool site at Crediton, CRE5 which is indicated with a yield of 200 units. This is the minimum capacity set out in draft policy CRE5 however the outline application has a resolution to grant for a total of 257 dwellings. It could be argued that this is taking a

conservative approach to housing land supply but it highlights a disconnect between the Development Management and Plan-making functions of the Council and demonstrates a lack of understanding of the relative stages that many of the sites are currently at.

Unrealistic delivery rate

- 2.7 Unrealistic assumptions as to the rate of delivery of some of the sites have also been made. The Pedlerspool application 17/00348/MOUT achieved a resolution to grant at Planning Committee in September 2018. Since then negotiations have been ongoing in relation to finalising the s106 planning obligation most particularly in relation to the provision of a Gypsy and Traveller Site on-site and the implications for delivery. The updated housing trajectory assumes a start on site in Year 3, 2020/2021. This is now just 20 months' time during which, the s106 must be finalised, reserved matters and discharge of conditions applications submitted and approved, infrastructure delivery and an anticipated 12 units completed. The issue over flexibility with regard to the provision of Gypsy and Traveller pitches remains unresolved and is not likely to be for some time to come. Discussions over flexibility within the s106 have been sought but these have stalled pending the outcome of the Local Plan Examination, Main Modifications and Inspector's Report. Despite a resolution to grant received in September 2018, progress has been slow in negotiating the s106 largely as a result of delays in clarification of the allocation of a Gypsy and Traveller site as part of the wider market housing allocation. Discussions have now stalled pending further progress on the Local Plan Main Modifications and persistent requests to meet with the Council to gain an understanding of how they intend to respond to the Inspector's Interim Advice Note on the subject have drawn a blank. Assuming adoption of the Local Plan within the next 6 months, a more likely trajectory would see delivery of the first units on this site in at the beginning of 2022/23, the back end of Year 5 at the earliest.
- 2.8 The trajectories for delivery on other sites are also considered to be overly optimistic. Examples include:
- 2.9 **NW Cullompton, CU1** - The draft trajectory for the NW Cullompton is also considered unrealistic. Current applications include: **17/01178/MFUL** (200 dwellings, new access, phase of link road, primary school site and open space – awaiting decision); **17/01346/MOUT** (200 dwellings, associated infrastructure, open space and full permission for a portion of Link

Road – awaiting decision); and **17/01170/MOUT** (up to 200 dwellings, associated infrastructure and access – Phase 1 of the NW Cullompton Urban Extension – awaiting decision). None of these have received planning consent yet and with considerable infrastructure to implement the delivery of housing units is considered more likely to take place in 2022/23, Yr5 at the earliest, than the currently projected 2020/21. None of these early applications for NW Cullompton include sites for Gypsy and Travellers as required by the proposed policy CU1 despite the requirement for these to be delivered 'in step' with market housing. Ultimately the issue is likely to result in delivery delays with the resulting impact on the HLS trajectory if not resolved as soon as possible.

Colebrook, CU21 an outline application 19/00118/MOUT for 105 dwellings which has also not yet received consent, is scheduled to commence in 2020/21. Delivery is considered more likely to be 18mths – 2 years away at a minimum and therefore more realistically commencing to deliver in 2021/22 or 2022/23, Yr5.

Sampford Peverell, SP2 - Despite its previous recommendation for approval in July 2018, the application at Higher Town, Sampford Peverill 17/01359/MOUT for 60 dwellings was refused at Planning Committee on 31st July 2019. This will add significant delays to the delivery of this site. This puts the site in jeopardy of delivering any units within the first 5-year period of the Plan.

- 2.10 It is likely that the delivery trajectory is equally unrealistic for other sites in the schedule. An adjustment to the draft housing trajectory should therefore be made and the resulting housing land supply revised accordingly.

Timescale for delivery of the Cullompton Town Centre Relief Road (TCRR)

- 2.11 There is a lack of clarity over the timing for delivery of the TCRR. The Update Housing Land Supply states at paragraph 2.2 that the Council has entered into a grant funding agreement with Homes England to secure funding through the Housing Infrastructure Fund towards the TCRR thereby providing greater certainty to this scheme. It goes on to state that it is assumed that the TCRR will be completed by the end of 2023. Notwithstanding that, the final deal and thereby the required certainty which will inform the trajectory still does not appear to be in place such that the conditions attached to any deal remain unknown. In particular, it is not known what condition will be placed on the timeframe by which the funding must be

used and substantial completion made: The Statement of Common Ground SCG10 referenced a condition that use of the HIF monies and substantial completion of the TCRR would need to take place before March 2021. There is a discrepancy here which casts further uncertainty on delivery. This is the basis for establishing the trajectory for delivery at NW Cullompton and East Cullompton and whilst some slack is built into the trajectory, already there have been significant delays.

- 2.12 In order to make the trajectory more robust, the likelihood of further delays should be factored in, certainly until the funding deal has been finalised, monies released, and a programme of implementation put in place.
- 2.13 This makes it even more important that the housing trajectory is not updated in isolation from other matters raised in the Inspector's Advice Note such as the decoupling of allocated G&T sites from general market housing allocations sites, to enable sites beyond Cullompton to come forward quickly and easily, freed from unnecessary delivery constraints, to bolster supply within the first five-year period.

Gypsy and Traveller Sites

- 2.14 The allocation of Gypsy and Traveller Sites as part of wider housing allocations, is also an issue of concern raised in the Inspector's Advice Note. The concerns are twofold: the delivery of sufficient sites to meet needs and the potential problems of delivery for both Gypsy and Traveller and general housing, and consequential implications for the housing trajectory and 5-year housing land supply. The Inspector's Advice Note sets out the requirement for Main Modifications to be made to ensure the need can be met without jeopardising delivery of both Gypsy and Traveller accommodation and general market housing in the process. This is to be achieved by decoupling allocated G&T sites from general housing allocations. We have not yet had the benefit of a sight of the draft Main Modifications nor are the Council willing to discuss their proposed approach or divulge any information prior to publication of the Main Modifications. We do not therefore know whether what is proposed in this respect will be sufficient to avoid further delays and / or difficulties with delivery. Discussions to further the s106 to be attached to the consent of the Pedlerspool site 17/00348/MOUT have therefore stalled.
- 2.15 The arguments over this issue have been rehearsed in previous submissions and at the

Examination hearings. I do not therefore intend to repeat them here other than to reiterate that unless the shortcomings of delivery are considered in the round, including those related to inaccuracies in the trajectory, unrealistic timeframes and ensuring that Gypsy and Traveller allocations are decoupled from general market allocations, the housing trajectory and therefore the housing land supply will need to be revisited again at the Main Modifications stage to ensure that it is robust.

Conclusion

- 2.16 Inaccuracies remain within the updated housing trajectory which should be checked and corrected.
- 2.17 Unrealistic assumptions have been made in relation to converting several of the large /strategic site outline planning applications to the delivery of completed housing units.
- 2.18 Uncertainty remains as to the implementation of the Cullompton TCRR which has implications for housing delivery at the Cullompton strategic sites and resulting trajectory.
- 2.19 Currently the Housing Land Supply Update has been considered in respect of the impact of the Cullompton Town Centre Relief Road on delivery, in isolation. Consideration of all aspects of housing delivery should be made in the round including the problems of delivery relating to G&T allocations as part of wider housing allocations. The Council's response to the Inspector's concerns in this respect and the thinking behind their approach to resolving those concerns in relation to delivery of both general market housing and Gypsy and Traveller accommodation need to be released ASAP if the proposed Main Modifications dealing with them are to present an effective solution to the issue.
- 2.20 The housing trajectory should be further updated to ensure accuracy and therefore robustness before the housing land supply is recalculated.
- 2.21 Associated amendments to be made to the Sustainability Appraisal.

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