

# KENT ASSOCIATION OF LOCAL COUNCILS

## MAIDSTONE AREA COMMITTEE

### GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE PLAN RESPONSE TO THE REGULATION 18C CONSULTATION (PREFERRED POLICIES AND POTENTIAL SITES)

NOVEMBER 2025

by email to: LDF@maidstone.gov.uk

#### Summary Conclusion

0. This submission concludes that:
  - the consultant's report underpinning the assessed needs assumed for Reg18C is flawed;
  - the assessed needs are, in reality, far less;
  - the Trajectory for assessed needs is therefore far less and profiled substantially differently to Reg18C's proposal;
  - that different Trajectory could be met by evidenced windfalls history, without any need for newly identified pitches;
  - to the extent that windfalls reduce in the future, Lepus Consulting offers a list of 27 candidate sites, subject to further mitigation and their meeting sustainability criteria, or otherwise MBC would need to add other sustainable sites / pitches to that candidate list;
  - MBC should strengthen, and, as necessary, add to existing policies to enable it to avoid a recurrence of the situation after 2017 Local Plan Review; and
  - MBC should seek to dispel its reputation as a "soft touch".

#### Context

1. This submission does not examine allocation policies, but addresses the overarching subject of provision of accommodation for that section of our community that identifies as Gypsy & Traveller.
2. All sections of our community have a right to their accommodation needs being assessed and addressed where reasonable, with principles of fairness applying in all instances.
3. To treat any section in an unfair way could be held to be divisive or even racist and that must be avoided.

#### Background

4. Our Reg 18B submission was, in essence, ignored by MBC.
5. As it remains valid, it is appended to this submission for the benefit of the Inspector at eventual Examination and, as necessary, will be re-submitted at Reg19.
6. MBC's questions included within Reg18B gave no opportunity for respondents to offer comment on the report from Opinion Research Services (ORS) that underpinned the assumed "need" within Reg18B.
7. This Reg18C continues that avoidance of comments on that consultant's report.
8. The analysis by ORS has apparently been accepted by MBC without challenge; we offered challenges in our submission to Reg 18B, but MBC chose not to pursue them, even though they might have delivered a consequential substantial reduction in assessed needs.
9. Evidently MBC continues completely to agree with the conclusions of ORS and has not brought any critical analysis to bear, despite the fact that ORS's January 2023 Interim Report included the observation in its page 38 that (*our highlighting*):

*However, the most common reason identified concerned the assumed perception that the Travelling community have of Maidstone Borough Council, and its current Gypsy & Traveller*

*policies. It was suggested that Travellers come to the area as Maidstone Borough Council are seen as being receptive to having more sites, and therefore readily accepting of applications and more likely to approve most. Furthermore, it was also suggested that costs associated with enforcement and appeal action prevent the council from upholding its countryside policies, which further encourages Travellers to settle in the area*

For some reason, those words have not been carried into the April 2025 Final Report, despite offering important issues that require MBC's attention.

10. In essence, our Borough is seen as a soft touch, accentuating unfairness across our Borough.
11. Since the adoption of 2017 Local Plan Review, planning approvals for pitches have massively exceeded the assessed needs that formed the basis for the allocation of G&T sites in that plan.
12. It is clearly evident that the situation is out of control and we noted possible reasons for that at Reg18B.
13. MBC needs to work in a determined manner, with the benefit of robust policies, to remove its apparent reputation for “...being receptive to having more sites, and therefore more readily accepting of applications and more likely to approve most”. (ED76, page 18)

### **Societal Considerations**

14. Paragraphs 19-30 in Reg 18C state MBC's perspective on the matter. Its latter paragraphs contain (*our highlighting*):

*For everyone – regardless of ethnicity or type of home – having no permanent accommodation can have adverse effects on quality of life and life opportunities generally. Providing permanent or even temporary accommodation significantly improves a person's ability to meet other primary needs, especially access to healthcare, education and employment opportunities. Providing culturally appropriate accommodation also enables Gypsies, Travellers and Travelling Showpeople to continue to live a nomadic way of life should they wish.*

*Evidence shows that ethnic Gypsies and Travellers in particular suffer from some of the most extreme health disparities in our society. This is highlighted in the **Kent 'Gypsy, Roma and Traveller Populations' Joint Strategic Needs Assessment (June 2023)**<sup>1</sup>. Having 'nowhere to go' and living on unauthorised sites or encampments can also have a direct effect on mental and physical health. This in turn can add pressure to other public services, such as the NHS.*

*This plan can contribute to improving health, education and social outcomes through meeting accommodation needs on lawful, high-quality, well-planned sites. It can also ensure that sites have a minimum standard of basic amenities.*

*The Plan seeks to improve social cohesion by providing both the settled and the travelling communities with security and certainty about their future, knowing where and when homes are likely to be provided. This in turn can help to reduce documented social tensions and allow everyone an equal opportunity to thrive in the borough.*

15. We fully agree that all members of our Borough's community should have reasonable access to appropriate accommodation and that the underlying causes of health disparities, educational disadvantages and any disadvantageous social outcomes should be analysed and, wherever possible, remedied; that is what should happen in a civilised, lawful country.
16. Not to pursue such remedies to the disadvantage of a particular section of our community might be construed as racist, and should not be condoned.

### **Population Numbers**

17. Paragraphs 41-44 in Reg 18C give various statistics (*our highlighting*):

*There are approximately 71,200 households<sup>7</sup> in Maidstone borough, but only approximately 576 Gypsy, Traveller and Travelling Showpeople households.*

*In response to the 2021 Census, 5,405 people in Kent (0.3%) identified themselves as being from Gypsy and Irish Traveller ethnic groups, while the corresponding figure for*

**England was 0.1%.**

*Maidstone borough has the highest Gypsy and Traveller population by local authority area across England and Wales, at 1,009 ‘usual residents’<sup>9</sup>. The Gypsy and Traveller population per 1,000 residents in Maidstone equates to 5.74. The national average is 1.06 per 1,000 of the population.*

*Although the borough’s ward boundaries have since altered, the 2021 census data shows that within Kent, the wards of Marden and Yalding, Coxheath and Hunton, and Headcorn<sup>10</sup> ranked in the top five of England local authority districts with the highest proportion of people from the Gypsy or Irish Traveller ethnic group. At a Parish level, Linton, Hunton and Ulcombe have high populations of Gypsy and Irish Travellers communities.*

- 18. These statistics are compatible with our Borough being seen as a soft touch.
- 19. It should also be noted that these figures imply a ratio of just under 2:1 for “usual residents”:households and will be referred to below. (Note: “usual residents” is found in Table TS021 that refers to the Census 2021 dataset for Ethnic Group in England and Wales, provided by the Office for National Statistics (ONS)).

**Assessed Needs**

- 20. Reg18C, page 15, contains:

<b>Permanent pitch requirements of Gypsy and Traveller households</b>				
<b>Years</b>		<b>PPTS definition households</b>	<b>Undetermined households</b>	<b>Total pitches from all households</b>
0-5	2023-27	251	82	333
6-10	2028-32	56	14	70
11-15	2033-37	61	16	77
16-18	2038-40	39	10	49
<b>Total</b>		<b>407</b>	<b>122</b>	<b>529</b>

- 21. That table is a direct read-across from Figure 19 in page 49 of the report from ORS.
- 22. The figures for 0-5 years include pitches for:

Gypsy & Traveller Needs:		
Households on unauthorised developments		49
Concealed households/Doubling-up/Over-crowding		98
5 year need from teenage children		98
Undetermined Gypsies & Travellers:		
Households on unauthorised developments		19
Concealed households/Doubling-up/Over-crowding		32
5 year need from teenage children		31
Total:		327 of the above 333

- 23. If it were an analysis of bricks & mortar requirements for the general population, “unauthorised” would be addressed by enforcement and concealed households and the needs of teenage children would probably not give rise to assessed needs being met within five years, but, rather, spread over a longer period, if not the whole plan period.
- 24. Fairness across the whole community would remove much of that 333 from the assessed needs in the first five years and spread it over a much longer period, if not the whole plan period.
- 25. It must be noted that, of the 333 in the first five years, some should be, or should become, available at existing sites. ORS states that number to be zero, which stretches credibility.

## Pitch Turnover & Mortality

26. ORS's report contains in paragraph 3.36 (our highlighting):

### Pitch Turnover

*West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However, the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration, yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.*

<sup>3.36</sup> Some assessments of need make use of pitch/plot turnover as an ongoing component of supply. ORS do not agree with this approach or with making any assumptions about annual turnover rates. ORS consider that this approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches/plots are not in fact available to meet any local need. The use of turnover has been the subject of a number of Inspectors Decisions, for example APP/J3720/A/13/2208767 found a GTAA to be unsound when using turnover and concluded:

27. In that decision, "only the case if there is net outward migration" would appear completely to ignore mortality, which is examined below.

28. Further, ORS's report contains in paragraph 3.37 (our highlighting):

*In addition, Best Practice for Assessing the Accommodation Needs of Gypsies and Travellers<sup>5</sup> produced jointly in June 2016 by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE concluded that:*

*Assessments involving any form of pitch turnover in their supply relies upon making assumptions, a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.*

29. That conclusion and logic do not appear consistent. It states: "involving any form of pitch turnover in their supply relies upon making assumptions, a practice best avoided", when, in fact, making assumptions is the foundation of forward projections. And as for not including turnover in mainstream housing assessments, that is because in- and out-migration are implicitly considered.

30. ORS's report then continues (our highlighting):

<sup>3.38</sup> As such, other than current vacant pitches/plots that are known to be available, annual pitch/plot turnover has not been considered as a formal component of supply in this GTAA. However, natural turnover of pitches/plots on public and private sites/yards should continue to be monitored by the Council. In particular, the natural turnover of pitches/plots can help to meet future need over time from new household formation.

31. Mortality is a fact of human life. Why should such monitoring not give rise to reasonable assumptions on pitch/plot turnover?
32. A very sensitive subject but ORS's report, in paragraphs 2.15-2.16 of Appendix D, contains (our highlighting):

*Death Rates*

<sup>2.15</sup> Although the above data imply an annual growth rate through births of about 2%, the death rate has also to be taken into account. Whereas the average life expectancy across the whole population of the UK is currently just over 80 years, a Sheffield University study found that Gypsy and Traveller life expectancy is about 10-12 years less than average (Parry et al (2004) 'The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative', University of Sheffield).

<sup>2.16</sup> Therefore, in our population growth modelling in 2013 ORS used a conservative estimate of average life expectancy as 72 years – which is entirely consistent with the lower-than-average number of Gypsies and Travellers aged over 70 years in the 2011 Census (and also in ORS's own survey data).

33. The following table then appears in Appendix D (our highlighting):

**Figure 24 – Age Profile for the Gypsy and Traveller Community in England 2011 and 2021 (Source: UK Census of Population 2011 and 2021)**

Age Group	People 2021	Cumulative % 2011	People 2021	Cumulative % 2021
Age 0 to 4	5,725	10.4	6,535	9.7
Age 5 to 7	3,219	16.3	3,947	15.5
Age 8 to 9	2,006	19.9	2,547	19.2
Age 10 to 14	5,431	29.8	6,404	28.7
Age 15	1,089	31.8	1,212	30.5
Age 16 to 17	2,145	35.7	2,383	34.0
Age 18 to 19	1,750	38.9	2,107	37.1
Age 20 to 24	4,464	47.1	5,074	44.6
Age 25 to 29	4,189	54.7	4,889	51.9
Age 30 to 34	3,833	61.7	5,189	59.5
Age 35 to 39	3,779	68.5	4,611	66.3
Age 40 to 44	3,828	75.5	4,386	72.8
Age 45 to 49	3,547	82.0	3,982	78.7
Age 50 to 54	2,811	87.1	3,875	84.4
Age 55 to 59	2,074	90.9	3,196	89.1
Age 60 to 64	1,758	94.1	2,423	92.7
Age 65 to 69	1,215	96.3	1,638	95.1
Age 70 to 74	905	97.9	1,432	97.3
Age 75 to 79	594	99.0	882	98.6
Age 80 to 84	303	99.6	552	99.4
Age 85 and over	230	100.0	426	100.0
	<b>54,895</b>		<b>67,690</b>	

34. Assuming our Borough has the above profile, the above indicates that over the first five years of the period covered by Reg18C (to 2040), some 2.5-5% of individuals may not require ongoing accommodation. While it is recognised that not all resultant accommodation may be available to others, for the consultant to ignore mortality would appear to be difficult to defend.
35. With our Borough having, from above, 1,009 'usual residents', annual national population growth statistics for Gypsies & Travellers of circa 1.5%p.a. would imply some 75 additional persons over the first five years (with mortality having been netted off). At occupancy of 2

(or more), that implies a need for less than 40 pitches over the first five years, far less need for additional pitches than the 333 from above (PPTS definition, plus Undetermined).

36. For the remainder of the plan period, ORS uses population increase statistics based on national averages. Those statistics offset birth and death rates and not to do similar in the first five years gives rise to a higher, false “platform” at the end of the first five years from which to project forward. That gives a sustained over-estimate of needs over the plan period.

### Sustainability

37. For Reg18C, a Sustainability Appraisal of the Maidstone Gypsy, Traveller and Travelling Showpeople Development Plan Document 2023-2040 (date October 2025) has been prepared by Lepus Consulting for MBC.
38. After reviewing MBC’s identified 158 “reasonable alternative sites” using its “receptor-led methodology”, then applying mitigation measures in an endeavour to overcome unsatisfactory impacts to optimise sustainability performance, 27 potential sites remain for possible allocation at Reg19, as illustrated in the table below from the SA report (with the colour coding below):

*Table 7.1: Summary of site allocation policy assessments*

Policy Ref	1 Housing	2 Transport and accessibility	3 Community and crime	4 Health and wellbeing	5 Economy	6 Natural resources	7 Water	8 Air quality	9 Flooding	10 Climate change	11 Biodiversity	12 Cultural heritage	13 Landscape
GT(LPR1)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	0
GT(LPR2)	+	-	-	-	+	0	+/-	0	+	+	+/-	0	+
GT(LPR3)	+	-	-	-	+	0	+/-	0	+	+	+/-	0	+
GT(LPR5)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	0
GT(LPR6)	+	-	-	-	+	+	-	0	-	+	+/-	0	0
GT(LPR7)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	+
GT(LPR9)	+	-	-	-	+	-	-	0	+	+	-	0	-
GT(LPR10)	+	-	-	-	+	-	-	0	+	+	-	0	-
LPR(022)	+	-	-	-	+	-	-	0	+	+	+/-	0	+
LPR(023)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	+
LPR(256)	+/-	-	-	-	+	-	+/-	0	+	+	-	0	-
C4S(001)	+/-	-	-	-	+	-	+/-	0	+	+	-	0	0
C4S(002)	+/-	-	-	-	+	-	+/-	0	-	+	+/-	0	0
C4S(003)	+	-	-	-	+	+	+/-	0	+	+	+/-	0	+
C4S(004)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	+
C4S(005)	+	-	-	-	+	-	+/-	0	+	+	+/-	0	0
C4S(008)	+/-	-	+	-	+	-	-	0	+	+	-	0	+
C4S(011)	+	-	-	-	+	+	+/-	0	+	+	+/-	0	+
C4S(012)	++	-	-	-	+	+	+/-	0	+	+	+/-	0	+
C4S(015)	++	-	-	-	+	-	+/-	0	0	+	+/-	0	0
C4S(017)	++	-	-	-	+	-	+/-	0	+	+	+/-	0	0
C4S(019)	+/-	-	-	-	+	-	+/-	0	+	+	+/-	0	0
C4S(021)	++	-	-	-	+	-	+/-	0	+	+	+/-	0	0
C4S(025)	++	-	+	-	+	-	+/-	0	+	+	+/-	0	0
C4S(028)	++	-	-	-	+	-	-	0	+	+	+/-	0	0
C4S(029)	++	-	-	-	+	-	+/-	0	+	+	+/-	0	+
C4S(030)	++	-	-	-	+	+	-	0	+	+	+/-	0	0

40. The colour coding is:

Table 2.4: Guide to scoring significant effects

Significance	Definition (not necessarily exhaustive)
<b>Major Negative</b> --	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> <li>Permanently degrade, diminish or destroy the integrity of a quality receptor, such as a feature of international, national or regional importance;</li> <li>Cause a very high-quality receptor to be permanently diminished;</li> <li>Be unable to be entirely mitigated;</li> <li>Be discordant with the existing setting; and/or</li> <li>Contribute to a cumulative significant effect.</li> </ul>
<b>Minor Negative</b> -	<ul style="list-style-type: none"> <li>The size, nature and location of development proposals would be likely to:</li> <li>Not quite fit into the existing location or with existing receptor qualities; and/or</li> <li>Affect undesignated yet recognised local receptors.</li> </ul>
<b>Negligible</b> 0	Either no impacts are anticipated, or any impacts are anticipated to be negligible.
<b>Uncertain</b> +/-	It is uncertain whether impacts would be positive or adverse.
<b>Minor Positive</b> +	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> <li>Improve undesignated yet recognised receptor qualities at the local scale;</li> <li>Fit into, or with, the existing location and existing receptor qualities; and/or</li> <li>Enable the restoration of valued characteristic features.</li> </ul>
<b>Major Positive</b> ++	The size, nature and location of a development proposal would be likely to: <ul style="list-style-type: none"> <li>Enhance and redefine the location in a positive manner, making a contribution at a national or international scale;</li> <li>Restore valued receptors which were degraded through previous uses; and/or</li> <li>Improve one or more key elements/features/characteristics of a receptor with recognised quality such as a specific international, national or regional designation.</li> </ul>

41. As can be seen, none of the 27 meets “negligible” or better judgement across all criteria.
42. The assessment of each of those 27 includes the words: “*Select, subject to more detailed assessment prior to Regulation 19 draft submission plan*”.
43. If the assessed need from the ORS report is accepted, there will be pressure to identify more sites for review and also to tailor the “more detailed assessment” to allow many of that 27 to be selected.

### Windfalls

44. Page 7 of the Strategic Land Availability Assessment (November 2025) contains the table to the right;
45. Some of those windfalls may have arisen because MBC had not got sufficient, or sufficiently strong, policies to refuse and then perhaps chose not to defend, or failed, at any appeal.
46. On the face of it, a significant proportion of any assessed needs might be met by future windfalls.
47. Over the 18 years’ period of the DPD, windfalls might amount to some 500 pitches, almost equivalent to the currently assessed needs (see paragraph 20 above).

Year	Number of pitches on windfall sites granted planning permission
2015/2016	11
2016/2017	5
2017/2018	26
2018/2019	28
2019/2020	46
2020/2021	19
2021/2022	33
2022/2023	26
2023/2024	25
2024/2025	49
<b>Total</b>	<b>268</b>
<b>10-year average</b>	<b>27 (26.8)</b>

Table 3: Number of pitches permitted through windfall permissions 2015 - 2025

### Policies

48. Paragraph 4.197 of **2017** Local Plan Review states (*our highlighting*):

*The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed a need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. A further 11 plots for Travelling Showpeople will be required over the same period.*

49. Paragraph 3.64 of MBC’s Authority Monitoring Report (2022-23) states (*our highlighting*):

*The Local Plan outlines a 187-pitch target over the plan period. Since 2011, the base date of the Maidstone Borough Local Plan, a total of 312 pitches have been granted permanent consent (Table 21). At the 1<sup>st</sup> April 2023, the rate at which permanent permissions have been granted exceeds the target. ....*

50. That would indicate a failure either to apply policies or inadequate policies that led MBC to conclude that it would be unsuccessful when defending appeals and therefore just approved applications, whatever their merits.
51. That points to a need to ensure that policies within 2024 Local Plan Review or in the eventual DPD are robust to challenge, particularly when considering development in the countryside and close to small and large villages.
52. Whatever the Examination of this DPD determines for the numbers in the Trajectory of allocated pitches, MBC has to ensure that relevant policies are sufficiently tight to withstand appeal against any refusals. Policies to-date have clearly been inadequate, encouraging MBC more-or-less to wave-through applications as they did not expect to be able to withstand appeal.
53. Existing policies require review and, as necessary, strengthening and perhaps new policies defined to avoid a repeat of the above situation after 2017 Local Plan Review.
54. In support of that, MBC must allocate a sufficient budget to resist all appeals and to deter future applications for pitches beyond Trajectory.
55. That would serve to dispel the “soft” reputation referred to above.
56. As an important detail, presumably it should be ensured that all approved sites and pitches are retained for use only by those for whom they were approved. If existing or draft policies are not strong enough to ensure they are not occupied by those who do not qualify for such approved sites and pitches, we urge MBC to correct the situation so that, as necessary, enforcement would be able to ensure occupation only by those who qualify.

### **Monitoring Regime**

57. The monitoring regime laid out in pages 64-66 of Reg18C has been added to since Reg18B, but still leaves considerable gaps in capturing a full picture of the evolution of the matters covered by the DPD, particularly applications for, and approval of, new pitches and level of success in resisting appeals.
58. It needs to be further expanded, as indicated in our submission to Reg18B.
59. MBC then needs to demonstrate sufficient determination, with sufficient budget, to resist appeals so that the pitch Trajectory determined at DPD Examination is adhered to.

### **Consultant’s Questionnaire.**

60. The questionnaire used by ORS has 35 questions, with some of those being “leading” questions, such as:
  - Q5a. Is this site/yard suitable for the needs of your household?
  - Q14a. If anyone currently living with you needs their own separate accommodation, how many pitches/plots are needed for them now, and how many will be needed within the next five years?
61. That questionnaire compares unfavourably with that used by the consultant for Tonbridge & Malling Borough Council’s current Reg18 Local Plan – the consultant arc<sup>4</sup>.
62. Its 58 questions are laid out later in this submission and are more neutral / objective than ORS’s and, if used, would be likely to have arrived at significantly less “needs” for our Borough.

### **Summary – General Points**

63. ORS’s questionnaire is less rigorous and objective than the one used by the consultant for Tonbridge & Malling Borough Council, therefore probably assessing needs greater than they actually are.
64. ORS ignore mortality during the first five years.
65. ORS assume that all need derived from all “Households on unauthorised developments”, “Concealed households/Doubling-up/Over-crowding” and “5 year need from teenage children”

are met in the first five years. Whether the first category should be planned for is a moot point, but the latter two should be treated in a parallel manner to bricks & mortar accommodation for the overall community i.e. spread through the plan period.

66. The situation that arose after 2017 Local Plan Review must be avoided by reviewing / strengthening / adding policies, establishing sufficient budget to resist appeals and having the willpower and means to engage enforcement. MBC must generate the means and willpower to counter its current “soft” reputation.

67. All sections of our Borough’s community should be addressed fairly and treated equally.

**Summary – Needs & Trajectory, Five Years’ Supply**

68. From paragraph 20 above:

<b>Permanent pitch requirements of Gypsy and Traveller households</b>				
<b>Years</b>		<b>PPTS definition households</b>	<b>Undetermined households</b>	<b>Total pitches from all households</b>
0-5	2023-27	251	82	333
6-10	2028-32	56	14	70
11-15	2033-37	61	16	77
16-18	2038-40	39	10	49
<b>Total</b>		<b>407</b>	<b>122</b>	<b>529</b>

69. From paragraph 19 above, it is noted that, at present, the ratio of “usual residents”:households: is just under 2:1.

70. That implies that either the extent of “Concealed households/Doubling-up/Over-crowding” stated in paragraph 22 is very much exaggerated or otherwise there are many currently vacant pitches that might be available for future use.

71. Allowing about 50% for that exaggeration or exclusion of vacant pitches, then spreading the balance across the full plan period, while adjusting for mortality in the first five years would derive a very different picture of the Trajectory when compared with the table in paragraph 68 – see Revised Profile to the right:

<b>Permanent pitch requirements of Gypsy and Traveller</b>			
<b>Years</b>		<b>Total pitches from all households from table above</b>	<b>Revised Profile in round terms</b>
<i>allowing for mortality, removing exaggeration of Concealed households/Doubling-up/Over-crowding and then spreading across the full plan period</i>			
0-5	2023-27	333	100
6-10	2028-32	70	100
11-15	2033-37	77	100
16-18	2038-40	49	60
<b>Total</b>		<b>529</b>	<b>360</b>

72. It is to be noted that, as laid-out in paragraph 44 above, windfalls could more than meet that revised profile.

73. With respect to the NPPF’s requirement to maintain a Five Years’ Supply, the calculation methodology allows the inclusion of an allowance for windfalls, where evidenced by history.

74. To the extent that evolving “history” starts to reduce the number of evidenced windfalls, perhaps because of the factors outlined above, MBC would need to call forward some of its above list of 27 potential sites (or other identified sites), if they pass sustainability criteria, after further mitigation.

75. There is no argument for now identifying specific sites / pitches, but, rather, challenging the assessed needs (as above), re-profiling the Trajectory, as in the table above, and then including windfalls to meet the requirement for Five Years’ Supply, with a reserve list of candidate sites for calling forward in the event of a shortfall against that requirement.

## **Conclusion**

76. The assessed needs within the ORS report is not defensible for reasons outlined above and in our Reg18B submission (which is attached).
77. Even if the figure for assessed needs within the ORS report is accepted, which we do not, the current trend of windfalls should suffice and no further sites or pitches should be allocated within the Reg19 DPD when it is published for consultation and examination.
78. However, if MBC:
  - 78.1. strengthens policies relevant to all candidate sites; and
  - 78.2. adheres to the sustainability criteria documented by Lepus Consulting; and
  - 78.3. maintains and, as necessary, uses a substantial budget to resist appeals and to carry-through any resultant need for enforcement,there is the probability that the number of windfalls would reduce.
79. Should that happen and the number of available pitches not meet the revised and reduced assessed needs, some of those 27 sites identified by Lepus Consulting for further analysis (after mitigation) or other candidate sites would presumably be progressed, but only after evidence that windfalls are coming forward at significantly below historic rates.
80. That approach would then dispel Maidstone's "soft touch" reputation.

\*\*\*\*\*end\*\*\*\*\*

# Reg18C Questionnaire

The questions below are likely to be answered in depth by those Parishes with direct, real-life experience of the current situation. We ask that MBC gives full consideration to such knowledgeable submissions, as necessary using them to supplant desk-analysis, such as appraisal against sustainability criteria.

At overarching level, we see no value in answering the questions below.

They are designed to attract a blizzard of submissions by making the process of submission less time-consuming; in essence, it could just be treated as a tick-box exercise, with little additional comment.

That “blizzard” can then be used to outnumber, dismiss or devalue more rigorous and detailed submissions if they are not favoured by MBC.

The questions make no effort to seek input on the merits of the foundations of Reg18C; that is, the Opinion Research Services assessment of need.

	Question	Comment
1.	<p><b>To what extent do you agree with the proposed Vision and Objectives of the Gypsy, Traveller and Travelling Showpeople Development Plan Document?</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p> <p><input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
2.	<p><b>To what extent do you agree with the proposed spatial strategy policy? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p> <p><input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
3.	<p><b>To what extent do you agree with the proposed policy for meeting accommodation needs? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p>	
4.	<p><b>To what extent do you agree with the proposed policy for safeguarding permitted sites? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p> <p><input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
5.	<p><b>To what extent do you agree with the proposed policy for allocating sites? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p> <p><input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
6.	<p><b>To what extent do you agree with the potential site allocation policies? Please provide comments to support your answer, quoting specific policy reference/site name wherever possible.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	

## Reg18C Questionnaire

7.	<p><b>To what extent do you agree with the proposed policy for new public site provision? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
8.	<p><b>To what extent do you agree with the proposed policy for rural exception sites? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
9.	<p><b>To what extent do you agree with the proposed policy for accommodation on non-allocated sites? Please provide comments to support your answer.</b> <input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
10.	<p><b>To what extent do you agree with the proposed policy for general site design and layout? Please provide comments to support your answer.</b> <input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	
11.	<p><b>To what extent do you agree with the proposed policy for dayrooms and amenity blocks? Please provide comments to support your answer.</b> <input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree;</p>	
12.	<p><b>To what extent do you agree with the proposed monitoring and review indicators? Please provide comments to support your answer.</b></p> <p><input type="checkbox"/> Strongly agree; <input type="checkbox"/> Agree; <input type="checkbox"/> Neither agree nor disagree; <input type="checkbox"/> Disagree; <input type="checkbox"/> Strongly disagree; <input type="checkbox"/> Don't know/no opinion</p>	

## T&M Consultant's Questionnaire

<b>Date and Time</b>				
<b>Site Reference</b>				
<b>Address</b>				
<b>General Data Protection Regulation (2018) and Data Protection</b>		<p>GDPR came into effect from 25<sup>th</sup> May 2018. This provides rights of people to control personal data held about them by organisations.</p> <p>This study is being done for Tonbridge and Malling Borough Council to identify if there is a need for more residential pitches and transit provision in the area. A report will be prepared based on the findings of these surveys. The information you provide will not be used for any other purpose.</p>		
Can you please say if you are happy to carry on with the questionnaire on this basis?		Yes	No	
1	Pitch/Property Type (and tenure if B&M)			
2	No. statics/mobiles/chalets or bricks and mortar			
3A	No. tourers/caravans			
3B	No. of amenity blocks			
4	Description of pitch occupancy			
5	No. households			
6	No. concealed households			
7	No. doubled up households			
8	Does anyone else use this pitch as their home? If so, who			
9	<b>HOUSEHOLD CHARACTERISTICS</b>			
		<b>Gender</b>	<b>Age</b>	<b>Relationship to respondent</b>
	Respondent			
	Person 2			
	Person 3			
	Person 4			
	Person 5			
	Person 6			
	Person 7			
	Person 8			
10	<b>ETHNICITY</b>			
11	How many bedspaces are there on your pitch?			
12	Overcrowding of home			Y / N
13	Overcrowding of pitch			Y / N
14	Thinking back to when you were 15, were you living on a site, on the roadside or living in bricks and mortar housing?			S, R, B&M
15	Where were you living? Record district/settlement name			
	<b>TRAVELLING QUESTIONS</b>			

## T&M Consultant's Questionnaire

16	In the last year have you or someone in your household travelled?	Y / N			
17	If yes, reason(s) for travelling				
18	If yes, please describe when and where do you travel? (if relevant)				
19	If no, what reasons do you or your household have for not travelling now or in the future?				
<b>WHERE YOU PLAN TO LIVE IN THE FUTURE</b>					
20	Are you planning to move to another place to live in the next 5 years?	Y / N			
21	Why are you planning to move?				
22	Where are you planning to move to? (Same Site, Private Site in District, Council Site in District, Outside District (if so where), Bricks and Mortar housing)				
23	What type of dwelling? (caravan, trailer, chalet, house, flat, bungalow)				
24A	If pitch, single (one static) or double pitch (for two statics/family pitch)				
24B	Would you need any grazing land for any livestock?	Y / N			
24C	If you are considering bricks and mortar, what are your reasons				
<b>IF IN B&amp;M HOUSING</b>					
25	If you live in bricks and mortar housing, are you happy to live here or would you prefer to live on a pitch?	Happy Here / Prefer pitch			
26	If you would prefer to live on a pitch is this because you have a 'cultural aversion' to living in bricks and mortar (this means if affects your mental health and makes you unhappy/ depressed)?	Y / N			
<b>EMERGING HOUSEHOLDS</b>					
27	Emerging households: Are there any people in your household who want to move to their own pitch in the next 5 yrs?	Y / N			
		<b>HH1</b>	HH2	HH3	HH4
28	Where are you planning to move to? (Same Site, Private Site in District, Council Site in District, Outside District (if so where), Bricks and Mortar housing)				
29	What type of dwelling? (caravan, trailer, chalet, house, flat, bungalow)				
30	If pitch, single (one static) or double pitch (for two statics)				
31	If living in bricks and mortar, do you have a 'cultural aversion' to living in bricks and mortar? (this means if affects your mental health and makes you unhappy/ depressed)	Y / N	Y / N	Y / N	Y / N
<b>ADDITIONAL RESIDENTIAL PITCHES</b>					
32	Scope to expand site (extend the boundary of the site)	Y / N			
33	No. additional pitches				
34	Scope to intensify pitches (put more pitches on the existing site)	Y / N			
35	No. additional pitches				
36	Are there any vacant pitches on the site which could be used by another family? If so, how many pitches				
37	In general, is there a need for more authorised pitches (for people to live on all the time?) in this part of B81 Shropshire?	Y / N			
38	If so, now many are needed?				

## T&M Consultant's Questionnaire

39	Who should own them (Council, people from the Traveller Community, non-Travellers)	
40	Do you own any land or know of anywhere within the district which could be considered for development as a site?	
<b>TRANSIT AND TEMPORARY STOPOVER NEED</b>		
41	Is there a need to provide places where people can stop whilst travelling through the district? This can include transit pitches or stopover places	Y / N
42	Is there a need for transit pitches (for people stopping over temporarily) in the district? A transit pitch is intended for short-term use and usually includes space for two caravans, parking space and access to electricity, a toilet, washing facilities	Y / N
43	If so, how many are needed?	
44	Who should manage them? (Council, Traveller Community)	
45	Where should they be located?	
46	Is there a need for stopover places? A stopover place is land which can be used on a temporary basis and usually include access to portaloos, waste disposal and water	Y / N
47	If so, how many are needed?	
48	Who should manage them? (Council, Traveller Community)	
49	Where should they be located?	
<b>RESIDENTIAL HISTORY</b>		
50	How many years have you lived here? <u>Please state number of years</u>	
Routing	If more than five years	Go to Q56
	If five years or less	Go to Q51
51	Where did you move from? ( <b>District</b> )	
52	Were you living on a Private Site, Council Site, Roadside or Bricks and Mortar housing?	
53	When you moved here, was the pitch vacant, a brand-new pitch or had the pitch been created by dividing up an existing pitch?	
54	What were the reasons for moving here?	
55	Did you already have a connection with the area? (e.g. family or friends living here; or you used to live here?)	
<b>SUPPORT NEEDS</b>		
56	Do you or a member of your household have any health-related needs? Could you please explain what they are?	
<b>FINAL QUESTIONS</b>		
57	Is there anything else you'd like to tell us about your housing or support needs?	
58	Do you know anyone in bricks and mortar housing looking to live on a pitch? If so, can you provide contact details	
<b>OTHER COMMENTS</b>		

# Gypsy, Traveller and Travelling Showpeople Plan

## Preferred Approaches Consultation (Regulation 18b)

by email to: LDF@maidstone.gov.uk

### Summary

1. Since the adoption of Local Plan 2017, planning approvals for pitches have massively exceeded the assessed needs that formed the basis for the allocation of G&T sites in that plan.
2. It is clearly evident that the situation is out of control and possible reasons for that are noted below.
3. The analysis by Opinion Research Services (ORS) has been accepted by MBC without challenge; challenges are offered below, with a consequential substantial reduction in assessed needs.
4. Whatever is determined at examination of this DPD for the numbers in the Trajectory of allocated pitches, MBC has to ensure that relevant policies are sufficiently tight to withstand appeal against any refusals.
5. MBC must allocate a large budget to achieving refusal of all appeals and deterring future applications and establishment of pitches beyond Trajectory.
6. The monitoring regime for the DPD needs to be expanded to give a full picture of the evolution of the matters covered by the DPD, particularly applications for, and approval of, new pitches and level of success in resisting appeals.
7. MBC needs to work in a determined manner to remove its apparent reputation for “ ....being receptive to having more sites, and therefore more readily accepting of applications and more likely to approve most”. (ED76, page 18)

### Introduction

8. It has been confirmed that submissions will be accepted in free-format, not just via the MBC portal or response form.
9. This consultation seeks submissions against twelve questions.
10. This consultation does not seek comments on the GTAA Final Report, dated September 2023, prepared by Opinion Research Services nor on their letter to MBC of 17<sup>th</sup> July 2024; these documents merit comment, which is offered below.
11. Nor does this consultation explore the key issue of why our Borough has witnessed growth in G&T pitches far beyond that envisaged in the October 2017 Local Plan and how a similar experience would be addressed and prevented after the March 2024 Local Plan (with the planned G&T DPD, following its Reg 19 and public examination, alongside that Local Plan); that merits comment, which is also offered below.
12. In essence, by its silence as noted above, this consultation is evidently designed to suppress challenge and to rush to a rubber-stamping of the Reg 19 that will follow this Reg 18b.

### Recent History - G&T Pitches - growth

13. Paragraph 4.197 of 2017 Local Plan stated (*our highlighting*):  

*The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed a need for 187 permanent Gypsy and Traveller pitches to be provided in the borough during the period October 2011 and March 2031. A further 11 plots for Travelling Showpeople will be required over the same period.*
14. Paragraph 3.64 of MBC's Authority Monitoring Report (2022-23) states (*our highlighting*):  

*The Local Plan outlines a 187-pitch target over the plan period. Since 2011, the base date of the Maidstone Borough Local Plan, a total of 312 pitches have been granted permanent consent (Table 21). At the 1<sup>st</sup> April 2023, the rate at which permanent permissions have been granted exceeds the target. ....*
15. Prior AMR's had stated:

Period	Pitches
2021-22	Since 2011, a total of 273 pitches have been granted permanent consent
2020-21	Since 2011, a total of 246 pitches have been granted permanent consent
2019-20	Since 2011, a total of 226 pitches have been granted permanent consent

2018-19	Since 2011, a total of 173 pitches have been granted permanent consent
2017-18	36 granted in that year
2016-17	17 granted in that year
2011-16	92 granted in those five years

16. The above paints a worrisome picture, with the 2017 Local Plan assessed need for 2011-31 delivered by the end of 2019-20.
17. That gross disparity between 2017 Local Plan and actual delivery as documented above must be due to:
  - 17.1. poor analysis of assessed need by the external consultants contributing to that Local Plan; or
  - 17.2. legal constraints preventing refusal of applications for pitches above the 2017 Local Plan levels; or
  - 17.3. successful appeals against MBC refusals for pitches above the 2017 Local Plan levels; or
  - 17.4. lack of MBC will and/or resources to enforce against the 2017 Local Plan levels.
18. While the past-is-the-past, the reasons giving rise to that disparity should be analysed and declared, with every effort then made to adopt policies and procedures, within the intended DPD, to pre-empt a similar outcome once the proposed G&T DPD is set alongside, and given equal weight with, the 2024 Local Plan.
19. Unfortunately, Reg 18b fails to explore the above disparity and, as importantly, fails to advance, or at least to declare the intention to define, suitable policies and procedures to give reasonable assurance that the same gross over-provision of pitches does not happen again.
20. The key question is, once the G&T DPD has been examined and adopted, how will MBC ensure that its planned overall provision and the Trajectory within that are adhered to and not overwhelmed?

### **Implications of Recent History**

21. The key lesson from the above is that, whatever figure and profile for assessed need is built into the DPD, the essential need is for MBC to ensure that it is able to manage developments within that profile, rather than it again being reported a few years after this DPD has been adopted that the assessed need for the whole plan period has been (more than) delivered within a very few years.
22. The DPD would benefit from a clear statement of the procedures MBC will adopt, and what legal powers support them, to avoid such runaway, un-controlled development that the settled community would just not be allowed to engage in.
23. The DPD should also confirm that resources will be deployed to control development to the Trajectory and not exceed it in any year.

### **General Context**

24. ORS's Interim Report of January 2023 (ED76) included in pages 36-41 comments gleaned from conversations with Parishes.
25. For some reason, that section of the Interim Report has not been carried through to their Final Report, dated September 2023 (ED130).
26. Some *extracted* comments from those pages of that Interim Report are as follows:
  - 26.1. The most common trend experienced has been the increase in the number of privately-owned sites. This was said to include a mix of those with and without planning permission.
  - 26.2. Some parishes also suggested that they have observed an increase in the size of sites.
  - 26.3. Many parishes suggested that Travellers are attracted to Maidstone due to factors such as the already established Traveller community in the area, which is also connected to the historic, and current, availability of agricultural and civil engineering work opportunities.
  - 26.4. .... the availability of suitable land, good transport links and locality to London were also identified as factors.
  - 26.5. However, the most common reason identified concerned the assumed perception that the Travelling community have of Maidstone Borough Council, and its current Gypsy & Traveller policies. It was suggested that Travellers come to the area as Maidstone Borough Council are seen as being receptive to having more sites, and therefore readily accepting of applications and more likely to approve most.
  - 26.6. Furthermore, it was also suggested that costs associated with enforcement and appeal action prevent the council from upholding its countryside policies, which further encourages Travellers

to settle in the area.

26.7. It was widely stated that there are no real fluctuations in Traveller movement and that the community are seen as permanent residents, as opposed to living a nomadic lifestyle.

26.8. Concern was raised regarding the potential disruption caused to settled communities near encampments, plus the monetary costs associated with cleaning sites following departure.

26.9. Other comments received were broadly centred around three issues:

- Divided Community and Tensions between Gypsies & Travellers and the Settled Community:
  - Parishes described a range of issues that are contributing to dividing communities and raising tensions between Gypsies & Travellers and the settled community.
  - There appears to be widespread resentment from some residents to what they feel is preferential treatment granted towards Gypsies & Travellers over the settled community. Examples include Gypsies & Travellers taking priority for school places; inequality in Gypsies & Travellers not having to comply with the same planning regulations as the settled community; the education and health needs of the settled community not being considered when they are applying for planning permission; and no consideration within planning regarding damage to the open countryside with the gradual increase and expansion of existing sites.
  - Another concern raised was the lack of consideration within planning to prevent concentrations of sites exceeding that of the settled community. Some parishes are worried that the density of the travelling community is such that it is beginning to dominate the settled community. It was hoped that concentrations would be considered more, as when the settled community are outnumbered it can often cause friction between Gypsies & Travellers and the settled community.
- Expansion of the Gypsy and Traveller Community:
  - A Parish Council suggested that the larger the number of sites in a given area, the greater the difficulty in promoting integration and cohesion between the two communities.
- Site Quality, Overcrowding and Environmental Damage:
  - One Parish Council suggested that Maidstone Borough is poorly served by public and affordable Gypsy & Traveller sites. It was stated that site quality and overcrowding issues at the public sites in the Borough highlight inadequacies in meeting the pitch need and proposed that “well located and properly equipped” public Gypsy and Traveller sites are “desperately” needed all across the Borough.
  - Parishes also advised that the constant expansion of Gypsy & Traveller sites is damaging the environment and the countryside

27. The comment at paragraph 26.5 above is supported by a statement submitted to the examination of what became 2024 Local Plan that Maidstone is seen as a soft target for new sites.

### **Opinion Research Services - background**

28. ORS has evidently established credibility with Inspectors for the quality of its analysis and conclusions.

29. As such, ORS's input behind this Reg 18b is likely to be afforded considerable weight at Reg 19 examination, which, as indicated above, is not fully justified.

30. The questionnaire used by OPS during interviews is open to exaggeration of need;

30.1. Answers to questions C1 and C2 are evidently taken as stated, without evidence of the families, unmarried adults or children who will need a pitch or home of their own in the next five years. To the G&T community, there is advantage to entering higher numbers than the actual situation supports;

30.2. Answers to questions F1, F2, F6a, F6b and F7a (about travelling) would appear to have no supporting evidence, while stating that travelling has occurred brings advantage in the planning system. Why should any household declare that it has ceased to travel, as maintaining the claim of (eventual) travelling brings advantages in terms of preferential treatment with respect to the planning system;

30.3. Answer to question F8 (why do you not travel anymore?) would appear to be accepted without supporting evidence, thereby being included under the 2012PPTS definition..

- 30.4. Similarly answers to questions F9 and F10 (about plans to travel in future) would appear to give a route to claiming to meet the 2015 PPTS definition.
31. Young persons within the settled community may be forced to double-up or continue living with parents for economic reasons. Within the G&T community should certain, perhaps different, factors necessitate doubling-up or continuing to live with parents? Should there be any recognised right to establish a separate household? Should a “need” translate into a right to have?
32. The health and longevity outcomes for the G&T community are worse than the settled community. Should that life-style, given the apparent adverse health / life expectancy impact on children, continue to be encouraged by giving what could be perceived as planning advantage?
33. The same questions apply beyond the G&T community when those not meeting a PPTS definition, but are of a “nomadic habit of life”, are considered.
34. It is noted that “undetermined households” either refused to take part in an interview or were not present during the field work period.

### **Opinion Research Services – assessed need**

35. According to ORS’s September 2023 report (page 40), during their interview period there were 554 pitches and 366 interviews were completed i.e. 66% (but stated as 76% by ORS after adjusting for pitches not occupied by travellers, and undeveloped /vacant pitches),
36. There is no statement of repeat visits to try and increase that 66% (or 76%) so as to reduce the need for modelling and, instead, having more actual interview responses. Of the 110 pitches reported as “no contact”, 76 were on sites with more than one pitch, with 15 on sites with three pitches and 29 on sites with four or more pitches. If repeat visits were not attempted, the opportunity substantially to reduce the need for modelling was missed.
37. It is arguable that a possible reason for not being interviewed is a concern that the outcome may not be favourable in terms of meeting PPTS definition; that is, the breakdown for the 122 for “undetermined households” in the table below is exaggerated – and perhaps by a great margin.
38. ORS’s letter of 17<sup>th</sup> July 2024 to MBC gave a summary of their updated assessment of G&T need, as in the table.

	<b>Households meeting 2023 PPTS definition</b>	<b>Undetermined households</b>	<b>Households not meeting 2023 definition</b>
Unauthorised developments	44	19	5
Concealed, doubled-up or single adults	79	32	19
Teenagers	79	31	19
In-migration / roadside	2		
From bricks & mortar	2		
Temporary pitch	1		1
New household formation	135	40	21
<b>TOTAL</b>	<b>342</b>	<b>122</b>	<b>65</b>

39. As noted in the section above, the components for “concealed, doubled-up or single adults” and for “teenagers” offer considerable scope for exaggeration. Those components also afford greater “rights” than those available to the settled community that largely depends on the housing market, with its currently difficult economics impeding such new household development.
40. In summary, while ORS claim at several points in their report that it is “robust”, there are a number of aspects that tend to argue their resultant numbers are exaggerated and perhaps by a considerable amount.
41. Rather than a total of 529 for assessed need, a figure less, perhaps substantially less, than 200 is indicated by consideration of the above scope for inaccuracy and exaggeration.

### **Five Years’ Supply & Trajectory**

42. The ORS letter of 17<sup>th</sup> July 2024 included a profile of the need for new pitches for those who met the PPT23 definition.

Period	Dates	Need
0 – 5	2023 – 27	207
6 – 10	2028 – 32	48
11 – 15	2033 – 37	53
16 – 18	2038 – 40	34
<b>0 – 18</b>	<b>2023 – 40</b>	<b>342</b>

43. That Trajectory implies provision for all except “household formation” within five years.  
44. That is unrealistic and the 207 for years 0-5 should be phased over the whole plan period.  
45. As noted above, that assessed need should be adjusted to remove probable exaggeration, reducing the Trajectory across all periods to a substantially smaller cumulative figure, perhaps 200 or less.

### Consultation Questions

46. We offer below answers to the specific questions included in Reg 18b.

	Question	Comment
1.	Do you agree or disagree with the proposed vision and objectives the Plan?	<p>Not entirely:</p> <ul style="list-style-type: none"> <li>a) Rather than “... can realise their potential”, in each instance of use of that phrase, it should be amended to read “has the opportunity to realise their potential”. That is, not an output-based objective, but equality of opportunity.</li> <li>b) Second bullet: “...where they and the site are well integrated with the wider local community” should be removed or amended to be in accordance with page 17, where it is stated that “Generally, it is the preference of both the travelling and settled communities to have sites located close to but not within existing settlements”.</li> <li>c) Paragraph 1: “...in line with evidence of established need” should be amended to “... in line with reasonable and credible evidence of need”. As noted above, we do not accept that the ORS report offers a balanced view; it plays safe by exaggerating needs.</li> <li>d) Paragraph 2: “To reduce the number of unauthorised developments and encampments to zero by 2030”, as “2040” is just “kicking into the long grass” this issue.</li> </ul>
2.	Do you agree or disagree with the preferred spatial strategy policy approach?	<p>Not entirely:</p> <ul style="list-style-type: none"> <li>a) Sites in new settlements at Heathlands and Lidsing. Given the complexity in defining and developing these sites, it is suggested that this extra pressure should not be added to the developments, but should be allowed to surface, if advantageous to their successful development.</li> <li>b) It is not understood why Invicta Park Barracks is considered to be different to the above two new settlements; there is an argument that it would be more sustainable than them, with G&amp;T pitches deliverable in an earlier timeframe as local services are already available, whereas Lidsing and Heathlands would take time to reach critical mass to support some of the proposed local services.</li> <li>c) Top of page 18, Flood Zones. “This creates complexities on some existing sites ....”. Presumably each existing pitch / site in Flood Zones 3 and 2 has emergency procedures in the event of threatened flooding and/or flood</li> </ul>

		<p>prevention / mitigation measures have already been, or should be, taken. It should be made clear that no new sites in Flood Zones 2 and 3 will be approved on safety grounds.</p> <p>d) Page 18, Preferred Approach. It is stated that: “ ...preference for households to remain together – not often wishing to share a site with other families .....”. That preference and that wish are not often available to the settled community, where the housing market and general realities of life make that impossible, although perhaps desirable. It should be made clear that such preference and wish are noted, but not always deliverable for pitch allocation.</p> <p>e) Policy TR1, paragraph 2: “ .... Prevent the scale of sites from dominating the nearest settled community ....”, The term “dominating” must be defined: is it a percentage of the residents in that nearest settled community or perhaps a percentage of children from respective communities in local schools or what?</p> <p>f) Policy TR1, paragraph 2(a): “windfall sites” – it should be made clear that windfall sites will only be permitted if there remains capacity under the planned Trajectory for new pitches within the year planned for development of that windfall.</p> <p>g) Page 19, Duty to Cooperate.. Reg 19 should document clearly where DtC has been exercised and the detailed reasons why those neighbouring Authorities cannot absorb some of our Borough’s evident needs.</p>
3.	Do you agree or disagree with the preferred policy approach for meeting accommodation needs?	<p>Not entirely:</p> <p>a) Page 20: “Pitches for travellers usually include parking space for a static caravan, a tourer, car parking, a dayroom and some open space”. That is more space than many in the settled community enjoy and it is noted that, as many current sites are in the open countryside, open space should not be a problem and, in addition, there will be strategic play areas available, upon which most of the settled community has to depend for use by their children.</p> <p>b) Page 20: “ ... teenage children’s accommodation needs can sometimes be met through provision of a touring caravan. Similarly single adults may not need a formal pitch, but their accommodation needs could be met through provision of additional touring caravans”. That is one strong reason why ORS’s numbers are viewed as an exaggeration.</p> <p>c) Page 20: “ ... close relationships with family is fundamental to Gypsy and Traveller values and well-being”. That would appear to offer a contrast with the settled community, but that cannot be correct; the problem is that the settled community has to live within the housing market and other realities of life (e.g. availability and location of work).</p> <p>d) Page 20. “ ... Initial findings of the Pitch Deliverability Assessment (PDA) suggest that up to 82% of the full identified accommodation needs could theoretically be met within existing sites”. That analysis implies that the need for <u>new</u> sites should be extremely limited, but that will require policies and powers to enforce the provision of further pitches on existing sites, whatever their ownership.</p> <p>e) As a result of the above, the figures in Policy TR2, should be substantially reduced (see b above) and a comment added that the requirement for <u>new sites</u> is very limited.</p>
4.	Do you agree or disagree with the preferred policy approach to safeguarding permitted sites?	<p>Not entirely:</p> <p>a) Page 23. Policy TR3. “ ... safeguarded from alternative use unless it can be demonstrated that the site is no longer required to meet any identified traveller need across the borough” should have added to it: “within the plan period”.</p>
5.	Do you agree or disagree with the preferred policy approach	<p>With one proviso, no comment.</p> <p>The proviso is that the tables in Policy TR4 must take full account of, and document, the implications of the Pitch Deliverability Assessment.</p>

	to allocating sites?	
6.	Do you agree or disagree with the preferred policy approach for accommodation on non-allocated sites?	<p>Not entirely:</p> <ul style="list-style-type: none"> <li>a) Page 25. “ These are known as windfall development”. It should be stated clearly that windfalls will only be considered for development if the plan Trajectory for pitches still has capacity (in the particular year) for the proposed development.</li> <li>b) Policy TR5 c). “proportionate to the scale of the nearest settled community” requires clear definition, presumably as a percentage of nearby residents or school pupils.</li> <li>c) Policy TR5 d). “Lighting” should be added as a criterion, particularly in the countryside, and it should be made clear that long and short views will apply to consideration of impact.</li> <li>d) Policy TR5 f) should be extended to Flood Zone 2, unless an acceptable flood-impact mitigation proposal is put forward.</li> <li>e) Policy TR5, paragraph 3 a) should refer to all criteria of 1 d).</li> </ul>
7.	Do you agree or disagree with the preferred policy approach for rural exception sites?	<p>With one proviso, no comment.</p> <p>The proviso is that Policy TR6 1b requires definition of “proportion and does not dominate”.</p>
8.	Do you agree or disagree with the preferred policy approach for setting out individual site allocation requirements?	<p>No comment, other than such detailed, prescriptive approach would undoubtedly require strong enforcement – and budgetary capacity for such enforcement. If enforcement is not carried through for a first infringement, Policy GTX would be rendered inoperable.</p>
9.	Do you agree or disagree with the preferred policy approach for general site design and layout?	<p>Significant concerns:</p> <ul style="list-style-type: none"> <li>a) Page 29. If the borough believes it has a role in promoting healthy communities, it needs to reflect on the apparent evidence that the G&amp;T community has relatively poor outcomes in terms of longevity and general health, with children evidently not benefitting from educational opportunities. While complying with all legal requirements to respect a nomadic lifestyle, the Borough should ensure that it makes clear that there are such poor outcomes and endeavours, particularly, to promote the interests of the younger generation when considering applications for pitches.</li> <li>b) Page 29. Lighting should be added to those aspects of a site that can appear incongruous against the surrounding landscape.</li> <li>c) Page 29. It is stated that: “ retrospective ....Whilst the Council cannot prevent this from happening ....”. That is a weak position to adopt, Strong enforcement would deter future retrospective endeavours that are intentionally pursued by any residents of our Borough.</li> <li>d) Page 30 – pitch size. 320 sq.m. That is far more than most in the settled community have available.</li> <li>e) Page 30 – Site Facilities. “ ... suitable provision of land for paddocks, field shelter, secure tack rooms, manure disposal and other equine uses on or adjacent to site”. Those in the settled community who keep horses would not generally have such convenient facilities and would have to seek facilities elsewhere. Should that requirement to self-help, perhaps at a distance from the main residence, apply to all? (It should also be made clear that any such facilities will not be considered as a stepping-stone for more-substantial building development on that area).</li> <li>f) Page 30 – Amenity/green space and play space. Is there really an on-site need, when most sites are in the countryside?</li> </ul>

		<p>g) Page 30 – location of different size pitches – is that a convenience that all residents have available in a very localised layout?</p> <p>h) Policy TR7 – “Retain native hedging wherever possible”, “Minimise the amount of hardstanding” are very subjective judgements; they should be the Borough’s judgements, using criteria applied to all developments.</p> <p>i) Policy TR7 is silent on “lighting” and does not make clear that visual impact will be “short” and “long” views.</p> <p>j) Policy TR7 – general. Why should space at a site include equine facilities? That could be used for other pitches, with the residents then needing to rent such facilities elsewhere.</p> <p>k) Policy TR7 – external lighting. While that inclusion is welcome, “detrimental” is very subjective and there should be a stronger requirement in terms of direction of lighting, intensity and hours of operation.</p>												
10.	Do you agree or disagree with the preferred policy approach for dayrooms and amenity blocks?	<p>We do not agree.</p> <p>a) Does each pitch need an amenity block or day room? If family bonds are tight, there should be some sharing of facilities – hence leaving more space for further pitches. Perhaps larger sites should have an element of community facilities.</p> <p>b) Does an amenity block need to be within a pitch? Co-locating amenity blocks should assist social cohesion and enable more cost-efficient installation of utilities.</p> <p>c) Policy TR8 should be amended to take due account of the above.</p> <p>d) We note the incorporation of bat boxes.</p>												
11.	Do you agree or disagree with the proposed approach to monitoring and review?	Subject to the below, yes.												
12.	Do you agree or disagree with the proposed monitoring indicators?	<p>The following amendments (in red) are proposed to the table in pages 33-34.</p> <table border="1"> <thead> <tr> <th>Indicator</th> <th>Target</th> <th>Trigger</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>Annual delivery of permanent pitches/plots (allocated and unidentified sites)</td> <td>Net increase in permanent pitches/plots sufficient to keep pace with identified needs up to the Trajectory that year end-of-plan-period.</td> <td>The number of permanent pitches/ plots consents granted significantly above or below identified needs identified by the Trajectory over phasing period (5 years).</td> <td>Consider the need for changes to the Local Plan Review allocations and/or revising the allocation policies as part of a review. If the number is over Trajectory, refuse future applications and allocate more resource to resisting appeals and to enforcement.</td> </tr> <tr> <td>Delivery of permanent pitches on allocated sites</td> <td>Timely delivery of allocated sites.</td> <td>Evidence of Local Plan Review sites not meeting the identified Trajectory need for additional Gypsy and Traveller pitches including: low/ no delivery of allocated sites;  Significant number of pitches permitted on unidentified (windfall) sites in addition to/in preference to allocations.</td> <td>Consider the need for changes to the Local Plan Review allocations and/or Revising the allocation policies as part of a review of the Local Plan/Development Plan Document. If the number is over Trajectory, refuse future applications and allocate more resource to resisting appeals and to enforcement.</td> </tr> </tbody> </table>	Indicator	Target	Trigger	Action	Annual delivery of permanent pitches/plots (allocated and unidentified sites)	Net increase in permanent pitches/plots sufficient to keep pace with identified needs up to the Trajectory that year end-of-plan-period.	The number of permanent pitches/ plots consents granted significantly above or below identified needs identified by the Trajectory over phasing period (5 years).	Consider the need for changes to the Local Plan Review allocations and/or revising the allocation policies as part of a review. If the number is over Trajectory, refuse future applications and allocate more resource to resisting appeals and to enforcement.	Delivery of permanent pitches on allocated sites	Timely delivery of allocated sites.	Evidence of Local Plan Review sites not meeting the identified Trajectory need for additional Gypsy and Traveller pitches including: low/ no delivery of allocated sites;  Significant number of pitches permitted on unidentified (windfall) sites in addition to/in preference to allocations.	Consider the need for changes to the Local Plan Review allocations and/or Revising the allocation policies as part of a review of the Local Plan/Development Plan Document. If the number is over Trajectory, refuse future applications and allocate more resource to resisting appeals and to enforcement.
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		Five-year supply position	Five-year supply of Gypsy pitches in place.	No confirmed five-year supply of Gypsy pitches.	The lack of a 5-year land supply will be a significant consideration in planning decisions when considering applications for the grant of temporary planning permission. <b>However, any over-delivery in prior years will be brought forward into that calculation.</b>
		Number of caravans recorded in the bi- annual caravan count	<b>No increase.[no specific target]</b> This is a contextual indicator to provide a snapshot of accommodation provision in the borough.	<b>If the figures for rolling three-years periods show an upward trend.[no specific trigger]</b>	<b>Review enforcement and appeal resources to bring that back to a flat or reducing trend.[no specific action]</b>
		Number of unauthorised encampments	Year on year reduction in the number of unauthorised encampments in the borough	An increase in unauthorised encampments since the <b>previous then-current situation as reported by ORS in September 2023</b> year.	Understand the reasons for the unauthorised encampments <b>and determine whether to seek to provide transit site/s in the borough</b> Review enforcement resources to bring that back to or below the baseline (or, if lower, a recently lower figure)-{
		Number of planning applications (a) approved, (b) refused	<b>No target – just actual figure(s)</b>	<b>No trigger – just routine</b>	If giving rise to excess over Trajectory, question why approvals have been given and, as necessary, feedback to review of enforcement / appeal resources.
		Number of appeals (a) allowed, (b) refused	<b>No target – just actual figure(s)</b>	<b>No trigger – just routine</b>	Feedback to review of enforcement / appeal resources.
		Cost of appeals (a) allowed, (b) refused	<b>No target – just actual figure(s)</b>	<b>No trigger – just routine</b>	Feedback to review of appeal resources and, for allowed, review of policies for strengthening in due course..
		Number of windfall pitches	<b>No target – just actual figure(s)</b>	<b>No trigger – just routine</b>	If giving rise to excess over Trajectory, question why approvals have been given and, as necessary, feedback to review of enforcement / appeal resources.



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