

Heine Planning Consultancy

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By email:localplan@hillington.gov.uk

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L3-j67-09

Programme Officer/ Mr J Gleave
Local Plans Team
Planning Policy Team
LB Hillingdon Council
3N/02 Civic Centre
High St
Uxbridge UB8 1UW

Dear Sir/ Madam

**Re: Part 2 Local Plan Reg 19 consultation
Revised Proposed Submission Version
Gypsy-Traveller issues.**

I write further to the phone call and email from Mr Gleave on Friday 3rd August 2018 who pointed out that I had not been notified of the hearing as my email address had been wrongly recorded. I thank you for the opportunity to comment further.

On studying the Council website I note that the Council now rely on an updated need assessment by ORS published 2017 and a main modification to paras 3.19-3.20 which proposes that two additional pitches be provided at the Council-owned Colne Park site.

On re reading my letter of 11 November 2015 most of my comments still stand. I enclose an additional statement which addresses my concerns with respect to three additional matters

1. The ORS Need Assessment 2017
2. The London Plan December 2018
3. Main modifications May 2018-although I acknowledge there will be opportunity to comment on Main Modifications when the EIP report is published.

In order to limit my statement to under 1500 words I have focussed on my main concerns.

Yours faithfully

Mrs Alison Heine

1.Criticisms of ORS Need Assessment 2017

G&T Definition

1.1 ORS interpretation of G&T definition in PPTS is consistently under estimating the real need for Gypsy Traveller pitches across England. In planning law Gypsy Traveller are defined as persons of a nomadic habit of life, whatever their race or origin. Case law has established that this nomadic way of life can be seasonal, can be held in abeyance and that the purpose of travelling must be for an economic purpose ie with how they make or seek their livelihood. This can include trips to horse fairs (Maidstone BV v SoS Env and Dunn 1996). ORS make reference to the 'Dunn' case which established that a Gypsy who bred horses and travelled to horse fairs for up to 2 months of the year should have Gypsy status (see para 2.2). However, for reasons that are not explained, ORS fail to accept its findings and maintain that trips to fairs should not count as work related or for an economic purpose (see para 2.17 and 7.19). If ORS had interviewed Mr Dunn back in 2006 using their current questions and this approach it is likely they would have concluded he did not have Gypsy status. At F3 of the questionnaire appended to the ORS study they establish if families travel for work, visiting family, to fairs or for 'other' purpose. I have no idea what 'other' might include. They do not ask if there is an economic purpose to any travelling ie to make money yet this could apply to most trips and not just travelling just for work. In my opinion ORS wrongly presume that work equates to an economic purpose. Those interviewed are asked what their main reason is for travelling. ORS fail to appreciate that many Travellers will combine trips. ORS fail to understand that many will network and do deals where ever and what ever they are doing, regardless of the situation. ORS fail to appreciate that travelling for an economic purpose can encompass general dealing, car boot sales, horse trading and attending Fairs etc. In my experience G&Ts will spot and look for opportunities to make money when ever and where ever they are.

1.2 In the absence of any guidance from CLG, ORS appear to adopt an assessment of G&T status that is not shared by others, including PINs. If ORS were correct I would expect to see most appeals dismissed on G&T status grounds. They are not. Very few decisions find against the G&T status of the Appellant. Very few planning applications are refused for this reason. Appeal decisions are the only official guidance we have on the application of national policy. I worry there could be a fundamental misapplication of guidance in the ORS assessments, as they exclude many who have a legitimate economic purpose to their travelling. This consequent under-reporting of the real numbers of Gypsies and Travellers who travel for an economic purpose and retain Gypsy-Traveller status has serious implications for the robustness of this and other assessments by ORS. ORS have been repeatedly notified of this concern yet seem reluctant to modify their approach. It is hardly surprising that they conclude so few have G&T status. This is at odds with others who do similar need assessments and do accept that travelling to Fairs can have an economic purpose.

1.3 For the above reasons I do not accept the claim at para 3.1 that they have adopted 'an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals'. Indeed I have seen little evidence their approach has changed since 2015 in response to numerous criticisms of their interpretation of the Gypsy Traveller definition and failure of ORS to review the appeal decision of PINs or have regard to the decisions taken by LPAs on applications.

Absence of Transit provision

1.4 The ORS study fails to make any proper assessment of Transit provision. All ORS studies appear to conclude this is a matter for future monitoring even where, as in the Hillingdon study, there is clear evidence regular incursions occur and preventative measures have had to be taken to reduce this (see para 5.24). This would strongly imply there is a need for transit provision in the area.

Need in wider area

1.5 I strongly refute that claim at para 5.30 that neighbouring authorities are meeting the needs of G&T as there does not appear to be demand from other areas for pitches in Hillingdon. Everyone knows the only official site in Hillingdon is full, overcrowded and mostly occupied by Irish Travellers, has a low turnover and occupants will claim any vacant pitch for their own family. Para 5.4 lists the neighbouring authorities. There is currently a substantial unmet need for more pitches in South Bucks and Chiltern with applications pending and unauthorised sites. In 2016 Bucks CC sold off its socially provided sites, several of which are close to Hillingdon. There is no social provision for those who can not afford to self provide. The only option is to self provide.

2. London Plan 2017

2.1 The November 2017 ORS study fails to report or acknowledge that on 15/8/2017 the Mayor of London stated that the London Plan and Housing Strategy would require London Boroughs to plan for all G&T and not just those who met the restrictive definition in PPTS.

2.2 Policy H16 of the draft London Plan published December 2017 requires Boroughs at the start of the Plan period to use a new definition of Gypsies and Travellers as a basis for assessing need. This definition includes those who have ceased to travel permanently. Para 4.16.1 of the Draft London Plan 2017 notes that around 85% of G&T in London 'have been forced to live in housing , or on roadside encampments due to overcrowding, or an unsuitability, or lack of availability of, pitches'. The 2014 Hillingdon study found many to live in housing. ORS claim to have been unable to interview any G&T in housing in Hillingdon and the study omits a private site on Moorhall Lane, Harefield behind housing. The Mayor has decided to adopt a new definition for G&T which is different to that in PPTS due (see para 4.16.2) due to the fact the existing Government definition does not recognise many G&T who no longer travel as there is a lack of pitches (including transit pitches), because they live in housing or because of their personal circumstances.

- 2.3 The Main Modification published 18th May 2018 not only fails to acknowledge the London Plan and the proposed revised definition, it continues to rely on a very restrictive interpretation of the PPTS definition in the ORS study.

3. Main Modification May 2018

- 3.1 The EIP Inspector should be provided with copies of all appeal decisions for Gypsy Traveller sites in Hillingdon. Hillingdon Council continue to ignore the advice of PINs in planning appeals where Inspectors have pointed to the need to provide choice of sites and not assume that the site at Colne Park (which is mostly occupied by Irish Travellers) will meet all need arising in the district.
- 3.2 The Inspector should be advised of the current number of unauthorised pitches. I am told there are 6 pitches at Jackets Lane/ Willow Farm not 3 as reported by ORS.
- 3.3 Para 7.31 of the 2017 ORS study notes that there is infact a need for a further 40 pitches from those living at Colne Park due to concealed/doubled up households, emerging households, a family in bricks and mortar who spend most of their time doubled up on a pitch and household formation - which ORS concede needs to be at a higher rate than they usually like to apply (2.15% instead of 1.5%). It is not clear from the Main Modifications published in May 2018 how this need will be met.
- 3.3 If the EIP agrees the ORS study greatly underestimates need by adopting an unduly restrictive interpretation of G&T, and if the approach proposed in the London Plan is to be adopted, it is clear the Hillingdon Plan will greatly underestimate the real need for G&T pitches in this Borough and will fail to provide choice of site by location, tenure, type contrary to advice in NPPF and fail to make any transit provision.
- 3.4 In any event there is an immediate need for at least 42 additional pitches in Hillingdon and not just the 2 proposed at Colne Park.

3.5 The proposed MM fails to address the identified need or to facilitate the nomadic way of life for those who want/ need to visit the Borough.

1444 word total