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Braintree
Gypsy and Traveller Accommodation Assessment



Need Summary Report

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1. Introduction

1.1 The primary objective of the Braintree Gypsy and Traveller Accommodation Assessment (GTAA) update is to provide a robust revised assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation for the period 2016-2033.

1.2 The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. The key change that was made was the removal of the term *persons…who have ceased to travel permanently,* meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA (see Para 1.6 for the full definition).

1.3 The study provides a robust evidence base to enable the Council to assess and meet the needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act (2016). It also provides the evidence base which can be used to support Local Plan policies and development management.

1.4 The baseline date for the study is **September 2016**.

1.5 The Braintree GTAA is part of a wider study that covers the whole of Essex, together with Southend-on-Sea and Thurrock. Due to the complexity of this wider study the overall Essex GTAA Report has not yet been completed. However the fieldwork has been completed for Braintree and a final assessment of need has been undertaken. Therefore the purpose of this Need Summary is to provide the Council with a summary of the levels of need for the period 2016-2033 to provide evidence for its Local Plan.

The Planning Definition in PPTS (2015)

1.6 For the purposes of the planning system the definition of a Gypsy, Traveller and Travelling Showperson was changed in PPTS (2015). The planning definition is set out in Annex 1 and states that:

> *For the purposes of this planning policy "gypsies and travellers" means:*
>
> *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
>
> *In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
>
> *a) Whether they previously led a nomadic habit of life.*
> *b) The reasons for ceasing their nomadic habit of life.*

c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

For the purposes of this planning policy, "travelling showpeople" means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

(Planning Policy for Traveller Sites, Department for Communities and Local Government (DCLG), August 2015)

1.7 The key change that was made to both definitions was the removal of the term *persons…who have ceased to travel permanently,* meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA.

Definition of Travelling

1.8 One of the most important questions that GTAAs will need to address in terms of applying the planning definition is *what constitutes travelling*? This has been determined through case law that has tested the meaning of the term '*nomadic'* as well as other travelling characteristics.

1.9 **R v South Hams District Council (1994)** – defined Gypsies as "*persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)*" This includes 'born' Gypsies and Travellers as well as 'elective' Travellers such as New Age Travellers.

1.10 In **Maidstone BC v Secretary of State for the Environment and Dunn (2006)**, it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

1.11 In **Greenwich LBC v Powell (1989)**, Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.

1.12 The definition was widened further by the decision in **R v Shropshire CC ex p Bungay (1990)**. The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family's recently approved Gypsy site sought judicial review of the local authority's decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

1.13 That point was revisited in the case of **Hearne v National Assembly for Wales (1999)**, where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

1.14 **Wrexham County Borough Council v National Assembly of Wales and Others (2003)** determined that households and individuals could continue to lead a nomadic way of life with a permanent base from which they set out from and return to.

1.15 The implication of these rulings in terms of applying the planning definition is that it will **only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence**. It can include those who have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will **not cover** those who commute to work daily from a permanent place of residence.

1.16 It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the planning definition.

1.17 Households will also fall under the planning definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future.

1.18 This approach was endorsed by a Planning Inspector in a recent Decision Notice for an appeal in East Hertfordshire (Appeal Ref: APP/J1915/W/16/3145267). A summary can be seen below.

> *Case law, including the R v South Hams District Council ex parte Gibb (1994) judgment referred to me at the hearing, despite its reference to 'purposive activities including work' also refers to a connection between the travelling and the means of livelihood, that is, an economic purpose. In this regard, there is no economic purpose… This situation is no different from that of many landlords and property investors or indeed anyone travelling to work in a fixed, pre-arranged location. In this regard there is not an essential connection between wandering and work… Whilst there does appear to be some connection between the travel and the work in this regard, it seems to me that these periods of travel for economic purposes are very short, amounting to an extremely small proportion of his time and income. Furthermore, the work is not carried out in a nomadic manner because it seems likely that it is done by appointment… I conclude, therefore, that XX does not meet the definition of a gypsy and traveller in terms of planning policy because there is insufficient evidence that he is currently a person of a nomadic habit of life.*

2. Methodology

Background

2.1 Over the past 10 years, ORS has continually refined a methodology for undertaking robust and defensible GTAAs. This has been updated in light of the introduction of the PPG in 2014, changes to PPTS in 2015 and the Housing and Planning Act (2016), as well as responding to changes set out by Planning Ministers, with particular reference to new household formation rates. This is an evolving methodology that has been adaptive to changes in planning policy as well as the outcomes of Local Plan Examinations and Planning Appeals.

2.2 PPTS (2015) contains a number of requirements for local authorities which must be addressed in any methodology. This includes the need to pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves); identification of permanent and transit site accommodation needs separately; working collaboratively with neighbouring local planning authorities; and establishing whether households fall within the planning definition for Gypsies, Travellers and Travelling Showpeople.

2.3 The approach currently used by ORS was considered in April 2016 by the Planning Inspector for the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy who concluded:

> *'The methodology behind this assessment included undertaking a full demographic study of all occupied pitches, interviewing Gypsy and Traveller households, including those living in bricks and mortar accommodation, and considering the implications of the new Government policy. On the evidence before me, I am satisfied that the assessment has been appropriately carried out, and there is no reason for me to dispute the figures.'*

2.4 The stages of the methodology that was used to complete this study are set out below. More information on each stage will be provided in the full GTAA Report for the Essex Planning Officers Group.

Desk-Based Review

2.5 ORS collated a range of secondary data that was used to support the study. This included:

- Census data.
- Site records.
- Caravan counts.
- Records of unauthorised sites/encampments.
- Information on planning applications/appeals.
- Existing Needs Assessments and other relevant local studies.
- Existing national and local policy.

Survey of Travelling Communities

2.6 Through the desk-based research, ORS sought to identify all authorised and unauthorised sites/yards and encampments in the study area and attempted to complete an interview with the residents on

all occupied pitches and plots. In order to gather robust information to use to assess households against the planning definition of a Traveller. Multiple visits were made to households where it was not possible to conduct an interview because they were not in or not available.

2.7 Our experience suggests that an attempt to interview households on all pitches is more robust, as opposed to a sample based approach which often leads to an under-estimate of need - an approach which is regularly challenged by the Planning Inspectorate and at planning appeals.

2.8 ORS worked closely with the Council to ensure that the interviews collected all the necessary information to support the study. The household interview questions that were used have been updated to take account of recent changes to PPTS and to collect the information ORS feel is necessary to apply the current planning definition.

2.9 All pitches and plots were visited by members of our dedicated team of experienced interviewers who work on GTAA studies across England and Wales. They conducted semi-structured interviews with residents to determine their current demographic characteristics, their current or future accommodation needs, whether there is any over-crowding or the presence of concealed households and travelling characteristics (to meet the new requirements in PPTS). Interviewers also sought to identify contacts living in bricks and mortar to interview, as well as an overall assessment of each site to determine any opportunities for intensification or expansion to meet future needs.

2.10 They also sought information from residents on the type of pitches they may require in the future – for example private or socially rented, together with any features they may wish to be provided on a new pitch or site.

2.11 Where it was not possible to undertake an interview, staff sought to capture as much information as possible about each pitch from sources including neighbouring residents and site management (if present).

Timing of the Fieldwork

2.12 ORS are fully aware of the transient nature of many travelling communities and subsequent seasonal variations in site and yard occupancy. As such all of the fieldwork was undertaken during the non-travelling season, and also avoided days of known local or national events. Fieldwork was completed between January and September 2016. Whilst this did cover the summer period, the majority of interviews were not completed during July and August.

Engagement with Bricks and Mortar Households

2.13 ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan examinations and planning appeals. Contacts were sought through a range of sources including the interviews with people on existing sites and yards, intelligence from the Council, information from housing registers and other local knowledge from stakeholders, and adverts on social media (including the Friends Families and Travellers Facebook group). Through this approach we endeavoured to do everything within our means to give households living in bricks and mortar the opportunity to make their views known to us.

2.14 As a rule we do not extrapolate the findings from our fieldwork with bricks and mortar households up to the total estimated bricks and mortar population as a whole as in our experience this leads to a significant over-estimate of the number of households wishing to move to a site or a yard. We work on the assumption that all those wishing to move will make their views known to us based on the wide range of publicity we will put in place. Thus we are seeking to shift the burden of responsibility on to those living in bricks and mortar through demonstrating rigorous efforts to make them aware of the study.

Calculating Current and Future Need

2.15 To identify need, PPTS requires an assessment for current and future pitch requirements, but does not provide a methodology for this. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue is to compare the supply of pitches available for occupation with the current and future needs of the population.

Supply of Pitches

2.16 The first stage of the assessment sought to determine the number of occupied, vacant and potentially available supply in the study area:

- Current vacant pitches.
- Pitches currently with planning consent due to be developed within 5 years.
- Pitches vacated by people moving to housing.
- Pitches vacated by people moving from the study area (out-migration).

2.17 It is important when seeking to identify supply from vacant pitches that they are in fact available for general occupation – i.e. on a public or social rented site, or on a private site that is run on a commercial basis with anyone being able to rent a pitch if they are available. Typically vacant pitches on small private family sites are not included as components of available supply, but can be used to meet any current and future need arising from families living on the site.

Current Need

2.18 The second stage is to identify components of current need. It is important to address issues of double counting – for example concealed or doubled-up households may also be on a waiting list, as may households in bricks and mortar. Current need is made up of the following:

- Households on unauthorised developments for which planning permission is not expected.
- Households on unauthorised encampments for which planning permission is not expected.
- Concealed, doubled-up or over-crowded households (including single adults).
- Households in bricks and mortar wishing to move to sites.
- Households in need on waiting lists for public sites.

Future Need

2.19 The final stage is to identify components of future need. This includes the following four components:

- Older teenage children in need of a pitch of their own.
- Households living on sites with temporary planning permissions.
- New household formation.
- In-migration.

2.20 Household formation rates are often the subject of challenge at appeals or examinations. We firmly believe that any household formation rates should use a robust local evidence base where household interviews have been completed, rather than simply relying on precedent.

2.21 All of these components of supply and need are presented in easy to understand tables which identify the overall net need for current and future accommodation for both Gypsies and Travellers, and for Travelling Showpeople (where present). This has proven to be a robust model for identifying needs. The residential and transit pitch needs for Gypsies and Travellers are identified separately and the needs are identified to 2033.

Pitch Turnover

2.22 Some assessments of need make use of pitch turnover as an ongoing component of supply. ORS do not agree with this approach or about making any assumptions about annual turnover rates. This is an approach that usually ends up with a significant under-estimate of need as in the majority of cases vacant pitches on sites are not available to meet any additional need. The use of pitch 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 pitch turnover and concluded:

> *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.*

2.23 In addition a GTAA Best Practice Guide was produced in June 2016 by a number of 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.*

2.24 As such, other than current vacant pitches on sites that are known to be available, or pitches identified during the fieldwork as becoming available, pitch turnover has not been considered as a component of supply in this GTAA. However the Council should continue to monitor need against pitch turnover through its usual annual monitoring processes.

Transit Provision

2.25 PPTS also requires an assessment of the need for any transit sites or stopping places. While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar and no longer travel, other members of the community either travel permanently or for part of the year. Due to the mobile nature of the population, a range of sites or management approaches can be developed to accommodate Gypsies and Travellers as they move through different areas.

- Transit sites
- Temporary/Emergency stopping places
- Temporary (seasonal) sites
- Negotiated Stopping Agreements

2.26 In order to investigate the potential need for transit provision when undertaking work to support the study, ORS sought to undertake analysis of any records of unauthorised sites and encampments, as well as information from the CLG Caravan Count. The outcomes of the interviews with Council Officers, Officers from neighbouring local authorities and other stakeholders were also taken into consideration when determining this element of need in the study area.

3. PPTS (2015) Planning Definition

3.1 The primary change introduced by PPTS (2015) in relation to the assessment of need was the change in the definition of a Gypsy, Traveller or Travelling Showperson for planning purposes. Through the site interviews ORS has collected information necessary to assess each household against the planning definition. As PPTS (2015) has only recently been issued only a small number of relevant appeal decisions have been issued by the Planning Inspectorate on how the planning definition should be applied – these support the view that households need to be able to demonstrate that they travel for work purposes (or have ceased to travel temporarily due to education, ill health or old age), and stay away from their usual place of residence when doing so.

Applying the Planning Definition

3.2 The household interview included a structured section of questions to record information about the travelling characteristics of household members. This included questions on the following key issues:

- Whether any household members have travelled in the past 12 months.
- Whether household members have ever travelled.
- The main reasons for travelling.
- Where household members travel to.
- The times of the year that household members travel.
- Where household members stay when they are away travelling.
- When household members stopped travelling.
- The reasons why household members stopped travelling.
- Whether household members intend to travel again in the future.
- When and the reasons why household members plan to travel again in the future.

3.3 The outcomes from these questions on travelling were used to assess the status of each household against the planning definition in PPTS (2015). Through a combination of responses households need to provide sufficient information to demonstrate that household members travel for work purposes and in doing so stay away from their usual place of residence, or that they have ceased to travel temporarily due to education, ill health or old age, and plan to travel again for work purposes in the future. The same definition applies to Travelling Showpeople as to Gypsies and Travellers.

3.4 Households that need to be formally considered in the GTAA fall under one of 3 classifications. Only those households that meet, or may meet, the planning definition will form the formal components of need to be included in the GTAA:

- Households that travel under the planning definition.
- Households that have ceased to travel temporarily under the planning definition.

- Households where an interview was not possible who *may* fall under the planning definition.

3.5 Whilst the needs of those households that do not meet the planning definition do not now need to be formally included in the GTAA, they will be assessed to provide the Council with components of need to support their wider housing needs assessments.

Unknown Households

3.6 As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be considered as part of the GTAA where they are believed to be Gypsies, Travellers or Showpeople who **may** meet the planning definition. Whilst there is no law or guidance that sets out how the needs of these households should be addressed, an approach has been taken that seeks an estimate of potential need from these households. This will be a maximum additional need figure over and above the need identified for households that do meet the planning definition.

3.7 The estimate seeks to identify potential current and future need from many pitches known to be temporary or unauthorised, and through new household formation. For the latter the national rate of 1.50% has been used as the demographics of residents are unknown. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).

3.8 Should further information be made available to the Council that will allow for the planning definition to be applied, these households could either form a confirmed component of need to be addressed through the GTAA or the SHMA/HEDNA.

3.9 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households where an interview was completed.

3.10 However, data that has been collected from over 1,800 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition (this rises to 70% for Travelling Showpeople based on over 300 interviews that have been completed) – and in some local authorities, particularly London Boroughs, no households meet the planning definition.

3.11 ORS are not implying that this is an official national statistic - rather a national statistic based on the outcomes of our fieldwork since the introduction of PPTS (2015). It is estimated that there are between 12,000-14,000 Gypsy and Traveller pitches in England and we have spoken to over 12% of them at a representative range of sites and just over 10% meet the planning definition. ORS also asked similar questions on travelling in over 2,000 pre-PPTS (2015) household interviews and also found that 10% of households would have met the PPTS (2015) planning definition. It is ORS' view

therefore that this is the most comprehensive national statistic in relation to households that meet the planning definition in PPTS (2015) and should be seen as a robust statistical figure.

3.12 The Council will need to carefully consider how to address the needs associated with unknown Travellers as it is unlikely that all of this need will need to be addressed through the provision of conditioned Gypsy or Traveller pitches. In terms of Local Plan policies the Council could consider the use of a specific site allocation/protection policy for those households that do meet the planning definition, together with a criteria-based policy (as suggested in PPTS) for any unknown households that do provide evidence that they meet the planning definition.

Households that do not meet the Planning Definition

3.13 Whilst households who do not travel fall outside the planning definition of a Traveller, Romany Gypsies and Irish and Scottish Travellers may be able to demonstrate a right to culturally appropriate accommodation under the Equality Act 2010. In addition provisions set out in the Housing and Planning Act (2016) now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored. Draft Guidance[1] related to this section of the Act has been published setting out how the government would want local housing authorities to undertake this assessment and it is the same as the GTAA assessment process. The implication is therefore that the housing needs of any Gypsy and Traveller households who do not meet the planning definition of a Traveller will need to be assessed as part of the wider housing needs of the area, for example through the SHMA or HEDNA process, and will form a subset of the wider need arising from households residing in caravans.

[1] "*Draft guidance to local housing authorities on the periodical review of housing needs for caravans and houseboats*." (March 2016)

4. Survey of Travellers

Interviews with Gypsies, Travellers and Travelling Showpeople

4.1 One of the major components of this study was a detailed survey of the Gypsy, Traveller and Travelling Showpeople population living in Braintree. Through the desk-based research ORS identified 2 public sites (26 pitches), 8 private sites (33 pitches), and no temporary, tolerated or unauthorised sites. There are also 2 Travelling Showpeople yards with planning permission for 6 plots. There are no transit sites.

4.2 Interviews were completed between January and September 2016. Up to 3 attempts were made to interview each household where they were not present when interviewers visited. The table below sets out the sites/yards that were identified and visited, the number of pitches/plots, the number of interviews that were completed, and the reasons why interviews were not completed.

Figure 1 – Gypsy, Traveller and Travelling Showpeople sites and yards visited in Braintree

Status	Pitches/Plots	Interviews	Reasons for not completing interviews
Public Sites			
Ridgewell, Braintree	12	9	1 x vacant, 2 x no contact possible
Sandiacres, Cressing	14	9	2 x vacant, 3 x no contact possible
Private Sites			
Half Acres, Cressing	4	0	4 x no contact possible
Station Road, Felstead	2	2	-
Ferriers Farm Road, Bures	1	0	1 x no contact possible
Paddock Farm, Hatfield Peveral	1	0	1 x no contact possible
Custom Hall, Toppersfield	1	1	-
Compasses Lane, Pattiswick	2	2	-
Layby, Blake End	1	0	1 x no contact possible
Twin Oaks, Stisted	21	13	3 x vacant, 2 x not implemented, 5 x no contact possible
Travelling Showpeople			
Blackwater Lane, Witham	2	5	-
Fair Rest, Rivenhall End	4	0	1 x refusal, 3 x no contact possible
TOTAL	**65**	**41**	

Efforts to contact bricks and mortar

4.2 ORS applied a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan examinations and planning appeals. Contacts were sought through a range of sources including the interviews with people on existing sites and yards, intelligence from the Council and local housing providers, and adverts on social media (including the Friends Families and Travellers Facebook group), as well as writing to households on waiting lists for public sites.

4.3 At the time of concluding this report no contacts had been identified to interview (although a number of letters were sent by Registered Providers inviting known Gypsy and Traveller to contact ORS if they had any current or future accommodation needs).

5. Current and Future Pitch Provision

5.1 This section focuses on the additional pitch provision which is needed in Braintree currently and to 2033. This includes both current unmet need and need which is likely to arise in the future. This time period allows for robust forecasts of the requirements for future provision, based upon the evidence contained within this study and also secondary data sources. Whilst the difficulty in making accurate assessments beyond 5 years has been highlighted in previous studies completed by ORS, the approach taken in this study to estimate new household formation has been accepted by Planning Inspectors as the most appropriate methodology to use.

5.2 We would note that this section is based upon a combination of the on-site surveys, planning records and discussions with Officers from the Council. In many cases, the survey data is not used in isolation, but instead is used to validate information from planning records or other sources.

PPTS (2015) Planning Definition

5.4 As well as assessing housing need PPTS (2015) requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the planning definition of a Gypsy, Traveller or Travelling Showperson. Only households that fall within the planning definition, and those who *may* meet the planning definition (households where an interview was not completed), will have their housing needs assessed separately from the wider population in the GTAA. The planning definition now excludes those who have ceased to travel permanently.

New Household Formation Rates

5.5 Nationally, a household formation and growth rate of 3.00% net per annum has been commonly assumed and widely used in local Gypsy and Traveller assessments, even though there is no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically. In this context, ORS has prepared a *Technical Note on Household Formation and Growth Rates (2015)*. The main conclusions are set out here and the full paper is in **Appendix B**.

5.6 Those seeking to provide evidence of high annual net household growth rates for Gypsies and Travellers have sometimes sought to rely on increases in the number of caravans, as reflected in the Traveller Caravan Count. However this data is very unreliable and erratic – so the only proper way to project future population and household growth is through demographic analysis.

5.7 The Technical Note concludes that in fact, the growth in the national Gypsy and Traveller population may be as low as 1.25% per annum – much less than the 3.00% per annum often assumed, but still greater than in the settled community. Even using extreme and unrealistic assumptions, it is hard to

find evidence that net Gypsy and Traveller population and household growth rates are above 2.00% per annum nationally.

5.8 The often assumed 3.00% per annum net household growth rate is unrealistic and would require clear statistical evidence before being used for planning purposes. In practice, the best available evidence supports a national net household growth rate of 1.50% per annum for Gypsies and Travellers. This view has been supported by Planning Inspectors in a number of Decision Notices. The most recent was in relation to an appeal in Doncaster (Ref: APP/F4410/W/15/3133490) where the agent acting on behalf of the appellant claimed that a rate closer to 3.00% should be used. The Inspector concluded:

> *In assessing need account also needs to be taken of likely household growth over the coming years. In determining an annual household growth rate the Council relies on the work of Opinions Research Services (ORS), part of Swansea University. ORS's research considers migration, population profiles, births & fertility rates, death rates, household size data and household dissolution rates to determine average household growth rates for gypsies and travellers. The findings indicate that the average annual growth rate is in the order of 1.5% but that a 2.5% figure could be used if local data suggest a relatively youthful population. As the Council has found a strong correlation between Doncaster's gypsy and traveller population age profile and the national picture, a 1.5% annual household growth rate has been used in its 2016 GTANA. Given the rigour of ORS's research and the Council's application of its findings to the local area I accept that a 1.5% figure is justified in the case of Doncaster.*

5.9 In addition the Technical Note has recently been accepted as a robust academic evidence base and has been published by the Social Research Association in its journal Social Research Practice. The overall purpose of the journal is to encourage and promote high standards of social research for public benefit. It aims to encourage methodological development by giving practitioners the space and the incentive to share their knowledge – see link below.

http://the-sra.org.uk/journal-social-research-practice/

5.10 ORS assessments take full account of the net local household growth rate per annum calculated on the basis of demographic evidence from the site surveys, and the baseline includes all current authorised households, all households identified as in current need (including concealed households, movement from bricks and mortar and those on waiting lists not currently living on a pitch or plot), as well as households living on tolerated unauthorised pitches or plots who are not included as current need. The assessments of future need also take account of modelling projections based on birth and death rates.

5.11 Overall, the household growth rate used for the assessment of future needs has been informed by local evidence. This demographic evidence from the household interviews has been used to adjust the national growth rate of 1.50% up or down based on the proportion of those aged under 18 in each local authority (by planning status).

5.12 In certain circumstances where the numbers of households and children are low it is not appropriate to apply a percentage rate for new household formation. In these cases a judgement will be made

on likely new household formation based on the age and gender of the children. This will be based on the assumption that 50% of likely households to form will stay in the area. This is based on evidence from other GTAAs that ORS have completed across England and Wales.

5.13 Research by ORS has also identified a national growth rate of 1.00% for Travelling Showpeople and this has also been adjusted locally based on site demographics.

5.14 The outcomes in Braintree are that new household formation for Gypsies and Travellers who meet the planning definition has used the site demographics as there were only 4 children identified; a rate of 2.00% has been used for Gypsy and Traveller households that do not meet the planning definition based on 48% of the population being aged under 18; the national rate of 1.50% has been used for unknown households; site demographics have been used for Travelling Showpeople who meet and do not meet the planning definition due to low numbers of children; and the national rate of 1.00% has been used for unknown Travelling Showpeople.

Breakdown by 5 Year Bands

5.15 In addition to tables which set out the overall need for Gypsies, Travellers and Travelling Showpeople, the need has also been broken down by 5 year bands as required by PPTS (2015). The way that this is calculated is by including all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5 year need from older teenage children, and net movement from bricks and mortar) in the first 5 years. Total net new household formation is split across the 5 year bands based on the compound rate of growth that was applied – as opposed to being spread evenly.

Applying the Planning Definition

5.16 The outcomes from the questions in the household survey on travelling were used to assess each household against the planning definition in PPTS (2015). This included information on whether households have ever travelled; why they have stopped travelling; the reasons that they travel; and whether and why they plan to travel again in the future. This assessment was based on the verbal responses to the questions given to interviewers as it is understood that oral evidence is capable of being sufficient when determining whether households meet the planning definition.

5.3 Figure 2 shows that for Gypsies and Travellers 4 households meet the planning definition, and for Travelling Showpeople 4 households meet the planning definition in that it was able to be determined that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 32 Gypsy and Traveller households and 1 Travelling Showperson household did not meet the planning definition as they were not able to provide information that they travel away from their usual place of residence for the purpose of work, or that they have ceased to travel temporarily due to children in education, ill health or old age. Some did travel for cultural reasons to visit fairs, relatives or friends, and others had ceased to travel permanently – these households did not meet the planning definition.

5.4 The number of households on each site where an interview was not possible are recorded as unknown. The reasons for this included households that refused to be interviewed and households that were not present during the fieldwork period – despite up to 3 visits.

Figure 2 – Planning status of households in Braintree

Site Status	Meet Planning Definition	Unknown	Do Not Meet Planning Definition	TOTAL
Public Sites	1	6	19	**26**
Private Sites	3	12	13	**28**
Travelling Showpeople	4	4	1	**9**
TOTAL	**8**	**22**	**33**	**63**

Pitch Needs – Gypsies and Travellers that meet the Planning Definition

5.5 The 4 households who meet the planning definition were found on 1 public site and 1 private site. Analysis of the household interviews identify that there is need for 1 additional pitch for a concealed adult, and a need for 2 additional pitches through new household formation. There is also supply from 1 vacant pitch on a public site. There is no other current or future need arising from residents on either site.

5.6 Therefore the overall level of additional need for those households who meet the planning definition of a Gypsy or Traveller is for **2 additional pitches** over the GTAA period to 2033.

Figure 3 – Additional need for Gypsy and Traveller households in Braintree that meet the Planning Definition (2017-2033)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	1
Additional supply from pitches on new sites	0
Pitches to be vacated by households moving to bricks and mortar	0
Pitches to be vacated by households moving to another area	0
Total Supply	**1**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	1
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	**1**
Future Need	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	2
(Formation from household demographics)	
Total Future Needs	**2**
Net Pitch Total = (Current and Future Need – Total Supply)	**2**

Figure 4 – Additional need for Gypsy and Traveller households in Braintree that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	0	1	1	0	**2**

Pitch Needs – Unknown Gypsies and Travellers

5.7 Whilst it was not possible to determine the planning status of a total of 18 households as they were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be Gypsies and Travellers and **may** meet the planning definition.

5.8 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.

5.9 However data that has been collected from over 1,800 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 10% of households that have been interviewed meet the planning definition.

5.10 This would suggest that it is likely that only a small proportion of the potential need identified from these households will need conditioned Gypsy and Traveller pitches, and that the needs of the majority will need to be addressed through other means.

5.11 Should further information be made available to the Council that will allow for the planning definition to be applied to the unknown households, the overall level of need could rise by up to 5 pitches from new household formation (this uses a base of the 18 households and a net growth rate of 1.50%[2]). There is also 1 pitch that will become vacant on one of the public sites in the first 5 years of the GTAA. Therefore additional need *could* increase by up to a further 4 pitches, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 18 unknown pitches are deemed to meet the planning definition). However, as an illustration, if the ORS national average of 10% were to be applied this could be as few as no additional pitches. Tables setting out the components of need for unknown households can be found in **Appendix A**.

Gypsies and Travellers that do not meet the Planning Definition

5.12 It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the planning definition. However this assessment is included for illustrative purposes and to provide the Council with information on levels of need that will have to be addressed through the SHMA or HEDNA and through separate Local Plan policies. On this basis, it is evident that whilst the needs of the 32 households who do not meet the planning definition will represent only a very small proportion of the overall housing need, the Council will still need to ensure that arrangements are in

[2] The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.50% for Gypsies and Travellers which has been applied in the absence of further demographic information about these households.

place to properly address these needs – especially as many identified as Romany Gypsies or Irish Travellers. A summary of this need can be found in **Appendix A**.

Waiting Lists

5.13 There are 2 public sites in Braintree. At the time of reporting information was still being processed by Essex County Council regarding the households on the waiting lists for these sites. This will help to identify how many households are currently living on one of the sites; how many are living in bricks and mortar in Braintree; how many are living on other sites in Braintree; how many are living on sites outside of Braintree; and how many are living in bricks and mortar outside of Braintree.

5.14 Should these households wish to be considered for a tenancy on one of the public sites they may have to provide information on their travelling patterns during the site allocation process as and when a pitch becomes available.

Pitch Needs – Travelling Showpeople that meet the Planning Definition

5.15 There were 2 Travelling Showpeople yards identified in Braintree and interviews were completed with 5 extended family groups living on one of the yards. Of these households 4 meet the planning definition and 1 does not. It was not possible to complete any interviews on the other yard as one household refused to be interviewed and 3 were not present during the fieldwork period.

5.16 Analysis of the household interviews for those who meet the planning definition identify that there is need for 1 additional plot for an older teenage child in need of a plot of their own in the next 5 years, and a need for 4 additional plots through new household formation.

5.17 Therefore the overall level of additional need for those households who meet the planning definition of a Travelling Showperson is for **5 additional plots** over the GTAA period to 2033.

Figure 5 – Additional need for Travelling Showpeople households in Braintree that meet the Planning Definition (2017-2033)

Travelling Showpeople - Meeting Planning Definition	Plots
Supply of Plots	
Additional supply from vacant public and private plots	0
Additional supply from plots on new yards	0
Plots to be vacated by households moving to bricks and mortar	0
Plots to be vacated by households moving to another area	0
Total Supply	**0**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public yards	0
Total Current Need	**0**
Future Need	

5 year need from older teenage children	1
Households on yards with temporary planning permission	0
In-migration	0
New household formation	4
(Formation from household demographics)	
Total Future Needs	**5**
Net Plot Total = (Current and Future Need – Total Supply)	**5**

Figure 6 – Additional need for Travelling Showpeople households in Braintree that meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	1	2	2	0	**5**

Pitch Needs – Unknown Travelling Showpeople

5.18 Whilst it was not possible to determine the planning status of a total of 4 households as they either refused to be interviewed or were not on site at the time of the fieldwork, the needs of these households still need to be recognised by the GTAA as they are believed to be Travelling Showpeople and **may** meet the planning definition.

5.19 ORS are of the opinion that it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not households where an interview was not completed meet the planning definition based on the outcomes of households in that local authority where an interview was completed.

5.20 However data that has been collected from over 300 household interviews that have been completed by ORS since the changes to PPTS in 2015 suggests that nationally approximately 70% of Travelling Showperson households that have been interviewed meet the planning definition.

5.21 This would suggest that it is likely that only a proportion of the potential need identified from these households will need new Travelling Showperson plots, and that the needs of the rest will need to be addressed through other means.

5.22 Should further information be made available to the Council that will allow for the planning definition to be applied to the unknown households, the overall level of need could rise by up to 1 plot from new household formation (this uses a base of the 4 households and a net growth rate of 1.00%[3]). Therefore additional need *could* increase by up to 1 plot, plus any concealed adult households or 5 year need arising from older teenagers living in these households (if all 4 unknown plots are deemed to meet the planning definition). Tables setting out the components of need for unknown households can be found in **Appendix A**.

[3] The ORS *Technical Note on Population and Household Growth (2015)* has identified a national growth rate of 1.00% for Travelling Showpeople which has been applied in the absence of further demographic information about these households.

Travelling Showpeople that do not meet the Planning Definition

5.23 It is not now a requirement for a GTAA to include an assessment of need for households that do not meet the planning definition. However this assessment is included for illustrative purposes and to provide the Council with information on levels of need that will have to be addressed through the SHMA or HEDNA and through separate Local Plan policies. On this basis, it is evident that there is no current or future need arising from the 1 household that does not meet the planning definition. A summary of this need can be found in **Appendix A**.

Transit Requirements

5.24 When determining the potential need for transit provision the assessment has looked at data from the DCLG Caravan Count, the outcomes of the stakeholder interviews and local records on numbers of unauthorised encampments, and the potential wider issues related to changes made to PPTS in 2015.

DCLG Caravan Count

5.25 Whilst it is considered to be a comprehensive national dataset on numbers of authorised and unauthorised caravans across England, it is acknowledged that the Caravan Count is a count of caravans and not households or pitches/plots. It also does not record the reasons for unauthorised caravans. This makes it very difficult to interpret in relation to assessing future need because it does not count pitches or resident households. The count is also only a twice yearly (January and July) 'snapshot in time' conducted by local authorities on a specific day, and any caravans on unauthorised sites or encampments which occur on other dates are not recorded. Likewise any caravans that are away from sites on the day of the count are not included. As such it is not considered appropriate to use the outcomes from the Traveller Caravan Count in the assessment of future transit provision. It does however provide valuable historic and trend data on whether there are instances of unauthorised caravans in local authority areas.

5.26 Data from the Caravan Count shows that there have been low numbers of non-tolerated unauthorised caravans on land not owned by Travellers recorded in Braintree in recent years – recorded only during the summer months.

Stakeholder Interviews and Local Data

5.27 Information from the stakeholder interviews that were completed for the previous GTAA that was published in 2014 also confirmed that there are low levels of unauthorised encampments and that the majority were short-term visiting family or friends, transient and simply passing through.

Potential Implications of PPTS (2015)

5.28 It has been suggested by a number of organisations and individuals representing the Travelling Community that there will need to be an increase in transit provision across the country as a result of changes to PPTS leading to more households travelling seeking to meet the planning definition. This may well be the case but it will take some time for any changes to become apparent. As such the use of historic evidence to make an assessment of future transit need is not recommended at

this time. Any recommendation for future transit provision will need to make use of a robust post-PPTS (2015) evidence base and there has not been sufficient time yet for this to be developed.

Transit Recommendations

5.29 It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.

5.30 A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015 – including if possible an analysis of whether households on encampments meet the planning definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places. If such a need is identified work will need to be undertaken on an Essex-wide basis to identify suitable locations to meet the provision.

5.31 In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach. At this point whilst consideration should also be given as to how to deal with households that do and do not meet the planning definition, from a practical point of view it is likely that households on all unauthorised encampments will need to be dealt with in the same way.

5.32 The term 'negotiated stopping' is used to describe agreed short term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the authority and the (temporary) residents regarding expectations on both sides.

5.33 Temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. A charge may be levied as determined by the local authority although they only need to provide basic facilities including: a cold water supply; portaloos; sewage disposal point and refuse disposal facilities.

6. Conclusions

6.1 This study provides an robust evidence base to enable the Council to assess the housing needs of the Travelling Community as well as complying with their requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, the National Planning Policy Framework (NPPF) 2012, Planning Practice Guidance (PPG) 2014, Planning Policy for Traveller Sites (PPTS) 2015, and the Housing and Planning Act 2016. It also provides the evidence base which can be used to support Local Plan policies.

Gypsies and Travellers

6.2 In summary there is a need for **2 additional pitches** in Braintree over the GTAA period to 2033 for Gypsy and Traveller households that meet the planning definition; a need for up to 4 additional pitches for Gypsy and Traveller households that may meet the planning definition – although if the ORS national average of 10% were to be applied this could be as few as no additional pitches; and a need for 20 additional pitches for Gypsy and Traveller households who do not meet the planning definition – if the potential need from 90% of unknown households is added to this the total need for non-Travelling households could rise to 24 additional pitches.

Travelling Showpeople

6.3 In summary there is a need for **5 additional plots** in Braintree over the GTAA period to 2033 for Travelling Showpeople households that meet the planning definition; a need for up to 1 additional plot for Travelling Showpeople households that may meet the planning definition; and a need for no additional plots for Travelling Showpeople households who do not meet the planning definition.

Transit Provision

6.4 It is recommended that the situation relating to levels of unauthorised encampments should be continually monitored whilst any potential changes associated with PPTS (2015) develop.

6.5 A review of the evidence base relating to unauthorised encampments should be undertaken in autumn 2018 once there is a new 3 year evidence base following the changes to PPTS in 2015 – including if possible an analysis of whether households on encampments meet the planning definition. This will establish whether there is a need for investment in more formal transit sites or emergency stopping places.

6.6 In the short-term the Council should consider the use of short-term toleration or negotiated stopping agreements to deal with any encampments, as opposed to taking forward an infrastructure-based approach.

Appendix A – Need from unknown and households that do not meet the Planning Definition

Additional need for unknown Gypsy and Traveller households in Braintree (2016-33)

Gypsies and Travellers - Unknown	Pitches
Supply of Plots	
Additional supply from vacant public and private pitches	1
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	**1**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	**0**
Future Need	
5 year need from older teenage children	0
Households on sites with temporary planning permission	0
In-migration	0
New household formation	5
(Household base 18 and formation rate of 1.50%)	
Total Future Needs	**5**
Net Pitch Total = (Current and Future Need – Total Supply)	**4**

Additional need for unknown Gypsy and Traveller households in Braintree by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	0	2	2	0	**4**

Additional need for unknown Travelling Showpeople households in Braintree (2017-2033)

Travelling Showpeople - Meeting Planning Definition	Pitches
Supply of Plots	
Additional supply from vacant public and private plots	0
Additional supply from plots on new yards	0
Plots to be vacated by households moving to bricks and mortar	0
Plots to be vacated by households moving to another area	0
Total Supply	**0**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public yards	0
Total Current Need	**0**
Future Need	
5 year need from older teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	1
(Household base 4 and formation rate 1.00%)	
Total Future Needs	**1**
Net Pitch Total = (Current and Future Need – Total Supply)	**1**

Additional need for unknown Travelling Showpeople households in Braintree by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	0	0	1	0	**0**

Additional need Gypsy and Traveller households in Braintree that do not meet the Planning Definition (2016-33)

Gypsies and Travellers – Not Meeting New Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	1
Additional supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	**1**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	3
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	**3**
Future Need	
5 year need from older teenage children	3
Households on sites with temporary planning permission	0
In-migration	0
New household formation (years 6-20)	15
(Household base 38 and formation rate 2.00%)	
Total Future Needs	**18**
Net Pitch Total = (Current and Future Need – Total Supply)	**20**

Additional need for Gypsy and Traveller households in Braintree that do not meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	9	4	5	2	**20**

Additional need for Travelling Showpeople households in Braintree that do not meet the Planning Definition (2017-2033)

Travelling Showpeople - Meeting Planning Definition	Pitches
Supply of Plots	
Additional supply from vacant public and private plots	0
Additional supply from plots on new yards	0
Plots to be vacated by households moving to bricks and mortar	0
Plots to be vacated by households moving to another area	0
Total Supply	**0**
Current Need	
Households on unauthorised developments	0
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	0
Movement from bricks and mortar	0
Households on waiting lists for public yards	0
Total Current Need	**0**
Future Need	
5 year need from older teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	0
(No current or future need from 1 household)	
Total Future Needs	**0**
Net Pitch Total = (Current and Future Need – Total Supply)	**0**

Additional need for Travelling Showpeople households in Braintree that do not meet the Planning Definition by 5 year periods

Years	0-5	6-10	11-15	16-17	Total
	2016-21	2021-26	2026-31	2031-33	
	0	0	0	0	**0**

Appendix B – ORS Technical Note on Household Formation and Growth Rates