

Examination of the Tunbridge Wells
Borough Local Plan

**Tunbridge Wells Borough Council
Hearing Statement**

**Matter 8: Meeting Housing
Needs (Policies H1, H2, H3,
H4, H5, H6, H7, H8, H9, H10,
H11 and H12)
Issue 11: Accommodation for
Gypsies and Travellers**

Document Reference: TWLP/040



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Matter 8 – Meeting Housing Needs (Policies H1, H2, H3, H4, H5, H6, H7, H8, H9, H10, H11 and H12)

Issue 11 – Accommodation for Gypsies and Travellers

Inspector’s Question 1: [re. GTAA]

Is the assessment of future needs in the Gypsy and Traveller Accommodation Assessment (‘GTAA’) accurate, robust and up to date?

TWBC response to Question 1

Introduction

1. The Council’s Gypsy and Traveller Accommodation Assessment (GTAA) [[CD 3.78](#)] dated 2018 provides an estimate of the number of additional pitches required for the 20 year period 2017 to 2037.

Consideration

2. Paragraph S22 of the GTAA confirms that in relation to Gypsies and Travellers, the main drivers of need are from newly forming families, families residing on overcrowded pitches, and psychological aversion of households living in bricks and mortar accommodation. Table S.1 of the GTAA provides a Summary of Accommodation Needs 2017-37. Paragraphs 6.37 and 6.38 of the Council’s Housing Supply and Trajectory Topic Paper [[CD 3.74a](#)] provide a detailed explanation of the how the number of pitches to be delivered from 2017 to 2038 (a period 21 years) has been calculated (a total of 33 pitches).

Table to summarise Gypsy & Traveller accommodation needs for the period 2017-2037 identified by the GTAA

Period (each of 5 years)	Pitches required
2017 to 2022	15
2022 to 2027	5
2027 to 2032	6
2032 to 2037	6
Total 2017 to 2037 (20 years)	32

3. These figures are based on households that have not permanently ceased to travel or have ceased to travel for health or family reasons. The need for those who currently travel is lower, at 24 pitches over the whole period. However, this lower figure is not regarded as fully meeting the National Planning Policy Framework (NPPF) definition of Gypsies and Travellers in Annex 1: Glossary of the Planning Policy for Traveller Sites 2015 ([PPTS](#)).
4. In summary, the GTAA covers the 20-year period 2017-2037 and identifies a need for additional pitches at the rate of five pitches for the five-year assessment period, 2022-2027, and then six pitches for the final two five-year assessment periods 2027-2032 and 2032-2037. The higher assessed need for the first five-year assessment period of fifteen pitches reflects a 'build-up' of need in the period prior to the assessment start date.
5. It is the case that once this higher need has been met by the delivery of new pitches, the need for additional pitches reduces to just over one pitch per year over the remaining three five-year periods, 2022-2037. It is therefore considered that the GTAA outcomes are up to date, with the estimated needs per annum as shown in the table above not fluctuating over the period post-2022.
6. When summarising the need for Gypsy and Traveller pitches 2017-2038 (see table 10 in the Submission Local Plan), the need to deliver just over one pitch per year after 2022 has been used to extend the calculation of need by one year to 2038, to reflect the Local Plan period that runs to 2038.

7. Based on this estimated additional need, that remains at the same rate for the second, third and fourth 5-year periods covered by the GTAA as set out in the table above, one additional pitch has been calculated to meet the need for the one-year period 2037/38. The total need, therefore, for the 21-year period 2017-2038 is 33 pitches.
8. Moreover, as presented within the Council's latest [Five-Year Gypsy and Traveller Pitch Supply Statement 2021](#) (5YGTPSS), the number of Gypsy and Traveller pitch completions and extant planning permissions for pitches has largely aligned with the identified GTAA need between 1 April 2017 to 31 September 2026 (a period of 9.5 years). As detailed in the 5YGTPSS for this period, the GTAA identifies a need of 19.5 pitches. Within this 9.5-year period, there have been 7 completions (between 1 April 2017 – 31 September 2021) and extant planning permissions for 11 pitches between 1 October 2021 to 31 September 2026 (as at 1 October 2021). This equates to the anticipated delivery of 18 pitches.
9. It is the case therefore that the need as identified within the GTAA aligns closely with the number of pitches delivered to-date and within the current supply.

Conclusion

10. Given the above, the Council considers that the assessment of future needs in the Gypsy and Traveller Accommodation Assessment ('GTAA') is accurate, robust and up to date as evidenced within the recent Five-Year Gypsy and Traveller Pitch Supply Statement 2021. The Council acknowledges, however, that in order to keep up the supply of new Gypsy and Traveller pitches in the borough, suitable sites capable of accommodating new pitches should be identified (as has been done) within the Local Plan.

Inspector's Question 2: [re. how will needs be met?]

What are the accommodation needs over the plan period and how will they be met? How have site capacities been determined, especially for sites with the potential to expand?

TWBC response to Question 2

Introduction

11. The Council's Gypsy and Traveller Accommodation Assessment (GTAA) [[CD 3.78](#)] considered how the identified need for additional pitches may be met. It recommends that the most appropriate way of meeting the identified need, which the GTAA identified as coming from the change of family circumstances for the existing families resident on private family-based sites within the borough, should largely be through the intensification and/or expansion of existing sites. However, it cautions that, for some sites, this may not be appropriate, including where the expansion and/or intensification of a site may result in a site that is considered to be too large.
12. The GTAA also advised that further capacity could also be met by granting full planning permission to occupiers residing on sites with temporary planning permission, and also by reviewing appeal decisions.

Consideration

Provision of pitches

13. Reflecting the advice of the GTAA in how best the Council should meet the need for additional pitches, it follows that the Local Plan should consider the suitability for existing sites to accommodate additional pitches, supported by a criteria-based planning Policy, and possibly supplemented by site allocations. The most appropriate approach for each site will need to be informed by a full planning assessment of each site, as well as having regard to the future intentions and needs of the current occupiers.
14. Consideration of the potential sources of supply of additional pitches is provided in the Housing Supply and Trajectory Topic Paper 2021 [[CD 3.74a](#)], with detailed site assessment outcomes (for all Gypsy and Traveller sites) included in the Topic Paper Annex 1 [[CD 3.74b](#)]. As a summary, for those sites where a capacity has been identified, Appendix 5 of the Local Plan: Policy H9 Gypsies and Travellers: 'Site Layout

Plans of the Submission Local Plan, associated with Policy H 9: Gypsies and Travellers' includes site plans for those sites found in Table 11 of the Submission Local Plan (existing and proposed new Gypsy and Traveller sites that may have potential for accommodating additional pitches). These site plans show proposed areas for intensification, expansion, and/or regularisation (i.e., the authorisation of unauthorised pitches) except for Lordship Stables which benefits from a retrospective permission granted after the base date of the Plan (01 April 2020) for the existing single pitch on site, and also excludes the three pitches proposed as part of the strategic proposal for Paddock Wood (including land at east Capel) (Policy STR/SS 1).

15. The provision of 33 additional pitches for the period 2017-2038 is seen in the context of the existing provision, the most up to date situation being from the January 2022 Caravan Count that identified a total of 55 pitches within the borough. It is notable that the majority of pitches within the borough are on small, family-based sites that typically only have up to three pitches.
16. It follows that, as the need over the plan period identified by the GTAA is expected to come from existing local families, then first consideration should be given to the potential for additional pitches at established sites in order to meet this local need.
17. The GTAA consultants advised, based on their understanding of existing sites and the nature of demand, that the most appropriate way of meeting the identified need generated by existing families should largely be through the intensification and/or expansion of existing sites. Further consideration of this potential source of additional pitches largely confirms the conclusions of the GTAA, with a potential for some 18-21 pitches at existing sites (ref. Local Plan Table 11 Existing and proposed new Gypsy and Traveller sites that may have potential for accommodating additional pitches). It is added that, as at December 2020, there were also 8 extant pitches. In most cases the identified additional capacity for existing sites is through intensification within an existing site, most of which is essentially 'brownfield' land, although for some sites it also includes some small-scale extensions to existing sites on land within the same ownership as the established site.
18. An additional six pitches will also be delivered on two new sites. A capacity of three pitches has been identified at Greenfields Farm, a site that was promoted through the

Call for Sites to deliver Gypsy and Traveller pitches. This site is not located in the Green Belt or AONB and comprises of mostly hard-standing and structures for use by the existing adjacent mobile homes (consented for permanent, non-Gypsy and Traveller, residential use). The capacity for three pitches for Gypsies and Travellers that has been identified would form an intensification within the site.

19. A further three pitches are to be delivered as part of the comprehensive approach to the urban expansion of Paddock Wood, including land at east Capel. Potential locations are outside the AONB and would be outside the Green Belt following the review of Green Belt boundaries for the strategic site. The relevant Local Plan, Policy STR/SS1: The Strategy for Paddock Wood, including land at east Capel includes such a requirement (criterion 2(f)).
20. The approach being taken in the Local Plan of delivering additional pitches mainly on existing or new family-based sites has been considered by the Sustainability Appraisal, that confirms that *“Gypsy and Traveller needs in the borough are minimal and can mostly be accommodated on existing pitches by adding between 1 and 3 additional pitches. Significant impacts are not predicted from expanding existing pitches”*.

[\[PS 013\]](#)

Transit sites and yards for Travelling Showpeople

21. In terms of a borough need for a transit site, the Housing Needs Assessment Topic Paper, February 2021 [CD 3.73](#) identifies at paragraph 3.69 that *“The GTAA noted that there were only a small number of unauthorised pitches in recent Caravan Counts, which may reflect an absence of transit site demand. The majority of unauthorised pitches have been located at an existing gypsy and traveller site. Indeed, the most recent Caravan Count, for January 2020, shows only 2 unauthorised pitches”*, and following on from this at paragraph 3.70 *“Given the low number of unauthorised encampments, combined with that they tend to be seasonal, there appears little need for the provision of formal, separate transit sites to be made in the Local Plan. The GTAA did not identify a specific transit site pitch need, given the low occurrence of unauthorised encampments in Tunbridge Wells borough. However, TWBC is cooperating with neighbouring Kent authorities and Kent County Council in accordance with the Duty to Cooperate (as a Kent-wide issue) in clarifying and supporting wider transit site provision”*, and paragraph 3.71 of the Topic Paper sets out the Council’s

approach to provision – that further consideration may be given, working with other local authorities and the police across the county, to agree potential ‘negotiated stopping places’ for small scale transit sites. Such agreements may not require planning permission if they are in use for fewer than 28 days in a year.

22. The GTAA did not identify any need to deliver pitches for Travelling Showpeople. As there are no known yards in the area, nor any Travelling Showpeople who have registered an interest in moving into the area, no need for such yards is identified, or a need for pitches during the Plan period.
23. In conclusion as outlined within the Submission Local Plan, as of December 2020, it is considered that the Plan could provide for approximately 32-35 pitches against an outstanding need of 31 pitches (when taking into account pitches completed between 1 April 2017 and 31 March 2020). However, it should be added that the latest [Five-Year Gypsy and Traveller Pitch Supply Statement 2021](#) provided an updated position as at 31 October 2021. This identifies that, as at 1 October 2021, there is an estimated pitch capacity of 32-34 pitches against an outstanding need of 26 pitches (when taking into account completions between 1 April 2017 and 31 September 2021). The Council is therefore confident that the accommodation needs for Gypsies and Travellers will be sufficiently met over the plan period.

Conclusion

24. The Council consequently considers that the accommodation need of Gypsies and Travellers will be sufficiently met over the plan period, having assessed in detail the suitability for existing sites to accommodate additional pitches via intensification, expansion, and/or regularisation, alongside the support of a criteria-based planning Policy, identifying those sites considered suitable to deliver additional pitches, and also further supplemented by two site allocations.
25. The issue of the deliverability of pitches identified as being suitable to meet accommodation needs for Gypsies and Travellers over the plan period, and discussed within this question, are considered under Question 4: ***What process and methodology did the Council use to determine which sites to allocate?***

Inspector's Question 3: [re. clarity of allocated Sites]

Is it sufficiently clear to users of the Plan which sites are allocated to meet the needs for gypsies and travellers and travelling showpeople?

TWBC response to Question 3

Introduction

26. Paragraphs 6.387 to 6.396 of the Submission Local Plan provide a detailed introduction and background to Policy H9 Gypsies and Travellers. An overview of the need identified by the Gypsy and Traveller Accommodation Assessment (GTAA) [[CD 3.78](#)] is provided, together with the process then followed by officers for identifying and assessing sites that could deliver additional pitches to meet this need.
27. Wording within Policy H9 Gypsies and Travellers refers to the site layout plans of those gypsy and traveller sites identified as having potential for accommodating additional pitches in Appendix 5 of the Local Plan, stating: *"to meet the accommodation needs for Gypsies and Travellers over the plan period, proposals for additional pitches, as identified in Table 11, as shown on the relevant Inset Maps of the Policies Map and on site layout plans showing potential areas for additional pitches in Appendix 5 (excluding for Policy STR/SS 1), will be permitted subject to providing the highlighted site-specific mitigations and meeting all the criteria below, as applicable"* (wording underlined for clarity).
28. Appendix 5: Policy H9 Gypsies and Travellers: Site Layout Plans of the Submission Local Plan includes site plans for the sites found in Table 11 ('Existing and proposed new Gypsy and Traveller sites that may have potential for accommodating additional pitches'), excluding the three pitches proposed as part of the strategic proposal for Paddock Wood (including land at east Capel) (Policy STR/SS1).
29. These site plans clearly show the proposed areas for intensification, expansion, and/or regularisation except for Lordship Stables which includes a retrospective permission granted after the base date of the Plan (01 April 2020) for the existing single pitch on site, the pitch being located within the area identified by Map 86 in Appendix 5: Policy H9 Gypsies and Travellers: Site Layout Plans of the Local Plan. The requirement for the delivery of three pitches at Paddock Wood/east Capel as part of Policy STR/SS1 is

detailed in criterion (2f), that requires the delivery of a “*three-pitch gypsy/traveller site (to include one mobile home and one touring caravan per pitch). It is expected that this provision will be on the western parcel (to the north of the railway line) and eastern parcel (as shown on Map 27)*”. This precise location(s) will be determined through the Framework Masterplans required by Policy STR/SS1.

30. In addition, the existing and proposed new Gypsy and Traveller sites identified as having potential for accommodating additional pitches set out in Table 10 and 11 of the Submission Local Plan (and also covered within the Housing Supply and Trajectory Topic Paper [[CD 3.74a-b](#)] Paragraphs 6.35 to 6.63, and Tables 13 and 14). Annex 1 of the Local Plan includes the site assessment sheets for every existing Gypsy and Traveller site in the borough, alongside the new site submission at Greenfields Farm.
31. Furthermore, the Submission Local Plan is accompanied by a series of Inset Maps which make it clear where Gypsy and Traveller sites have been identified that could deliver additional pitches. Where necessary, Inset Maps have been specifically produced for those Gypsy and Traveller sites located outside of existing settlements within more rural and isolated settings. The sites are also clearly shown on the Interactive Policies Map.

Conclusion

32. The Council therefore considers that the Plan makes it sufficiently clear to users of the Plan which sites are allocated to meet the needs for Gypsies and Travellers, and also where these sites are located.

Inspector's Question 4: [re. site assessment process and methodology]

What process and methodology did the Council use to determine which sites to allocate?

TWBC response to Question 4

Introduction

33. Consideration of the potential sources of supply of additional pitches is provided in the Housing Supply and Trajectory Topic Paper 2021 [[CD 3.74a](#)], with detailed site assessments included in the Topic Paper Annex 1 [[CD 3.74b](#)].
34. Paragraphs 6.44-6.51 of the above Topic Paper, under the heading 'Sources of Supply', provide details about how assessments were carried out to identify those existing sites that could have a potential for delivering new pitches. An explanation of this process is provided below, as well as updates to the work carried out since the completion of the Housing Supply and Trajectory Topic Paper in February 2021.

Consideration

35. Based on the most recent Caravan Count, carried out in January 2022, there are 55 Gypsy and Traveller pitches within the borough, the majority of which are small family-based sites of up to three pitches. The Gypsy and Traveller Accommodation Assessment (GTAA) [[CD 3.78](#)] identified that the need for additional pitches over the plan period is expected to come from the changing demands of these existing local families; first consideration should therefore be given to the potential for delivering additional pitches at established sites to meet this locally generated need. This approach is supported by the advice of the GTAA as the most appropriate way of meeting the identified need within the borough.
36. For each Gypsy and Traveller site in the borough (and included in the biannual Caravan Count), a detailed site assessment has been carried out to identify whether there is a potential for delivering additional pitches through intensification, expansion, and/or regularisation of the site. The initial site assessment process followed that which was carried out for sites considered through the SHELAA, which included identifying the

constraints and opportunities for each site using desk-top information supported by aerial assessments and site visits.

37. Each assessment has also been informed by the detailed site knowledge of planning officers gained through the determination of planning applications, and from site visits made during the biannual Caravan Counts, when each site is visited to confirm the number of occupied pitches present on site. The new site proposed at Greenfields Farm, Paddock Wood, promoted through the Call for Sites process, has been considered alongside the other existing Gypsy and Traveller sites, and is included in Annex 1 of the Housing Supply and Trajectory Topic Paper [[CD 3.74a-b](#)].
38. For all sites assessed, a Land Registry search was carried out to identify whether any of the immediately adjoining land to an existing site was in the same ownership as the Gypsy and Traveller site. Where this was the case, an assessment of the adjoining land as suitable for providing additional pitch capacity through the expansion of a site was also considered.
39. The justification for the provision of a site for three pitches as part of the strategic sites release at Paddock Wood has been previously addressed in response to Matter 6, Issue 3, Question 13. As stated in that response, the strategic proposal at Paddock Wood and east Capel presents an opportunity for the Council to ensure that the full need for pitches, over and above that which may be accommodated at existing sites, can be. The identification of a suitable three-pitch site is seen as part of planning for the housing needs of all users. Alternative locations, as identified in the policy, are being further considered as part of the masterplanning process.
40. Based upon the recommendations of the GTAA that identified the need for additional pitches being generated by the changing needs of the current occupants of the Gypsy and Traveller sites within the borough, for those sites where a potential for expansion/intensification/regularisation had been identified by the site assessment work, the site occupants were contacted by letter in autumn 2020, in early 2021 and then (for those sites where no confirmation had been received) during the latter part of 2021/early 2022. The letters explained the outcome of the site assessment work and requested whether a site visit could be made by Council officers to discuss whether there would likely be a need for additional pitches at the site over the coming years, or

alternatively a phone and email contact was provided so this could be discussed without a site visit. (It had been anticipated that site visits would have been carried out as part of the July 2020, January and July 2021 Caravan Counts where these discussions could also take place, but the counts were cancelled by the Government due to Covid-19 restrictions).

41. However, based on responses to the letters, a number of site visits have subsequently been carried out by planning officers, including most recently as part of the January 2022 Caravan Count. The site visits enabled officers to further discuss whether the site occupants anticipated the need for additional pitches, and whether they would want this need to be delivered on the site (or on adjoining land where appropriate). Discussions have also taken place over the phone and by email, and the details of the outcomes of all the discussions are presented within the response to Question 5 below.
42. The above work has therefore informed the identification of existing and proposed new Gypsy and Traveller sites that may have a potential for accommodating additional pitches, shown in Table 11 of the Submission Local Plan (Existing and proposed new Gypsy and Traveller sites that may have potential for accommodating additional pitches).

Conclusion

43. The Council has therefore applied a robust, extensive process and methodology in assessing suitable Gypsy and Traveller sites to allocate for intensification, expansion, and/or regularisation and has been proactive in contacting site owners and occupants to confirm the Council's considerations.

Inspector's Question 5: [re. justification for, and developability of, allocated sites]

Are the allocated sites justified, consistent with national planning policy and capable of being developed over the plan period?

TWBC response to Question 5

Introduction

44. The National Planning Policy Framework (NPPF) should be read in conjunction with the Government's Planning Policy for Traveller Sites. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in the NPPF where relevant.
45. The [Planning Policy for Traveller Sites](#) (PPTS) sets out how Gypsy and Travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

Consideration

46. The process the Council has followed for identifying those Gypsy and Traveller sites that can deliver additional pitches through intensification, expansion, and/or regularisation is explained in the response to Question 4 above and follows the outcomes and advice within the GTAA. The proposed allocations are considered to be appropriate from a planning perspective, delivering additional pitches where there is a need on sites that are suitable for intensification, expansion, and/or regularisation.
47. Paragraph (3) of the PPTS states that: *"The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community"*. The approach being taken in the Local Plan will ensure that the future needs of the Gypsy and Traveller community currently resident within the borough will be met. The GTAA has identified that these future needs are predominantly a result of changing family circumstances. Allocating additional pitches at existing sites will ensure these needs are met, in a location favoured by the resident family. The site assessment process has taken full account of the potential impact of delivering additional pitches upon the surrounding area; the criteria included within Local Plan Policy H9 ensure that

development will not cause unacceptable harm to the character or appearance of the landscape and will be well-screened. The scale of the proposed development, when considered together with existing Gypsy and Traveller pitches on the site and within the parish, must not be of an unduly large scale relative to the nearest settled community.

48. Paragraph (4) of the PPTS sets out a number of aims in respect of traveller sites to help achieve this. These are set out below with an analysis of how the approach being taken in the Local Plan to identify and assess those sites that could deliver additional pitches over the Plan period complies with these aims of the PPTS.

- a. *“that local planning authorities should make their own assessment of need for the purposes of planning”*: the TWBC Gypsy and Traveller Accommodation Assessment (GTAA) [CD 3.78] carried out for the borough identified that the need for additional pitches within the borough were being generated by the changing needs of the current occupants of the Gypsy and Traveller sites within the borough.
- b. *“to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites”*: the response to Question 4 above provides details about the process carried out to identify which of those existing sites within the borough were considered suitable to accommodate additional pitches through intensification, expansion, and/or regularisation, taking account of planning constraints and opportunities. A constructive dialogue has taken place between planning officers and the occupants of each Gypsy and Traveller site considered suitable for accommodating additional pitches to ensure that only those sites where there is an identified need and aspiration for delivering additional pitches is included as an allocation.
- c. *“to encourage local planning authorities to plan for sites over a reasonable timescale”*: The total number of new pitches allocated will meet the need identified by the GTAA for new pitches (as extended to reflect that the Local Plan runs to 2038, the GTAA being for the period to 2037). It is the case, from discussing their needs and aspirations with current site occupants, that the additional pitches identified represent both immediate needs, and longer term needs, depending on the specific requirements of each family. As outlined previously, the latest assessment of anticipated supply of pitches against the GTAA need was carried out

in December 2021 (identifying the position as at 1 October 2021) in the latest [Five-Year Gypsy and Traveller Pitch Supply Statement 2021](#). This Statement identified an estimated pitch capacity of 32-34 pitches against an outstanding need of 26 pitches (over the course of the plan period) as at 1 October 2021, This reflects an improvement in the anticipated 'surplus' of pitches compared to the Submission Local Plan position having increased from 1-4 pitches above the need, to 6-8 pitches. The Council will aim to produce a new annual Statement from 1 April each year to ensure effective monitoring of pitch supply against needs over the course of the plan period.

- d. *“that plan-making and decision-taking should protect Green Belt from inappropriate development”*: none of the additional pitches will be located within the Green Belt, with the potential western parcel removed as part of the wider release for the Strategic Site, STR/SS 1.
- e. *“promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites”*: reflecting that the majority of Gypsy and Traveller sites within the borough are privately owned, family occupied sites, it is the case that most of the site allocations are on private sites in single-family ownership, but there are additional pitches proposed on other types of sites. The Cinderhill site located to the north of Matfield is a local authority run site owned by Tunbridge Wells Borough Council, for which a capacity of three pitches has been identified (and which has now been permitted).
- f. *“that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective”*. By delivering a range of new pitches on existing privately owned and publicly owned sites a range of different types of new pitches that will meet the needs identified in the GTAA. The criteria included within Policy H9 Gypsies and Travellers that will be used to determine planning applications for additional pitches identified as allocations, as well as additional pitches that have not been identified through this process (essentially 'windfall' pitches), will ensure that new pitches are delivered in the most appropriate locations, whilst also being written positively. This should ensure that there is no need for any unauthorised developments and encampments.

- g. *“for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies”*: the Equalities Impact Assessment (EqIA) October 2021 [[CD 3.135](#)] confirms that the Local Plan aims to promote balanced, inclusive, and sustainable communities that benefit all. Many of the policies within the Plan will benefit the wider community in the Tunbridge Wells borough and not specifically those with protected characteristics, either positively or negatively. However, some policies will have the potential for some direct or indirect impact on equalities issues, such as Gypsy and Traveller provision. Under the heading ‘Race’, paragraph 4.7 of the EqIA states that *“The policies within the new Local Plan are regarded as being generally positive for all; the only policy within the new Local Plan that had a positive impact directed particularly at the Race protected characteristic group is Policy H 9 (Gypsies and Travellers). It provides a criteria-based policy which directs appropriate development should additional Gypsy and Traveller sites be required during the plan period”*.
- h. *“to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply”*: the proposed allocation of additional pitches, to include the delivery of two new sites, together with a positively worded criteria-based Development Management Policy, will ensure that the accommodation needs of the locally-based Gypsy and Traveller community will be met both in quantity and location of development. The Council can confirm that it has not been asked to help to meet other Local Planning Authorities’ needs for additional pitches, and this is reflected in the respective Statements of Common Ground.
- i. *“to reduce tensions between settled and traveller communities in plan-making and planning decisions”*: ensuring that the Gypsy and Traveller local needs are met appropriately, maintaining a supply of small, predominantly family-run sites, and including a proactive Development Management Policy that will deliver new sites in appropriate locations with minimal impact upon the local community will meet this aim.
- j. *“to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure”*: it is the case that the majority of existing sites are located within rural areas, reflecting the rural nature of

the borough outside of the main settlements. In these rural areas, infrastructure and services are likely to be provided at one of the borough's rural service centres. It is the case that proposals for new sites will need to demonstrate that the site provides a safe vehicular access.

- k. *“for local planning authorities to have due regard to the protection of local amenity and local environment”*: Criterion (2) of Policy H9 Gypsies and Travellers requires that proposals for additional pitches *“do not cause harm to character or appearance of the landscape, and must be well-screened by existing or additional native vegetation and physically contained by landscaping”*. Criterion (4) requires that *“the scale of the proposed development, when considered together with existing Gypsy and Traveller pitches on the site and within the parish, must not be of an unduly large scale relative to the nearest settled community”*.

49. The table in **Appendix 1** demonstrates deliverability and developability of the additional pitch capacity for each site identified in Table 11 of the SLP, and updated to May 2022, based on the outcome of planning applications, and officer discussions with site owners/occupants about when planning applications are likely to be submitted.
50. The table identifies an outstanding need of 26 pitches as at 1 October 2021. This is a reduction on the outstanding need of 31 pitches as at December 2020 (Table 11 of the SLP) due to five pitch completions between December 2020 and 1 October 2021.
51. It can be seen that this need will be readily met by the capacity of 32-34 pitches at identified sites, of which 11 pitches have planning approval.

Inspector's Question 6: [re. five-year supply]

Can the Council identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against the identified requirement?

TWBC response to Question 6

Introduction

53. Tunbridge Wells Borough Council has produced a [Five-Year Gypsy and Traveller Pitch Supply Statement 2021](#). The most recent data shows the Council's position as at 1 October 2021 for a five-year period to 31 September 2026. It is anticipated that the next iteration of this Statement will be published with a base date of 1 April 2022.

Consideration

54. The Five-Year Gypsy and Traveller Pitch Supply Statement (5YGTPSS) explains in detail the approach taken by the Council in producing the latest Statement, including an explanation on how both the need and supply has been calculated.

55. The Council has identified that it can currently (as at 1 October 2021) demonstrate a Gypsy and Traveller pitch supply of 4.4 years. The Council therefore considers that as at October 2021 it did not have a five-year Gypsy and Traveller pitch supply, although it is noted that the sites identified within the Submission Local Plan were not included within the identified supply given the status of the Local Plan (with the exception of Oak Tree Farm, where an existing pitch onsite was regularised on 12 October 2021).

56. As clarified within paragraph 21 of the 5YGTPSS, the Council "*fully expects that it will be able to robustly demonstrate clear evidence of deliverability for at least some of these sites within an identified 5-year period shortly*" (i.e., within the next iteration of the Statement) reflecting the pro-active engagement between the Council and occupants and landowners in assessing deliverability timescales (as addressed within the Council's response to Question 5).

57. The next Statement covering the period 1 April 2022 to 31 March 2027 will have regard to any changes introduced to national planning policy and guidance, as well as the status of the new Local Plan. It is anticipated that this updated Statement will be finalised in late spring/early summer 2022. However, the Council is confident, as above,

that there will be a five-year pitch supply of deliverable sites as at 1 April 2022 and/or upon adoption of the Local Plan when taking into account Gypsy and Traveller sites identified for intensification, expansion, and/or regularisation which are yet to gain planning permission. This expectation is supported by the confirmation from many site occupants/landowners of existing/proposed Gypsy and Traveller sites as addressed within the Council's response to Question 5, where a number of these pitches may reasonably be expected to come forward within the next five years (from 1 April 2022 and/or upon adoption of the Local Plan).

Inspector's Question 7: [re. site-specific mitigations]

What are the 'highlighted site-specific mitigations' for the purposes of Policy H9?

TWBC response to Question 7

58. Policy H9 Gypsies and Travellers includes in the Policy Box the following wording “*To meet the accommodation needs for Gypsies and Travellers over the plan period, proposals for additional pitches, as identified in Table 11, as shown on the relevant Inset Maps of the Policies Map and on site layout plans showing potential areas for additional pitches in Appendix 5 (excluding for Policy STR/SS 1), will be permitted subject to providing the highlighted site-specific mitigations and meeting all the criteria below, as applicable*”, (text underlined for clarity) and then includes a list of policy criteria.
59. The Council accepts that it is unclear what the reference to “*highlighted site-specific mitigations*” refers to. In fact, guidance for various types of mitigation are included in Annex 1 of the Housing Supply and Trajectory Topic Paper February 2021 [[CD 3.74b](#)].
60. While a cross-reference to Annex 1 to the Topic Paper assessments was previously intended to assist consultation (as it contains detailed site assessment sheets providing guidance as to how development proposals can best be delivered in line with the requirements of Policy H9), it is no longer necessary. In any event, the existing policy criteria within Policy H9 already provide clear guidance for development proposals for the delivery of Gypsy and Traveller pitches.
61. Therefore, while any confusion may be addressed by a textual reference, at paragraph 6.396 to the Housing Supply and Trajectory Topic Paper February 2021, it is concluded that it would be more appropriate to delete the words “... ***providing the highlighted site-specific mitigations and ...***” are deleted from the policy, as a Modification.

Inspector's Question 8: [re. windfall development proposals]

Is it clear to decision-makers, developers and local communities how windfall development proposals will be considered?

TWBC response to Question 8

62. Policy H9 Gypsies and Travellers states that “*To meet the accommodation needs for Gypsies and Travellers over the plan period, proposals for additional pitches, as identified in Table 11, as shown on the relevant Inset Maps of the Policies Map and on site layout plans showing potential areas for additional pitches in Appendix 5 (excluding for Policy STR/SS 1), will be permitted subject to providing the highlighted site-specific mitigations and meeting all the criteria below, as applicable*”, and then lists the policy criteria.
63. The final sentence within the Policy H9 policy box states “*In exceptional circumstances, other proposals for Gypsy and Traveller pitches will be permitted where all of the above criteria are met*”.
64. It is therefore clear that those development proposals not included within the proposed allocations, that is those proposals covered by “*other proposals for Gypsy and Traveller pitches*” (i.e., windfall development proposals), will need to meet the Policy H9 policy criteria.

Appendices

Appendix 1: Sites with potential for additional pitches

Site	Existing Pitches (as at December 2020)	Table 11 SLP potential additional pitches (including extant planning permissions as at December 2020)	Potential confirmed at May 2022 (including extant permissions as at 1 October 2021) note: no planning approvals for pitches for the period 1 Oct 2021 to May 2022	Notes
Policy STR/SS1	0	3	3	Site to be delivered as part of strategic development at PW/east Capel
Bassetts Farm	1	2	2	Confirmation received that site occupants are intending to extend the number of pitches
Broomhill Nurseries	3	2	2	Confirmation received that site occupants are intending to extend the number of pitches; confirmed by the submission of planning application 21/03210 (that was subsequently withdrawn due to insufficient detailed information)
Cinderhill Wood	6	2-3	3	Approval 20/02649/FULL for provision of two additional hardstandings for mobile homes plus amendments to existing layout to create a third additional plot within existing site curtilage (to deliver 3 new pitches) 1 pitch delivered as at May 2022
Dean Wood	1	2	2	Discussion with site occupants, January 2022. Confirmation that further contact should be made later on during 2022; no indication that the estimated capacity is not correct and will not be delivered
Funnell Piece	1	2	2	Site owner and agent has confirmed desire for 2 additional pitches.
Greenfields Farm	0	3	3	21/00600/FULL for 10 pitches refused; site capacity of 3 confirmed by site promotor
Heartenoak (North)	4	2	0	18/03187 granted March 2020 for 2 pitches (completed)

Site	Existing Pitches (as at December 2020)	Table 11 SLP potential additional pitches (including extant planning permissions as at December 2020)	Potential confirmed at May 2022 (including extant permissions as at 1 October 2021) note: no planning approvals for pitches for the period 1 Oct 2021 to May 2022	Notes
1 Hartleylands	2	2	2	Although no confirmation received to date, there is no reason to believe that the estimated capacity will not be confirmed.
3 Hartleylands	1	0-1	0-1	Site has been subject to a number of applications for additional pitches. One additional pitch could be delivered through intensification/redesign of site layout. Two unauthorised pitches subject to appeal
Lordship Stables	1 (see note)	1 (retrospective)	2	20/01504 x1 retrospective permission (completed) 21/00184 x2 approved April 2021
Mile Oak Stables	1	4	3	18/01543 x1 pitch (completed) 21/02389 x3 pitches permitted August 2021
Oak Tree Farm	1	1	1	21/02687 Retention of second traveller pitch (Retrospective) approved Additional pitch delivered
Touchwood	2	2	3	19/02848 approved x1 (completed) 21/02236 approved x3
Vines Farm	1	2	2	Although no confirmation received to date, there is no reason to believe that the estimated capacity will not be confirmed.
Willow Stables	3	2-3	2-3	Confirmation received that site occupants are intending to extend the number of pitches

Site	Existing Pitches (as at December 2020)	Table 11 SLP potential additional pitches (including extant planning permissions as at December 2020)	Potential confirmed at May 2022 (including extant permissions as at 1 October 2021) note: no planning approvals for pitches for the period 1 Oct 2021 to May 2022	Notes
TOTAL SUPPLY	-	32-35 (against outstanding need of 31 pitches as at December 2020)	32-34 (against outstanding need of 26 pitches as at 1 October 2021)	Note: 5 completions between December 2020 and 1 October 2021 have reduced the outstanding need from 31 pitches at Dec 2020 down to 26 pitches at May 2022