

Inspectors' Matters, Issues and Questions – April 2022

Matter 9: Have the accommodation needs of Travellers been assessed and reflected in the Plan's policies, and would the plan be justified, effective and consistent with national policy in this respect?

Council Matter 9 response:

Issue (i) Have the accommodation needs of Gypsies, Travellers and Travelling Showpeople been robustly assessed and are they reflected in the Plan's policies? Are the Plan's policies justified, effective and consistent with national policy in these regards?

Questions:

Needs and Supply

Q1. Is the 'London Borough of Merton – Gypsy and Traveller Accommodation Assessment'¹⁰¹ (GTAA) robustly based?

Council response:

9.1. Yes, Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment (GTAA) 2019 is robustly based. It was published in 2019 and it was prepared and based in accordance with the national policy set out in [Planning and Policy for Travellers Sites 2015](#) and the 2017 Draft London Plan at the time. [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#) recommended the following Gypsy and Traveller pitch needs for the period 2019-34 in Merton:

Table S.1: Summary of Gypsy and Traveller pitch needs 2019-34				
Period	2019-2024	2024-2029	2029-2034	Total
DLP	6	0	0	6
PPTS	0	0	0	0
Work	0	0	0	0

Source: GTAA 2019

9.2. Since the completion and publication of [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#), the London Plan was published in March 2021. The Examination in Public Inspector's report recommended, that the definition of Gypsies and Travellers in the 2017 Draft London Plan should be consistent with national policy (2015 Planning and Policy for Travellers Sites – PPTS). The 2021 London Plan reflects the Examination in Public Inspector's recommendation. Consequently, [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#) recommendation based on national policy that needs can be met through the reletting of existing pitches is robust and the recommendations based on the draft London Plan regarding the need for 6 additional pitches in Merton are no longer valid.

¹⁰¹ Document Reference 11D9

Q2. What is the justification for not including those on a waiting list for public sites in the calculation of pitch needs¹⁰²?

Council response:

- 9.3. At the time the [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#) was conducted, the number of people on the waiting list for Merton's traveller site was zero.

Q3. The GTAA covers the period up to 2034, and the plan period runs to 2036, with proposed MMs seeking to extend this to 2037. Consequently, does the GTAA provide an up-to-date understanding of the likely permanent and transit needs over the plan period¹⁰³?

Council response:

- 9.4. Yes, rolling forward the identified permanent and transit needs set out in [Document 11D9 the London Borough of Merton - Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#) to 2037 provides an up to date understand of the likely permanent and transit needs over the plan period, in accordance with [Planning and Policy for Travellers Sites 2015](#).
- 9.5. [Planning and Policy for Travellers Sites 2015](#) Policy B, paragraph 10 states:

Local planning authorities should, in producing their Local Plan:

a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets;

b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15

- 9.6. In accordance with paragraph 4.14.2 of [Document 0D32 The 2021 London Plan](#) the Mayor " will initiate and lead a London-wide gypsy and traveller accommodation needs assessment, and will work to support boroughs in finding ways to make provision for gypsy and traveller accommodation". Recently the Mayor has announced that the GLA are commencing work on this study in 2022 with a final report scheduled for 2023.

¹⁰² As set out in paragraph 5.30 of the GTAA

¹⁰³ Per paragraph 7(b) of the Government's Planning Policy for Traveller Sites

Q4. The Framework is clear that the type of housing needed for different groups in the community should be assessed and reflected in planning policies¹⁰⁴; and s8 of the Housing Act 1985 (as amended) requires local housing 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. Taking these two considerations together, would the criteria-based approach contained in Policy H11.6 provide an effective basis for meeting the needs¹⁰⁵ which the GTAA identifies for Travellers who do not meet the definition set out in the Government's Planning Policy for Traveller Sites (PPTS), but nevertheless may require culturally appropriate accommodation?

Council response:

- 9.7. Yes, the criteria-based policy H11.6 provides an effective basis for planning for Traveller sites. As stated in response to Matter 9 Question 1 above, [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\) 2019](#) and planned for both needs based on national policy and on the draft London Plan at the time. During the examination process the draft London Plan was amended to be in line with national policy on this matter as was published in the London Plan 2021.
- 9.8. The criteria-based policy applies to all Gypsies and Travellers; it does not exclude the needs of those who do not meet the Government's [Planning and Policy for Travellers Sites 2015](#) (PPTS) but nevertheless may require culturally appropriate accommodation.

Q5. Reflecting on any answers to question 4 immediately above, is it accurate to categorise the GTAA's findings in respect of non-PPTS needs to be "no longer valid"¹⁰⁶?

Council response:

- 9.9. As stated in response to Matter 9 Question 1 above, [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\)](#) was published in 2019 and was carried out based on both national policy and on the draft London Plan at the time; both of which had different approaches to methodology. Each methodology yielded different results, both of which are published in [Document 11D9](#)
- 9.10. During the examination process the draft London Plan was amended to be in line with national policy (PPTS) on this matter and this was published in the London Plan 2021. Therefore it is accurate to describe the element of [Document 11D9](#) which was based on the part of the draft London Plan that did not comply with national policy as no longer valid.

¹⁰⁴ Per paragraph 62

¹⁰⁵ i.e 6 pitches over the period 2019-2024

¹⁰⁶ Per paragraph 11.6.6 of the Plan

Policy H11.6

Preamble:

The PPTS makes clear that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

Q6. Is the distinction between ‘new’ and ‘additional’ sites set out in Policy H11.6 clear?

Council response:

9.11. Yes, the distinction between new and additional sites set out in Policy H11.6 is clear. An additional site refers to the expansion of an existing site. A new site is one which is not physically connected to an existing site and is not within the vicinity of an existing site.

Q7. Should proposals for new, additional and in particular alternative sites meet criteria (a) to (e) of Policy H11.6 (and were otherwise in accordance with the development plan) why would the need or demand for accommodation provision and the available capacity on existing sites in the Borough be a relevant consideration in assessment of applications (as set out in criterion (f))? What is the justification for such a criterion in relation to this type of accommodation, when no similar criterion is included in Policy H11.2 in terms of assessment of proposals for ‘bricks and mortar’ housing?

Council response:

9.12. Having carefully reflected on the issues raised in the Inspectors’ question the council consider that that inclusion of criterion (f) is unjustified. Therefore, in response to question 7 the council proposes to remove criterion (f) from Policy H11.6 to improve clarity of the Plan.

Main Modification proposed

Policy H11.6 f. ~~The need or demand for accommodation provision and the available capacity on existing sites in the borough.~~

Q8. Is the policy clear in terms what is meant by “appropriate on-site facilities” beyond the provision of children’s play facilities? Is the policy clear as to what extent the provision of such facilities would be proportionate to the scale of a proposed site?

Council response:

9.13. Yes, the policy is clear and consistent with [Document 11D9 the London Borough of Merton – Gypsy and Traveller Accommodation Assessment \(GTAA\)](#) . The purpose of the policy is not to set out an exhaustive list of what are considered to be appropriate on-site facilities as these will be determined on a site-by-site basis

proportionate to the scale of the proposed site and to ensure that any extra provision meets their needs and takes account of the size of the site and the needs and demographics of the families resident on them. It is accepted that the policy could be clearer on the extent the provision of such facilities would be proportionate to the scale of a proposed site. To improve clarity and soundness on this point, the following main modification is proposed by the addition of a new supporting paragraph following on from existing supporting paragraph 11.6.6:

Main Modification Proposed

New para: The extent of provision of appropriate on-site facilities will be determined on a site-by-site basis proportionate to the scale of the proposed site to ensure that any extra provision meets their needs and takes account of the size of the site and the needs and demographics of the families resident on them.

Q9. Would the policy ensure that a high standard of amenity would be provided for the future occupants of sites¹⁰⁷ particularly in terms of noise and air quality¹⁰⁸? Should the relevant plan policies in relation to residential amenity, noise and air quality be appropriately cross-referenced?

Council response:

- 9.14. Yes the Plan which should be read as a whole, by applicants in the determination of planning applications including those concerning residential amenity, flood risk, design, ground contamination, noise and air pollution and provision of children's play space to ensure that a high standard of amenity would be provided for the future occupants of **all** sites (irrespective of whether they are Gypsies and Travellers sites or Bricks and Mortar sites) particularly in terms of noise and air pollution.
- 9.15. To ensure that a high standard of amenity would be provided for future occupants of sites particularly in terms of residential amenity, noise and air quality a Main Modification is proposed by the addition of a new criterion including cross-references to the appropriate Plan policies. Please note that the proposed new policy criterion will replace existing H11.6 (f)

Main Modification Proposed

H11.6f ~~The need or demand for accommodation provision and the available capacity on existing sites in the borough~~ The provision of a high standard of amenity for future occupants of sites particularly in terms of residential amenity, noise and air quality. Please also refer to policies contained in Chapter 12 (Places and Spaces in a Growing Borough) and Chapter 15 (Green and Blue Infrastructure) including policies F15.7 to F15.10.

¹⁰⁷ Per paragraph 130(f) of the Framework

¹⁰⁸ Per paragraph 13(e) of PPTS

Q10. Should the relevant Plan policies relating to flood risk and ground conditions be appropriately referenced in respect of criterion (e)?

Council response:

9.16. Yes, the relevant Plan policies relating to flood risk and ground conditions should be appropriately referenced in respect of criterion (e). To address this matter the following Main Modification is proposed concerning Policy 11.6 criterion (e)

Main Modification Proposed:

H11.6 e. The suitability of ground conditions, particularly in respect to the potential to flooding. Please also refer to policies contained in Chapter 15 (Green and Blue Infrastructure) including policies F15.7; F15.8 and F15.9.

Q11. Are any main modifications necessary for soundness?

Council response:

9.17. Yes, Main Modifications are necessary for soundness in response to questions 7, 8, 9 and 10. Please refer to the council's responses to these questions for the details of the proposed Main Modifications.