



The Planning Inspectorate

Report to Broxbourne Borough Council

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 14 April 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Broxbourne Local Plan

The Plan was submitted for examination on 15 March 2018.

Examination hearings were held between 11 September and 8 November 2018, and on 11 June 2019.

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Are policies GT1 and GT2 regarding Gypsy and Traveller and Travelling Showpeople sites positively prepared, justified and consistent with national policy, and will they be effective in ensuring that identified needs are met at all times during the plan period?

Gypsy and Traveller Accommodation Needs

249. There are three fully authorised gypsy and traveller sites in the Borough: two family-owned sites at Hertford Road (8 caravans) and St James' Road (6 caravans), and a well used, publicly-owned site at Halfhide Lane, Brookfield (15 pitches with 24 caravans). There are also around 65 caravans on land north of Wharf Road in the Lee Valley Regional Park. That land has been used on an unauthorised basis for many decades, and most of the caravans currently on site now benefit from, or are likely to be entitled to, lawful development certificates according to the Council.

250. The *Borough of Broxbourne Gypsy and Traveller Accommodation Assessment 2017* ("GTAA")⁹⁴ identifies a need to accommodate 22 households that meet the national definition of gypsy and traveller⁹⁵ based on interviews that were carried out with some of the occupants of the existing sites⁹⁶. Those identified needs arise from 5 households that were on unauthorised pitches at the time of the study; 3 that were on doubled-up pitches; 8 teenagers that will need a pitch of their own within 5 years; and other households that are likely to form over the plan period.

251. In addition to the identified needs for travellers that meet the national definition, the Council's evidence identifies 16 existing households that do not meet the definition⁹⁷ plus an additional 10 such households that may form⁹⁸. There were also 14 existing households about whom the Council was unable to gather evidence to determine whether they meet the definition or not⁹⁹ plus an additional 4 such households that may form¹⁰⁰. The GTAA suggests that 10% of these households are likely to meet the definition, although more recent evidence from the consultants who prepared the GTAA indicates that a more accurate estimate would be around 25%¹⁰¹.

252. It is quite possible, for a number of reasons, that the GTAA conclusions about the number of existing (and future) households that meet the definition are underestimates. These relate to the nature of the questions asked, and the reluctance of some respondents to reveal details of the family's working and travelling arrangements.

253. In addition to the needs identified in the GTAA, there is evidence of other needs that may exist now or during the plan period. The 2011 Census identified 49 traveller families living in bricks and mortar housing in the Borough, and 11 specific households currently in such accommodation or

⁹⁴ GT1.

⁹⁵ *Planning Policy for Traveller Sites* (DCLG, August 2015).

⁹⁶ GT1 Figure 5 [sic] page 40.

⁹⁷ GT1 Figure 5 page 35.

⁹⁸ GT1 Appendix C Figure 12.

⁹⁹ GT1 Figure 5 page 35.

¹⁰⁰ GT1 Appendix B Figure 8.

¹⁰¹ Email from ORS dated 14 August 2018 attached as Appendix 8 to GATE Hertfordshire's revised hearing statement for matter 7.

homeless have been identified as expressing a preference to live on a traveller site¹⁰². There are 160 traveller families on the County Council's housing waiting list, 14 of whom state Broxbourne as their first preference. And needs may arise from travellers who wish to move into the Borough from other parts of Hertfordshire, Essex, London or elsewhere in the future.

254. Calculating housing needs is not an exact science, and there are particular difficulties in estimating needs associated with traveller communities. For the various reasons set out above, the specific needs identified for travellers that meet the definition identified by the Council are likely to represent the minimum requirements. Furthermore, it is also reasonable to assume that some families that may not meet the national definition would most appropriately be accommodated on sites occupied by travellers that do. This may be because of close family or community relations, or because whilst they do not currently meet the definition they may do so later in the plan period.

Meeting Gypsy and Traveller Accommodation Needs

255. In order to be consistent with national policy and effective in meeting the likely need for traveller accommodation, the Plan should identify specific deliverable sites sufficient to provide 5 years' worth of sites against identified requirements; and identify a supply of specific, developable sites or broad locations for growth for years 6 to 10 and, where possible for years 11-15. For the reasons set out above, in so doing, the specific requirements identified in the GTAA should be treated as a minimum, and the Plan should build in flexibility to accommodate additional needs that may arise.

256. In order to assess whether this is the case, I will look at the needs likely to arise from each of the four existing sites and how they are proposed to be met, and also consider how other needs that may materialise (for example due to families moving out of bricks and mortar accommodation) could be met.

257. All of the proposed sites are in the Green Belt. However, it is clear from the evidence before me that the identified needs for traveller accommodation cannot be met on land that is not in the Green Belt, due to the lack of suitable sites within the existing urban areas and because the identified needs arise directly from well established communities located in the Green Belt. These reasons, along with site specific considerations about the nature and scale of each of the proposed sites and the limited effect that they would have on the openness and purposes of Green Belt, mean that I am satisfied the exceptional circumstances exist to justify the proposed changes to the Green Belt boundary that I recommend below [**MM16.6**, along with site specific modifications recommended below].

Hertford Road and St James Road Traveller Sites

258. Policy GT1 proposes that the Hertford Road site be expanded by 3 pitches and that 2 additional pitches be provided within the St James' Road site. The sites identified on the policies map have more than adequate capacity to achieve this, and that level of provision is expected to be sufficient to meet the future needs of those family communities over the plan period. However,

¹⁰² Gypsy and Traveller Empowerment Hertfordshire Matter 7 Hearing Statement Appendix 3.

modifications are needed to policy GT1 and the reasoned justification to ensure that the Plan is effective in ensuring that needs are met on those sites without being unduly prescriptive about the number of pitches that are provided [**MM16.1**, **MM16.2**, **MM16.3** and **MM16.7**]. Furthermore, to be consistent with national policy and to ensure that the policy can be effectively applied, the policies map should be amended to remove the two sites from the Green Belt.

Wharf Road

259. Policy GT1 proposes that an authorised site be provided at Wharf Road to provide around 20 pitches. The Council's evidence submitted during the examination explains how this proposal would create a consolidated, serviced site based on the area occupied by the majority of the existing lawful caravans along with open land immediately to the north. The lawful and unauthorised caravans in the strip of land alongside the River Lee to the east would be relocated to within the allocated area.
260. This approach would accommodate the needs of existing and additional households at Wharf Road that meet the national definition based on the Council's evidence. However, it is unclear whether it would be sufficient to accommodate additional households that may meet the definition or who do not but wish to live there due to well established family and community connections. That said, there is sufficient land available to provide more than 20 pitches if required.
261. However, the site is within the functional flood plain and is at high risk of flooding. This categorisation is based on up to date and detailed analysis by the Environment Agency and assumes that all flood defences in the catchment are fully operational. National policy is clear that highly vulnerable uses, such as caravan accommodation, should not be accommodated in such areas. So clearly the proposal is contrary to national policy in this respect. The question is, therefore, whether there is robust justification in this case to depart from that national policy bearing in mind its ultimate purpose is to protect the health and safety of people and potentially save lives.
262. Significantly, there is clearly an established and growing traveller community in the area. Most of the land is owned by the occupants, and I am advised that they have no intention of selling their land or moving elsewhere. Both the Borough Council and Lee Valley Regional Park Authority ("LVRPA") advised that they have no resources or intentions to acquire the lawfully occupied plots. The fact is, therefore, that in the absence of a new approach the land is highly likely to continue to be used for caravan accommodation in the foreseeable future, including for sub-lets. As it is on an ad hoc and unplanned basis, this land use is likely to continue to be without satisfactory services and utilities, creating amenity and environmental problems. Furthermore, whilst properly designed and maintained flood defences are in place in the catchment, a large number of caravans are likely to remain on the functional flood plain with no effective site specific protection or arrangements in place to reduce the high risk that a flood would threaten the safety of residents.
263. On the other hand, the approach proposed in the Plan creates a positive opportunity to reduce the risks to health and safety of residents from flooding

through the creation of a contained, authorised and licenced site properly serviced with roads, water, electricity and drainage.

264. The Lee Valley Regional Park Authority ("LVRPA"), who has a statutory duty to improve and manage the park as a place for leisure, recreation, sport and nature reserves, is opposed to the proposal. The LVRPA considers that it would prejudice the plans it has been pursuing for many years, through significant investment in land acquisition and the preparation of various strategies, to transform this part of the Park, which adjoins a public car park, wildlife site and popular parkland as well as the river and towpath, into an area of informal recreation and nature conservation¹⁰³.
265. However, it is clear from the evidence submitted during the examination that those aims are unlikely to be achieved with the continuation of the existing unplanned land uses in the area. The consolidation of all of the traveller accommodation onto one defined area, away from the river, would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land.
266. Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits.
267. The detailed arrangements for implementing the proposal and managing the site are not in place. However, it is clear from the Council's evidence that it is committed to delivering the proposal and I am, therefore, satisfied that it is likely to be taken forward.
268. Overall, therefore, I conclude that the policy GT1(4) which proposes an authorised site at Wharf Road is justified. However, modifications are required to the policy and reasoned justification to ensure that it is justified and effective in terms of addressing the needs of resident families on existing pitches and through the creation of new pitches without specifying the final number of pitches which could ultimately differ from "around 20" [**MM16.1**, **MM16.5** and **MM16.7**]. To ensure that the policy can be effectively applied, the Policies Map should be amended to remove the allocated site from the Green Belt in line with national policy.

Halfhide Lane Traveller Site

269. Policy GT1 proposes that the Halfhide Lane site be relocated to provide around 20 pitches. My findings relating to this are set out elsewhere in the report as part of my assessment of policy BR1 relating to Brookfield. In summary, I conclude that the Plan needs to be modified to ensure that it is effective in ensuring that the future needs associated with that existing traveller site can be met in an appropriate way. Consequential modifications are required to policy GT1 and reasoned justification [**MM16.4** and **MM16.7**].

¹⁰³ *Wharf Road Environmental Strategy* (LUC for LVRPA, 2013).

Meeting other needs that may arise

270. I have already found that there may be additional needs for traveller accommodation that have not been specifically identified. In so far as any such needs would arise from the existing communities, policy GT1 (as modified) is sufficiently flexible to deliver additional provision. In terms of other needs that may arise, policy H3 states that the Council will seek a mix of housing on development sites that provide for a mix of occupiers. This could be used to deliver additional accommodation for travellers if clear evidence of additional needs emerged. Furthermore, my recommended modification to the reasoned justification for policy GB2 would ensure that disused glasshouse sites in the Green Belt could be redeveloped with self-build accommodation for gypsies and travellers. Overall, therefore, the Plan should be effective in ensuring that needs can be met.

Travelling Showpeople Accommodation

271. There is one existing travelling showpeople site at the junction of Goffs Lane and Lieutenant Ellis Way. This is occupied by 12 households, all of whom travel for work purposes all year round at fairs and other events, and a number of buildings for the storage and maintenance of rides and equipment. It is expected there will be a need to accommodate additional households during the plan period, but this need has not been quantified¹⁰⁴. Policy GT2 proposes to meet needs at the existing site. Given the extent of the site, there are likely to be ample opportunities to meet those accommodation needs there. However, to be effective, policy GT2 should be modified to refer specifically to meeting "accommodation needs" and set out an approach to considers proposals for the storage of equipment and other uses relating to travelling shows [MM16.9]. Furthermore, to be effective and consistent with national policy, the reasoned justification should make it clear that the site is removed from the Green Belt [MM16.8] and the Policies Map should be amended accordingly.

Conclusion

272. Subject to the main modifications that I refer to above, policies GT1 and GT2 regarding Gypsy and Traveller and Travelling Showpeople sites would be positively prepared, justified, consistent with national policy, and effective in ensuring that identified needs are met at all times during the plan period.

Are policies in the Plan relating to development in the Green Belt consistent with national policy, justified and effective?

273. National policy defines what would be inappropriate development in the Green Belt and makes it clear that such development is harmful to the Green Belt and should not be approved except in very special circumstances¹⁰⁵.

274. The Plan contains a number of development management policies relating to development in the Green Belt, and also a number of policies that specifically propose various types of development in the Green Belt.

¹⁰⁴ GTAA paragraph 1.18 [GT1].

¹⁰⁵ NPPF paragraphs 87-89.