Report to the South Holland District Council Planning Committee

Addendum to the Final Design and Access Statement

Application Ref: 06-0772-21

Location: The Orchards, Blazegate, Gedney, Spalding, Lincolnshire PE12 0PD

Description: The Change of use of agricultural land to provide 5 Gypsy/Traveller family pitches each having a Static Mobile Home, Dayroom, parking for a Tourer and 2 vehicle spaces together with a treatment plant, the laying of hardstanding and associated ancillary works.

Following the submission of this Application, the Case Officer has subsequently raised 2 issues:

Issue 1. The Environment Agency objection on flood risk grounds.

Issue 2. The principle – the local planning authority has granted planning permission for sufficient pitches within the plan period to satisfy both the known and unknown need outlined in the Local Plan.

Issue 1 – The Environment Agency objection on flood risk grounds.

Environment Agency position (18/08/2021)

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reason

The planning practice guidance (PPG) classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3a, which is land defined by the PPG and your Strategic Flood Risk Assessment as having a high probability of flooding.

Caravans and mobile homes intended for permanent residential use are classed as highly vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Flood risk assessment

Although the development is inappropriate to the Flood Zone in which the application site is located, a flood risk assessment (FRA) has been included in the design and access statement. The FRA does not demonstrate that the development and its future occupants will be safe for the lifetime of the development.

The FRA incorrectly identifies the hazard mapping depths the development site could experience. The site could experience depths of between 0.5– 1.0 metres and

1.0 – 1.6 metres arising from a breach in the defences during a flood that has a 0.1% tidal chance of occurring in any one year up to 2115. The caravans appear to be located mainly in the areas subject to depths between 1.0 – 1.6 metres.

We have considered the findings of the FRA in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be danger to most people (e.g., there will be danger of loss of life for the general public.

It is accepted that Planning Authorities do not set a president by approving applications that are of a similar nature, however, it must be recognised that similar applications have been recently approved one of which is located 1km from the site in question, that being:

Planning Application Ref: H06-0233-19

Location: Green Acres Park, Ropers Gate, Gedney, Spalding

Description: For the Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding.

It is noted that there appears to be no Consultation documentation from the Environment Agency on the Planning Portal, it therefore cannot be established if they objected to the development or supported it.

Hereafter are extracts from the approved FRA (completed by Geoff Beel Consultancy, February 2019).

Green Acres Park Ropers Gate Gedney Spalding is within a Flood Zone 3 area which is land highly likely to be affected by flooding on the Environment Agency's flood mapping, as indicated in Fig. 1.

The site is located within 'Danger for Most' Hazard Zone of the South Holland District Council's Strategy Flood Risk Assessment Map as indicated in Fig. 2 and as defended by Tidal Defences and the Internal Drainage Board system as indicated in Fig. 3. During preparation of this assessment, no evidence of the site nor adjoining land had been flooded.

A Sequential Test is met as whilst the site is located within Flood Zone 3 and in a 'Danger for Most' Hazard Zone the development may be permitted as the site is protected against both the 1 in 200-year return period tidal event and 1 in 100-year return period fluvial event meeting the requirements of NPPF.

The site is shown to be affected by floodwaters of up to 1.00m as a result of breaching and/or overtopping of the tidal defences to the Wash and River Neme in 2115. The site is located some 6km from the nearest point of any tidal defence.

Flood mitigation measures have been incorporated within the design and construction of the permanent travellers residences by raising the finished floor

levels by 1.00m above ground levels to safeguard against the risk of flooding as a result of the River Neme tidal defenced and to ensure that the proposals pass Part 2 of the Exception Test with an adequate exclusion strategy.

The Conditions set on the Planning Approval

Condition 8

No touring caravan or day room on the site shall be used to provide permanent residential accommodation.

Reason

To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Policies 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019.

Condition 9

The development permitted by this planning permission shall be carried out in accordance with the approved FRA (completed by Geoff Beel Consultancy, February 2019) including the following mitigation measures detailed within the FR: A-

the finished floor levels of the permanent residences are set a minimum of 1m above existing ground levels –

The caravans will be securely anchored to solid concrete plinths.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place for the duration of the occupation of the site.

Reason

To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019.

Final Design and Access Statement (24/08/2021)

Following the publication of the comments from Environment Agency downloaded onto the Planning Portal, the Design and Access Statement was revised to include the correct hazard mapping depths and the proposed mitigation measures which were as follows:

Conclusion

The proposed development is not in a Functional Floodplain as defined in NPPF. It is located in the Passive Floodplain protected by fluvial defences to a 1 in 100-year tidal defence of a 1 in 200-year standard.

The site could experience depths of between 0.5 – 1.0 metres and 1.0 – 1.6 metres arising from a breach in the defences during a flood that has a 0.1% tidal chance of occurring in any one year up to 2115. However, it is defended by the South Holland IDB system, the River Nene and chance of occurring in any one year up to 2115. The Wash tidal defences in South East Lincs. Strategic Flood Risk Assessment.

It is necessary to mitigate against risk and flood resilient construction should be incorporated into the proposed residences by raising the finished floor levels of the Dayrooms, and Static Mobile Homes 1600mm above ground level. Further that the Static Mobile Homes will be anchored to concrete blocks together with a solid concrete base.

It is noted that there appears to be no response from the Environment Agency to the submission of the Final Design and Access Statement submitted on 28/08/2021 containing the revised finished floor levels and the extension of the flood defence dyke system.

With this all-in mind, it is believed that Planning Permission should not be refused based on flood risk grounds, and that it would be acceptable to impose Conditions such as that set on Planning Approval HO6-0233019.

Issue 2. The principle – the local planning authority has granted planning permission for sufficient pitches within the plan period to satisfy both the known and unknown need outlined in the Local Plan.

On behalf of Boston and South Holland District Councils, ORS undertook a Gypsy and Traveller Accommodation Assessment (GTAA) published in November 2016. Extrapolations of the GTAA were subsequently included within the South East Lincolnshire Local Plan 2011 – 2036 Adopted March 2019. Hereafter, extracts taken from the GTAA:

South Holland

In summary there is a need for 4 additional pitches in South Holland for Gypsy and Traveller households that meet the new definition; a need for up to 13 additional pitches for Gypsy and Traveller households that may meet the new definition – although if the national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 8 additional pitches for Gypsy and Traveller households who do not meet the new definition.

The table below sets out the travelling status of households in South Holland.

Figure 14 – Travelling Status of Households in South Holland

Site Status	Meets New Definition	Does Not Meet New Definition	Unknown
Gypsies and Travellers			
Private Sites	5	19	37
Sub-Total	**5**	**19**	**37**
Travelling Showpeople			
Private Yards	2	3	9
Sub-Total	**2**	**3**	**9**
TOTAL	**7**	**22**	**46**

Figure 14 shows that for Gypsies and Travellers 5 households meet the new definition of a Traveller, and for Travelling Showpeople 2 household meets the new definition – in that they stated during the interview that they travel for work purposes and stay away from their usual place of residence, or have ceased to travel temporarily. A total of 19 Gypsy and Traveller and 3 Travelling Showpeople households did not meet the new 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 new definition.

Pitch Needs – 'Travelling' Gypsies and Travellers

The 5 households who meet the new definition of Travelling were found on 4 private sites and 1 unauthorised site. There is current need arsing from 1 unauthorised pitch and no other current or future need arising from temporary pitches, concealed or doubled up households or adults, or need for older teenage children.

The household demographics suggest that 4 additional households will form over the 20-year GTAA period to 2036.

When supply of 1 pitch on the new site on land at Drain Bank is taken into consideration the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for 4 additional pitches over the 20-year GTAA period.

Figure 15 – Additional Need for 'Travelling' Households in South Holland

Gypsies and Travellers – Meeting New Definition	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	1
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	1
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	**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	4
(Formation from site demographics)	
Total Future Needs	**4**
Net Pitch Total = (Current and Future Need – Total Supply)	**4**

Figure 16 – Additional Need for 'Travelling' Households in South Holland by 5 Year Periods

Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
	1	1	1	1	**4**

Pitch Needs – 'Unknown' Gypsies and Travellers

Whilst it was not possible to determine the travelling status of a total of 37 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 ethnic Gypsies and Travellers and may meet the new definition as defined in PPTS.

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 new definition based on the outcomes of households in that Local Authority where an interview was completed.

However, data that has been collected from over 1,500 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 new definition

– and in some local authorities, particularly London Boroughs, 100% of households do not meet the new definition.

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

Should further information be made available to the Council that will allow for the new definition to be applied to the 'unknown' households, the overall level of need could rise by up to 13 pitches from new household formation 9 (this uses a base of the 37 households and a net growth rate of 1.50%10). Therefore 9 Need from 6 unauthorised pitches is met by 6 new pitches on land at Drain Bank Boston and South Holland GTAA – October 2016 Page 54 additional need could increase by up to a further 13 pitches, plus any concealed adult households or 5-year need arising from older teenagers living in these households (if all 37 'unknown' pitches are deemed to meet the new definition). However, as an illustration, if the national average of 10% were to be applied this could be as few as 1 additional pitch. Tables setting out the components of need for unknown households can be found in Appendix B.

Need Summary Unknown Households in South Holland

Additional Need for 'Unknown' Gypsy and Traveller Households in South Holland

Gypsies and Travellers - Unknown	Pitches
Supply of Pitches	
Additional supply from vacant public and private pitches	0
Additional supply from pitches on new sites	6
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	**6**
Current Need	
Households on unauthorised developments	6
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	**6**
Future Need	
5 year need from older teenage children	0
Households on yards with temporary planning permission	0
In-migration	0
New household formation	13
(Household base 37 and formation rate of 1.50%)	
Total Future Needs	**13**
Net Pitch Total = (Current and Future Need – Total Supply)	**13**

Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
	3	3	3	4	**13**

The Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken in 2016, which South Holland District Council would base its Needs Assessment upon. It is noted that a Review has yet to be undertaken. At that time, the new 'Definition' of a Gypsy, Traveller and Travelling Showperson had been introduced. It is apparent that due to the introduction of the new Definition the Gypsy and Traveller community became reluctant to engage in interviews, with the outcome, that important survey data could not be collected and included within the GTAA, as advised at the time by ORS. This being the case the actual Need requirement would have been underestimated, which is reflected in the fact that there are 5 Gypsy and Traveller families who have no permanent home. Currently, the families are unable to gain access to the NHS and their children are being deprived of an education, this can be resolved if planning permission is granted.

With this all-in mind, it is believed that planning permission should not be refused based on the principle of the local planning authority has granted planning permission for sufficient pitches within the plan period to satisfy both the known and unknown need outlined in the Local Plan.

Report prepared by Keith Smith Design Consultant Dated 18/11/2021