



Planning for traveller sites

Consultation response form

When complete please email to: travellerspps@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please send to:

Paul Williams
Planning – Economy and Society Division
Department for Communities and Local Government
1/G6 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is Wednesday 6 July 2011.

(a) About you

(i) Your details

Name:	Emma Tucker
Position:	DCN Manager
Name of organisation (if applicable):	District Councils Network
Address:	Local Government House
Email:	emma.tucker@local.gov.uk
Telephone number:	0207 664 3049

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation	<input type="checkbox"/>	
Relevant authority (i.e. district, London borough, county council)	<input type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Business	<input type="checkbox"/>	
Other public body (please state)	<input checked="" type="checkbox"/>	
Other (please state)	<input type="checkbox"/>	

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City	<input type="checkbox"/>	
London	<input type="checkbox"/>	
Urban	<input checked="" type="checkbox"/>	
Suburban	<input checked="" type="checkbox"/>	
Rural	<input checked="" type="checkbox"/>	
Other (please comment)	<input type="checkbox"/>	

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

(b) Consultation questions

Q1. Do you agree that the current definitions of “gypsies and travellers” and “travelling showpeople” should be retained in the new policy?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

There is no need to amend the definition.

Q2. Do you support the proposal to remove specific reference to *Gypsy and Traveller Accommodation Needs Assessments* in the new policy and instead refer to a “robust evidence base”?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Yes, subject to a replacement that is realistic, practical and equitable.

Q3. Do you agree that where need has been identified, local planning authorities should set targets for the provision of sites in their local planning policies?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Where need is identified it is proper to address this in LDF process as to how we expect to meet that need - as indeed with all other types of housing needs. This will require joint working with housing and County colleagues and across local authority boundaries. Targets are appropriate providing there is some flexibility depending on local circumstances.

Q4. Do you think that local planning authorities should plan for “local need in the context of historical demand”?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Whilst 'historical demand' can be an important factor in determining needs, there will be changes that emerge to reflect current or changing circumstances. Similarly some historic demand may be atypical owing to local circumstance/non provision by neighbouring authorities/inconsistent approaches across boundaries etc and this might also skew figures and show a greater demand than actually exists. The phrase historical demand would benefit from clarification as it is capable of wide interpretation - particularly to assist the planning inspectorate. It is important to distinguish between the concepts of need and demand which appear to be used interchangeably. This question links closely with the duty to cooperate (see letter).

Q5. Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

No, see response to Question 4 above. Also, we believe that in practice this proposal will be unworkable. As new sites are allocated, there would be nothing to prevent travellers from other parts of the country immediately filling those sites leading, in consequence, to a situation where the required supply of sites for that council remains unchanged. This situation would be inevitable because of the inability to consider local connection. The duty to cooperate is again central to this.

Q6. Do you agree that the proposed wording of Policy E (in the draft policy) should be included to ensure consistency with Planning Policy Guidance 2: *Green Belts*?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Yes, this would help to provide some comfort to councils that traveller sites really are recognised as inappropriate development in the Green Belt. Applications from travellers for development in the Green Belt should be dealt with in exactly the same way as applications from members of the settled

community. Retrospective applications should not be treated any differently. Locally determined green wedges and the like are also important.

Q7. Do you agree with the general principle of aligning planning policy on traveller sites more closely with that on other forms of housing?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Yes.. however caution is needed here as (historically at least) some traveller provision or applications have been allowed, including sometimes on appeal in areas that would simply never be acceptable for other forms of housing. The implications of this might therefore be considerable. Whilst other landowners readily bring land forward for other types of residential use/housing, the land coming forward for traveller sites is often very much more limited. However, it needs to be borne in mind that the provision of affordable homes on rural exception sites is dependent upon local need, and the occupiers of such units are required to demonstrate a local connection. For as long as traveller sites are allowed to establish as exceptions to normal planning policy restrictions, without the need for a local connection to be demonstrated, planning policy on traveller sites will not be accepted as being aligned with that for other forms of housing, ie you cannot have an exception policy of LPAs cannot determine local need as a consideration.

Q8. Do you agree with the new emphasis on local planning authorities consulting with settled communities as well as traveller communities when formulating their plans and determining individual planning applications to help improve relations between the communities?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Most local authorities would have already been doing this for years. it is often difficult however to get full engagement and indeed "sign up" to emerging results or even acceptance of need. This is especially so when, for some, it is perceived that travellers are treated as a special case/more favourably.

Q9. Do you agree with the proposal in the transitional arrangements policy (paragraph 26 in the draft policy) for local planning authorities to “consider favourably” planning applications for the grant of temporary permission if they

cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, to ensure consistency with Planning Policy Statement 3: *Housing*?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Temporary permissions granted in the wrong place runs counter to the stated idea in this Government announcement/consultation of putting all on an even footing.

Further, the resulting temporary permission is often either extended or leads to expensive enforcement and court action when the period of the temporary permission expires and little or nothing has been done to clear the site/find an acceptable and authorised alternative.

Q10. Under the transitional arrangements, do you think that six months is the right time local planning authorities should be given to put in place their five-year land supply before the consequences of not having done so come into force?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

No - If the Government continues to grant special status to traveller sites by requiring a specific five-year supply of traveller sites, six months is a wholly unacceptable timescale. The allocation of traveller sites has to be through the development plan system, in parallel with the allocation of sites for other forms of housing. There will be an expectation to engage locally and the need for proper consultation means this process should not be rushed. Not all LPAs will not be in a position to adopt core strategies or Development Plan Documents allocating sites within six months of the PPS coming into force.

There are differences between the approach in the draft PPS and the approach to housing in 'PPS3' which it purports to reflect. PPS3 does require the Council to consider applications favourably when a five year land supply cannot be demonstrated, but it cross references to a paragraph referring to other considerations (paragraph 69) which are important considerations, such as considering the 'suitability of a site for housing, including its environmental sustainability'. For a traveller site to warrant temporary consent, a site would have to be suitable in planning terms. For example, it would be inappropriate to grant consent if it would cause harm to the environment even if it was temporary, or it would not provide a safe residential environment. This should be highlighted in the PPS, in a similar way to how the requirement to consider favourably is caveated in PPS3.

As mentioned previously, our view is that the suggested requirement for a 5-year supply of gypsy sites should be dropped. If notwithstanding this, the provision is to remain, a minimum of 2 years should be allowed from the PPS coming into force.

Q11. Do you have any other comments on the transitional arrangements?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

More use should be made of all of the evidence that was put forward in the regional planning process, for example for the partial review of the South East Plan in respect of gypsy and traveller provision - evidence which though never published as an Inspector's report, was made public via an FOI request. If LPAs have to again spend time gathering this information, then this is likely to cause unnecessary delay and a further waste of resources.

Q12. Are there any other ways in which the policy can be made clearer, shorter or more accessible?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Yes. A clear and brief statement that the same planning policies and principles will apply to all - including a reference to the fact that (irrespective of 5 year supply) if the site is simply not suitable it will not be permitted - as is the case with all other forms of housing.

Policy F states that where possible Local Planning Authorities should plan for traveller sites suitable for mixed residential and business uses. However, this approach is not consistent with the existing Government guidance regarding Design of Gypsy and Traveller Sites, which states at paragraph 49, 'Gypsy and Traveller sites are essentially residential and those living there are entitled to a peaceful and enjoyable environment'. It also does not reflect the experience of South Cambridgeshire, where the vast majority of sites are residential in nature, with occupants working off site. Whilst some sites may have business elements that are

specifically consented, sites can be planned with a residential in character and impact. There is a danger that the draft PPS could be presenting all traveller sites as pseudo-employment sites, and there should be flexibility to plan according to local circumstances and actual needs.

Policy G Major Development projects – The current policy acknowledges some major development proposals could require temporary or permanent relocation of traveller sites. It is disappointing that the policy does not acknowledge the opportunities provided by major development sites to deliver new site provision, and that this may be a route available to Local Planning Authorities.

Policy H paragraph 20e states that Local Planning Authorities ‘...should determine applications for sites from any travellers, not just those with local connections.’ The statement is not necessary, as Local Planning Authorities are required to determine valid planning applications.

Policy H (paragraph 21) is specific that phasing the delivery of the identified allocated sites could be a material consideration when determining a planning application for an allocated site that has come forward early. However, sites coming forward as windfalls could equally undermine plan objectives, or mean that sites in a development plan are no longer required. Circular 01/2006 states that ‘Local planning authorities should be able to release sites for development sequentially, with sites identified in DPDs being used before windfall sites’. The need to consider the impact on the development plan strategy should be highlighted as a material consideration when considering windfall site applications.

Q13. Do you think that the proposals in this draft statement will have a differential impact, either positive or negative, on people because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation? If so, how in your view should we respond? We are particularly interested in any impacts on (Romany) Gypsies and (Irish) Travellers and welcome the views of organisations and individuals with specific relevant expertise. (A draft Equalities Impact Assessment can be found at Annex C.)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

There must be wider education and awareness made of the basis for a fair and level playing field for all - and that includes for the due process of seeking permission prior to commencement of works and/or changes of use. This needs to come from central government and the courts if necessary - combined with better provision including continuing grants to LPAs establish authorised sites if necessary.

The danger from a practical view point is that the document will serve to perpetuate the perception that it is the settled population's rights that are adversely affected by the policy approach. The requirement to identify a 5 year supply of deliverable traveller sites is emphasising positive discrimination towards travellers at the expense of the settled community. If an approach of this nature is to be adopted (against our wishes), it should be incorporated in the overall 5 year supply of housing in general.

The consultation draft PPS contains a number of questions on a cost/benefit and impact analysis of the withdrawal and replacement of the existing circulars relating to Gypsies and Travellers and Travelling Show People. As many of these relate to monetary benefits, and the proposed policy changes are considered to be negligible and unquantifiable, no response is suggested to these.

(c) Consultation questions on the impact assessment

The impact assessment is annexed to the consultation document. It is a consultation stage impact assessment, which analyses the costs and benefits of the policy options alongside the 'do nothing' baseline.

General questions about the impact assessment

Q1. Do you think that the impact assessment broadly captures the types and levels of *costs* associated with the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Experience of district councils suggests that there will always be very high costs and risks associated with any enforcement process, including in particular, with any court actions (prosecutions and injunctions etc) and that these will not be wholly eradicated even where an LPA can show a 5 year supply. Reference in the consultation to raising fines will have little effect unless the magistracy are closely aligned and the higher levels of fines are ever levied - or even collected. This problem persists and further dissuades compliances and results in a loss of confidence in the system.

Q2. Do you think that the impact assessment broadly captures the types and levels of *benefits* associated with the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

A much more rigorous assessment is needed.

Q3. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Comment:

The costs to settled communities and LPA of unauthorised developments - both in terms of Council resources on enforcement and in terms of the impact of such development (HRA) on the rights and freedoms of others, ie the settled community.

Q4. Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

There seems to be expectation that assessment of needs will automatically result in suitable land being put forward for allocation purposes. Very few landowners are likely to put their land forward for gypsy and traveller sites - even where it may meet a set of clearly agreed criteria. The consultation does not address what is evidently a market failure.

Q5. Are the key assumptions used in the analysis in the impact assessment realistic? If not, what do you think would be more appropriate and do you have any evidence to support your view?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

See answers to Q2, 3 and 4.

Q6. Are there any other relevant key sources of evidence relating to the policy or the effectiveness of the suggested options that have been omitted? If so, please provide details.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Detailed evidence from court cases, injunctions, appeals (including outcomes

and costs to LPA) and from LPA officers involved at the sharp end

Q7. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

If the aim is to make a fair playing field for all, it seems that a number of travellers who now benefit from temporary permissions and maybe even some permanent ones - would not be likely to do so in the future if planning policy is truly applied fairly to all. A shortage of suitable land coming forward is likely to remain a problem.

Specific questions about the proposed policies in the impact assessment

Q8. Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

N/A - this has needed reviewing since the 1994 Act when similar concerns were raised.

Q9. Can you identify – in quantitative terms if possible – whether you think there would be any benefits to Option 2 (withdraw circulars 01/2006 and 04/2007 and do not replace them)?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Withdrawal might result in less arguments about favourable treatment for travellers.

Q10. Please comment on whether you envisage any extra costs to local planning authorities associated with the assessment of need for traveller sites in their areas, over and above those which they experience at present.

Comment:

See also answer to Q11 to main questionnaire above. There will be costs in assessing and reviewing/updating evidence base and consultation - this is likely to increase if the issue of a 5 year supply comes into effect (and where comments as to shortage of land coming forward have also been made) and where no real solution to this problem has been offered.

Q11. Please give your view on the scale of the time and money benefits which will accrue to local planning authorities as a result of being able to set traveller site targets locally.

Comment:

The underlying assumption appears to be based upon suitable land being put forward by private landowners and all enforcement needs/action ceasing immediately. This is unlikely to be the case.

Q12. Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.

Comment:

See above.

Q13. Please give your view on the extent to which, and rate at which, you consider new sites will come forward as a result of the new approach.

Comment:

Without expedited CPO powers, district councils do not hold land banks of sites awaiting development. The prospect of suitable land coming forward through a proper planning process seems slim.

Q14. Is the draft policy likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

No. There is no reaffirmation given to Policy approach in AONBs, National Parks etc. This should be clearly mentioned in para 22 of the draft PPS - a presumption against. Government assessments of the costs/benefits of

impact on the landscape/assessment are notoriously weak and lacking in an evidence base.

Q15. Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

One officer will not be able to disseminate the detail of this to all colleagues to any point where they are then able to produce evidence, DPDs, face appeals, court cases etc, assess needs for enforcement action, social needs of travellers as part of this process etc.

Q16. Do the estimated administrative savings for local planning authorities, as a result of streamlining national planning policy, seem reasonable? Please give your view on the assumptions made in this calculation.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

See above replies to a number of questions.

Q17. Are there any significant costs and benefits that we have omitted? If so, please describe including the groups in society affected and your view on the extent of the impact.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Landscape, environment, settled community.

Q18. Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Of itself no - this will need further and wider work on engagement, testing of evidence, attitude and experience of the courts and the inspectorate decisions on appeals before any of this hoped for change may emerge in any quantifiable form.

Q19. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Within the draft Policy at para 23, the suggestion that "untidy" land should be looked upon favourably is likely to lead to landowners allowing land to become so in order to gain permission a not unknown phenomenon. This suggested criteria has no regard to normal planning criteria and should be removed from the draft Policy.

Q20. Do you think there are any groups disproportionately affected?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

No - not if the aim is really fair consideration for all under the planning system.

END