

# District Councils' Network



A new voice for district councils in the LGA

Close to people, focused on place

The Rt Hon Eric Pickles MP  
Secretary of State for Communi-  
ties and Local Government  
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Bressenden Place  
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**District Councils' Network**  
Local Government House  
Smith Square  
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**5 July**

Dear Secretary of State

## **PLANNING FOR TRAVELLER SITES: CONSULTATION**

As the District Councils' Network, we welcome the opportunity to comment on this consultation but are disappointed in the proposals which we feel will not meet even the modest objectives the Coalition Government has set itself.

The District Councils' Network is a Special Interest Group of the Local Government Group. It is a single voice for districts to central government and national organisations. It represents over 175 district councils.

The Government's overarching policy objectives are fair and effective provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups whilst respecting the interests of the settled community. The consultation fails to achieve a satisfactory balance. Although experience varies across districts, a high proportion of travellers are now not nomadic and they seek settled bases to enable access to educational and medical facilities. Indeed, many travellers submit these needs as justification for the establishment of traveller sites in planning proposals. To perpetuate the myth that all travellers remain nomadic, and hence require positive discrimination in planning terms will do nothing to reduce the tensions that exist between the traveller and the settled communities. The Government needs to improve the evidence base of the proposals. Whilst applauding the desire to have a light touch policy with the focus on locally driven needs assessments and the move away from a prescriptive top down approach, we will see when looking at the detailed objectives it sets out that it fails to address this. We welcome the approach of consolidating and streamlining guidance, but the guidance given – we would suggest the minimum necessary, has to achieve the right balance.

The proposed light touch policy in detail involves:-

Enabling local authorities to make their own assessment of need.





The main difference from the current approach is that there will no longer be a set way of assessing the need for pitches, with Councils being allowed to decide the methodology and to “get their own evidence based targets for the provision of pitches and plots”. A stronger linkage with the approach taken in other forms of housing is necessary. In practice, this will make no difference to the inequitable distribution of traveller sites.

Enabling local planning authorities to set their own targets.

The comments about the RSS and the ‘Top Down Targets’ are misdirected. Although experience varies across regions, in some regions the targets were properly generated from a local evidence base. If LAs are to create their own ‘robust evidence base’ and consequently targets, the resultant figure will be the same as that created through the sound Regional Spatial Strategies. It is the undemocratic regional planning process that is discredited, not the evidence base. It is sensible to plan for a five year supply and there is support for the alignment of the approach with other forms of housing development.

Encouraging local planning authorities to plan for sites over a reasonable timescale.

The guidance (and consultation question) does not engage with this objective. Is the Government addressing local authority or market failure? Is the solution a market or intervention led process? If the latter, more than changes to the regulatory (planning system) will be needed to show progress in this Parliament. Given that the lack of provision is in at least part due to market failure, the implementation timescales are much too short. Our evidence suggests that Districts who have actively promoted sites have struggled to deliver them because the market has been unwilling to respond.

Protecting the Green Belt from development.

The statement that traveller sites are inappropriate development in the Green Belt in the draft PPS is welcomed, but the DCN remains concerned that travellers will continue to gain planning permissions for sites in the Green Belt using the very special circumstances argument, as now. The PPS does not give sufficient comfort to local planning authorities that the Green Belt will be protected from such inappropriate development in the future in practice. Notwithstanding this the draft document focuses more on the Green Belt to the disadvantage of the remainder of the open countryside and locally identified ‘green’ areas in which there should also be a presumption against new gypsy and traveller sites as there is with new housing. This is very important in ensuring a level playing field with housing.

Encouraging local planning authorities, working collaboratively, to develop fair and effective strategies.





Local Authorities should be encouraged to use the existing evidence base rather than 're-invent the wheel' with more studies. In our view, not enough is known about the 'Duty to cooperate' process, and what will count as constructive engagement, to understand whether this will offer a successful solution. District Councils will not want their plan making delayed with protracted negotiations. The draft PPS should be more flexible to allow plan making to reflect local circumstances, allowing a plan to be found sound where a council has planned a level of provision that is deliverable and appropriate to local circumstances. We believe consultation with traveller communities will reduce tensions.

Promoting more private provision (though not suitable for all).

In aligning planning policy with other forms of housing brings the two into competition. In normal circumstances land owners would promote their sites for housing and not for travellers. While in theory traveller sites need the same access to services as general housing, they will not be able to compete on land values unless there is some fairly hefty and sustained intervention from the public purse and acquisition is forced via equally expensive compulsory means. Many housing sites come from a strategic housing land viability assessment which is usually site owners promoting their own locations, it is fanciful to imply that there would be a rush of sites (that would also be suitable for housing) being promoted as traveller sites. If councils seek to promote these sites themselves they are highly likely to be undeliverable because of the need for huge public subsidy and large scale community opposition. The prospect for delivering sites through S106 agreements associated with larger developments should be explored.

Reducing the number of unauthorised developments.

Given that the other provision failed to meet the objectives, the prospect of further unauthorised developments (we would prefer the term unlawful) is inevitable. The remedy - improved enforcement provision in the Localism Bill, is not yet legislation or enacted through the inevitable orders which will follow and in some instances (stop notices) render the councils liable for compensation. The emphasis on temporary permission merely provides for a long term enforcement headache. There may be particular local circumstances where temporary consents are appropriate, but they can hardly form the basis of a major part of policy.

Ensuring the development plan has fair, realistic and inclusive policies.

It is difficult to disagree with this as an objective, but in terms of *fairness* this must be apparent equally to the settled community, *realism* needs resources and *inclusion* requires a proactive approach to consultation which will need time to build up the trust and confidence in the system and policies.

Increasing the number of traveller sites, to address under provision etc.





The 5-year housing land supply is fine where there is an economic force promoting the conveyor belt of delivery although this has slowed down in the current economic climate. Simply to impose the performance target will not achieve meaningful delivery without unlocking the financial and community obstacles first. Additionally, what basis would there be to assess deliverability given the potential lack of owners promoting sites? Either there would be a rash of ghost sites being promoted (no real prospect of delivery just put in to make the numbers up) or authorities would be destined to fail and therefore unable to defend unauthorised sites. Assuming that land already in public ownership would be suitable, supported and sufficient to accommodate demand has not been proven.

Reducing tensions between the settled and traveller communities.

Elements of the settled community have often expressed dissatisfaction about the way travellers are regarded as a special case in planning legislation, and that they are allowed to reside where the settled community cannot. The draft PPS does nothing to overcome this inequality as it risks the approval of sites beyond established settlements in the open countryside, without requiring the establishment of any local connections. The establishment of rural exception sites for affordable homes requires a local need to be established. If local connections cannot be a requirement for the establishment of traveller sites, policies allowing rural exception sites for travellers cannot be equitable. Good consultation is the key to reducing tensions. A good easy to read leaflet for travellers based on the final version of this policy statement would be helpful.

Enabling provision so travellers can access education, health, welfare and employment.

There is an inherent contradiction in the Government's approach. To achieve this implies suitable locations were next to or within existing settlements in effect an alignment of planning policies. If the Government is right that the demand is from essentially nomadic travellers, many may not want to be in close proximity with other forms of housing. Existing communities do not always welcome members of the travelling community though experience varies. Some districts believe that accepting a respectful separation on the basis of an incompatibility of life styles would be a more realistic aspiration and would take them out of competition with other housing development and therefore aid delivery, but would mean this objective could not be met and may bring it into conflict with protecting the open countryside. It may be this objective is only really deliverable as part of major settlement expansions.

As Secretary of State, you have written to Local Councils to warn us over the risks of unauthorised development over Bank Holidays – specifically mentioned land owned by travellers. "It is wrong that a small minority of planning cheats can play the system in this way, leaving councils with months, and sometimes years, of hassle to get rid of developments that shouldn't be there. Unauthorised developments have also created tensions between travellers and the settled population. We want to redress that balance and put fairness back into communities."



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Measured against that objective, which crystallises what the Government should be aiming for, the proposed approach manifestly fails.

I hope you have found our response to be not only useful but informed by the experience of many districts. We noted your answer at the LGA Conference that it was important that our views should be heard in the consultation process. In order to take it forward, DCLG should engage with districts and other local authorities in round table sessions to discuss these issues and come up with a realistic and deliverable policy. We would be very happy to participate in these sessions. It is important to work through the final version of this guidance with the Localism Bill – there was an amendment recently for local authorities to review traveller needs every five years.

A copy of our detailed response is appended which, together with this letter, is copied to Paul Williams.

To discuss the District Councils' Network response please contact [emma.tucker@local.gov.uk](mailto:emma.tucker@local.gov.uk) or on 0207 664 3049

Yours sincerely

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