



Planning for traveller sites

Short easier to read summary of Government's consultation on new planning policy

Consultation closes 6 July 2011

This is not the consultation document. The full consultation can be found at:

www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation

More information

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About the Department for Communities and Local Government

We are part of the **Government**. The Department sets national policy on planning.

What this summary is about

National **planning policy** says how the Government wants local authorities to plan for development in their areas and make planning decisions on individual planning applications.

Current planning policy for **traveller sites** is in two documents called circulars:

- Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites
- Circular 04/2007 Planning Travelling Showpeople.

These circulars are used by local planning authorities, the Planning Inspectorate and the Secretary of State for Communities and Local Government to plan for traveller sites and make decisions about planning applications for traveller sites.

In April 2011, the Government published a draft new planning policy for traveller sites. It wants this to **replace Circular 01/2006 and Circular 04/2007**.

The draft planning policy will apply to the development of sites for **gypsies and travellers and travelling showpeople**.

The draft policy is out to consultation. This means that the Government wants to know what people think of its draft policy. It welcomes **comments** from everyone. Comments should arrive by **6 July 2011**.

The draft policy relates to **England** only.

This summary explains what the Government's draft policy says, why it was written and how you can give us your views.

The Government has thought about equalities issues while writing its draft policy. It has published an **Equality Impact Assessment**.

The Government has thought about the likely costs and benefits of its new policy. It has also published an **Impact Assessment**.

The Government also wants people's views on the likely equality impacts and the likely cost and benefit impacts of its draft policy.

After the consultation closes the Government will publish a summary of the responses it gets.

The **draft policy, assessments and full consultation** can be found at:

www.communities.gov.uk/publications/planningandbuilding/travellesitesconsultation

How to give your views

A **questionnaire** form, which can be emailed to us, can be found at:

www.communities.gov.uk/publications/planningandbuilding/travellesitesconsultation

You can **email** comments to:

travellerspps@communities.gsi.gov.uk

You can **write** to:

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If you want **more information** or have **questions**, you can **telephone** Paul Williams on 0303 44 41223.

Comments should arrive by **6 July 2011**.

Why we published a new draft policy

On 29 August 2010, the Government said it wanted to **cancel the two existing planning policies for traveller sites**.

It wants to **replace existing policy** with a **new planning policy** for traveller sites. This will be a “Planning Policy Statement for Traveller Sites”.

Many people think that current planning policy treats traveller sites more favourably than it does other housing and that it is easier for one group of people to gain planning permission particularly on Green Belt land. This has led people to believe that the system is unfair. The Government believes that by being **fair** to both the traveller and the settled communities, people are more likely to get on together.

The definition of ‘gypsy and traveller’ currently in planning is based on lifestyle and not ethnicity. However, those living on ‘gypsy and traveller’ sites in England are primarily either (Romany) Gypsies or (Irish) Travellers. The bi-annual *Caravan Count*¹ shows that about 20 per cent of caravans in England are on unauthorised sites. It is ‘unauthorised developments’ that concern the planning system – an unauthorised development is one that is on land that is owned by the traveller but does not have planning permission. The number of **caravans on unauthorised developments has been increasing** steadily over recent years.

Travelling showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Some travelling showpeople do not operate funfairs, but instead hold circuses.

The circulars are **becoming outdated** due to the Government’s broader changes to the **planning system**. These changes are listed below.

- The Government wants **more local decision making** by councils and communities. It wants to decentralise the planning system to make the role of councils and communities stronger.
- The Government wants **local authorities to plan for the**

¹ Figures are from the July 2010 Caravan Count.

needs of communities, including travellers.

- The Government thinks it is important that communities support development of all kinds. It wants to encourage the idea that **development can positively benefit** a community.
- The Government is introducing a **National Planning Policy Framework**. It wants clearer, shorter and fewer statements of national planning policy. It wants to make planning system simpler and reduce the number of pages of guidance to make it easier to use and more decentralised.
- The Government wants to **abolish Regional Strategies**. This will remove top-down housing and traveller site targets. Instead, the Government wants local authorities to be responsible for setting the right level of site provision.
- The Government is introducing a **Duty to Cooperate**. This places a duty on councils to work together across boundaries.

The new planning policy on traveller sites has been designed in this context. The policy in the new statement on traveller sites will eventually be put into the National Planning Policy Framework.

What else is the government doing?

The new planning policy should be read in the context of a range of broader policies in relation to traveller communities.

- The Government has included traveller sites in the New Homes Bonus scheme. The scheme will give communities and neighbourhoods that have new development a share in the benefits of growth. For every new home that gets built in its area, a local planning authority will get six years of council tax, with extra for affordable homes (such as traveller sites owned or managed by local authorities or registered partners).
- The Government will provide grant funding for local planning authorities so they can deliver new sites. This will help travellers who are unable to provide sites of their own.
- The Government has set up a group of Ministers to tackle the discrimination and poor social outcomes that travellers face. The Government is particularly concerned about poor

health and education outcomes. The group has Ministers from the Departments of Communities and Local Government, Health, Education, Justice, Work and Pensions, the Home Office and Treasury.

- The Government is also bringing forward legislation that will apply the Mobile Homes Act (1983) to local authority traveller sites. This means that people living on local authority traveller sites are treated the same as people living on other sorts of council-owned caravan sites.
- The Government is supporting a training programme. The programme aims to raise awareness amongst councillors of their leadership role in relation to site provision and planning applications for sites.
- The Government wants to give local authorities stronger enforcement powers to tackle breaches of planning control. It wants to increase fines for not complying with a Breach of Condition Notice. The Government also wants to limit opportunities for retrospective planning applications, for any form of development. This will mean that only an enforcement appeal or a retrospective planning application can be made for a development, not both.
- The Government is considering strengthening Temporary Stop Notice powers.

This set of actions will ensure fair treatment for those in traveller and settled communities who play by the rules.

What the draft policy says

The Government wants to:

- **ensure fair and equal treatment for travellers**, in a way that supports the traditional and nomadic way of life of travellers **while respecting the interest of the settled community**
- **support the provision of traveller sites through the planning system.**

To do this:

- the Government was to have a **fair, light-touch** policy that puts provision into the hands of elected **local councils**
- the Government wants to consolidate and streamline the circulars into a **shorter, single document.**

To address concerns about fairness and enable greater consolidation of planning policy, the new policy will:

- make traveller site policy **more like planning policy for housing.**

The **new policy**, therefore, **aims** to:

- enable local planning authorities to make their own assessment to set their own pitch/plot targets
- encourage local planning authorities to plan for sites over a reasonable timescale
- protect Green Belt from development
- reduce tensions between settled and traveller communities in the planning system
- remove repetition of national planning policy that is set out elsewhere
- remove unjustified differences in policy in the two circulars, and between the two circulars and other policy statements

- remove unnecessary guidance and context so that planning policy documents contain only policy
- ensure that local planning authorities, working together, have fair and effective strategies to meet need through the identification of land for sites
- promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- reduce the number of unauthorised developments and encampments and make enforcement more effective if local planning authorities have had regard to this policy
- ensure that the development plan includes fair, realistic and inclusive policies
- increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- reduce tensions between settled and traveller communities in plan making and planning decisions
- enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.

A summary of the **key elements** of the new draft policy are set out below. There are also questions on the policy. The Government would like people to answer these questions.

- The policy has a **definition of “travellers”**. This combines the definitions of “gypsies and travellers” and “travelling showpeople” that are in current policy.

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

- The policy asks local planning authorities to assess how many traveller sites they need. This should be based on **robust evidence of local need in the light of historical demand**. Local authorities should **set their own pitch and plot targets** based on this evidence.

Local authorities will continue to assess the accommodation needs of travellers, as required by law in the Housing Act (2004). However, unlike the current circulars, the new policy does not specifically refer to the guidance that sets out how needs should be assessed under the Housing Act (the *Gypsy and Traveller Accommodation Needs Assessment* guidance). The Government wants local authorities to set targets based on robust evidence but it does not want to tell them the type and amount of evidence needed. The Government also does not want to repeat policy that is covered by laws. Local authorities' conclusions will be tested through the process of consultation and Examination in Public of local plans.

The new policy says that local planning authorities should set their own pitch/plot targets. This is different to the current policy which says that councils have to meet targets that are set by regional bodies.

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

Q3: Do you think that local planning authorities should plan for "local need in the context of historical demand"?

- The policy aims to facilitate local authorities in **planning for sites over a reasonable timescale**.

The current policy, when published, wanted under-provision met in three to five years. Evidence shows that local planning authorities have not done this. The new policy asks local planning authorities to find enough land to meet their targets over five years. This gives a more reasonable timescale to meet targets, making delivery of sites much more likely.

Q4: 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?

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

- The new policy aims to **protect the Green Belt from development.**

The current policy says that new sites in Green Belt are “normally inappropriate development”. The new policy says they are “inappropriate development”. The word “normally” could mean that applications by travellers are treated more favourably than applications from members of the settled community. The change of words makes the traveller site policy consistent with the planning policy on Green Belts (in Planning Policy Guidance 2: Green Belts). The Government believes this change will make it clear that applications from travellers for development on Green Belt should be dealt with in exactly the same way as applications from members of the settled community.

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*?

- The new policy aims to **reduce tensions between settled and traveller communities in relation to the planning system.**

The Government recognises that there is concern that current planning policy for travellers has resulted in unfairness. It recognises that some people think travellers are treated more favourably in the planning system than the settled community.

The Government wants to see fair play. It wants to make its new policy consistent with policy on housing for the settled community.

The Government also wants local planning authorities to pay particular attention to talking to both settled and traveller communities when making plans and deciding planning

applications. The Government believes that its new focus on involving settled communities will make them more likely to support development. It will also mean local authorities get a balance views to help them make decisions. It will reduce opposition to development based on misunderstanding and lack of information.

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

Q8: Do you think the new emphasis on local planning authorities consulting with both settled and the traveller communities when formulating their plans and determining individual planning applications will reduce tensions between these communities?

- The policy sets out some **transitional arrangements**. These say that if a local planning authority has not planned for a five-year supply of traveller pitches/plots, they should “treat favourably” applications for a **temporary permission**.

This is different to current traveller site planning policy. Current policy says that “substantial weight” should be given to unmet need when considering whether to grant a temporary permission. The new policy is more similar to policy for housing for settled communities. Housing policy also asks local planning authorities to treat applications “favourably” in there is not a five-year land supply for housing.

The new policy will give local planning authorities a reasonable amount of time (six months) to put their five-year land supply into place before these consequences of not planning to meet identified need come into force.

Q9: Do you agree with the proposal in the transitional arrangements policy (paragraph 26 of the draft policy) that asks 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*?

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?

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

- The Government wants to make planning policy **shorter and clearer** so it is easier for councils and developers to use.

To do this, in its new draft policy, the Government has:

- removed words that repeat national planning policy that is written in other documents
- removed differences in policy in the two circulars that do not make sense
- removed unnecessary guidance so the new Planning Policy Statement contains only policy
- removed context that is not needed so the new Planning Policy Statement only contains policy
- reduced 54 pages of current policy into eight pages of new policy.

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

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.)

The full policy, consultation document and equalities and impact assessments can be found at:

www.communities.gov.uk/publications/planningandbuilding/travellersitesconsultation

The consultation options

The Government considered three options for planning policy for traveller sites.

- Option 1: do nothing
- Option 2: cancel the circulars
- Option 3: cancel the circulars and replace with a new single Planning Policy Statement.

Option 3 is preferred by the Government.

These options are discussed in the Impact Assessment, which can be found in the full Consultation Document.

The Government prefers Option 3. The Government is, therefore, asking for views on the details of its proposed new policy and the Impact Assessment and Equality Impact Assessment. These are in the full Consultation Document.

About the consultation

The Government would like to know people's answers to the 13 questions it has asked in the boxes above.

The Government also wants people's views on the likely **equality impacts** and the likely **cost and benefit impacts** of its draft policy.

It has published an **Equality Impact Assessment** and an **Impact Assessment**.

The **Impact Assessment** can be found in Annex B of the full consultation.

The **Equality Impact Assessment** can be found at Annex C of the full consultation.

The full consultation is at:

www.communities.gov.uk/publications/planningandbuilding/travellesitesconsultation

Impact Assessment

The impact assessment looks at the costs and benefits of the policy options compared to the 'do nothing' option. There are two sets of questions that the Government has asked about the impact assessment. It would like people to answer the questions.

General questions about the impact assessment:

- Do you think that the impact assessment broadly captures the types and levels of costs associated with the policy options? If not, why not?
- Do you think that the impact assessment broadly captures the types and levels of benefits associated with the policy options? If not why not?
- Are there any significant costs and benefits that we've omitted? If so please describe including the groups in society affected and your view on the extent of the impact.
- 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?
- 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?
- 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.
- Are there any significant risks or unintended consequences we haven't identified? If so please describe.

Specific questions about the proposed policies in the impact assessment:

- Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?
- 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)?
- 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.
- 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.
- Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be and how much they will be.
- 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.
- 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?
- Do the costs that we have estimated local planning authorities will have to get to know the new policy appear reasonable? Please give your view on the assumptions made in this calculation.
- 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.
- 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.
- Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

- Are there any significant risks or unintended consequences we have not identified? If so please describe.
- Do you think there are any groups disproportionately affected?

Equality Impact Assessment

The Government does not believe that the policy has any adverse impacts on protected groups.

The Government believes that its new policy promotes equality, good relations and knowledge about different groups and increases civic and democratic participation.

The Government wants your views on the likely equality impacts.

Published by the Department for Communities and Local Government; June 2011.

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ISBN: 978 1 4098 2998 0