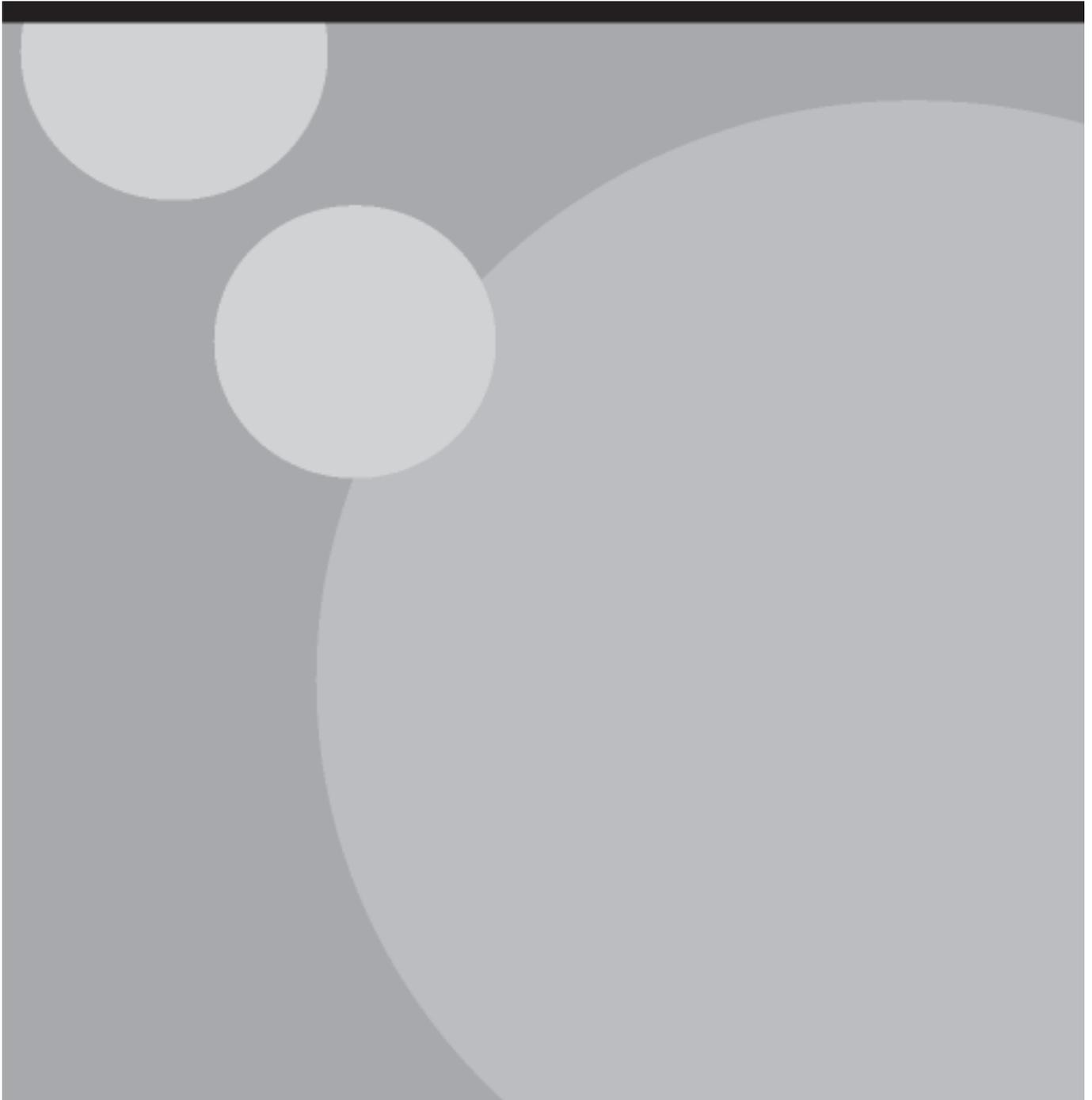




# Planning policy for traveller sites

## Impact assessment





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March 2012  
Department for Communities and Local Government

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**Title: Withdrawal and replacement of Circular 01/2006: *Planning for Gypsy and Traveller Caravan Sites* and Circular 04/2007: *Planning for Travelling Showpeople***

**IA No:** DCLG 0033

**Lead department or agency:**

Department for Communities and Local Government

## Impact Assessment (IA)

**Date:** 23/03/2012

**Stage:** Final

**Source of intervention:** Domestic

**Type of measure:** Other

**Contact for enquiries:** Nicola Higgins  
nicola.higgins@communities.gsi.gov.uk

## Summary: Intervention and Options

### Cost of Preferred (or more likely) Option

Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
£0.075m	n/a	n/a	No.	n/a

### What is the problem under consideration? Why is government intervention necessary?

National planning policy and guidance for “gypsy and traveller” and “travelling showpeople” caravan sites is set out in circulars 01/2006 and 04/2007. These 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.

The Government is taking forward planning reforms to pass control to local communities and make the system simpler and more accessible. The Government believes that planning is best carried out by local councils and communities that know the requirements of their areas and not unelected regional bodies. Circulars 01/2006 and 04/2007 have become outdated in this context.

As part of the decentralisation agenda, the Localism Act has repealed the framework for regional planning in England. The Government intends to abolish existing regional strategies to put decisions on housing (including traveller sites) and planning back into the hands of local councils and communities.

The planning policy for traveller sites set out in circulars 01/2006 and 04/2007 asks sites to be planned for and planning applications assessed using the previous Government’s regional planning system, which the present Government disagrees with and is in the process of abolishing.

The draft National Planning Policy Framework proposed a radical streamlining of national planning policy to support the decentralisation reforms to pass control to local communities and make the system simpler and more accessible. Traveller site policy also needs to be more simple and accessible.

These circulars need to be replaced with an updated planning policy that will work effectively by being clear and telling local authorities what is expected of them in the decentralised system in terms of planning for traveller sites. Government intervention is necessary to promote adequate and efficient provision of traveller sites locally.

### **What are the policy objectives and the intended effects?**

The Government's overarching policy aim is 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 **first set of aims** relates to the need to have an updated, fair, light-touch policy that puts provision into the hands of elected local councils and works within Government's broader planning reforms, in particular the intention to abolish the regional planning system. The new policy aims to enable local authorities to:

- make their own assessment of need for the purposes of planning
- plan for sites over a reasonable timescale
- protect Green Belt from inappropriate development
- reduce tensions between settled and traveller communities in relation to the planning system

This will lead to the provision of appropriate sites in appropriate places and support enforcement action if local authorities have complied with the policy.

The **second set of aims** relates to the need to consolidate and streamline the circulars into a shorter single planning policy in the context of Government's broader reforms to simplify and consolidate national planning policy. To do this we will:

- 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 including housing policies in the National Planning Policy Framework
- remove unnecessary guidance so that planning policy documents contain only policy
- remove unnecessary context so that planning policy documents contain only policy

This will lead to a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively. It will make clear the Government's expectations in this area of policy, which is often a difficult and contentious one for local authorities, in the context of the reforms to the planning system and Government's desire to push decisions on planning to the local level.

The traveller site planning policy is part of a wider package of measures that will work alongside the reformed and decentralised planning system, including the intended abolition of regional strategies, and are aimed at securing fair and effective provision of authorised sites for travellers. These include: Traveller Pitch Funding from April 2011; the inclusion of traveller sites in the New Homes Bonus scheme since April 2011; reforms to enforcement measures to tackle unauthorised sites (via the Localism Act); improved protection from eviction for local authority traveller sites; and training for local authority councillors on their leadership role in site provision.

### **What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Three options have been considered: 1) do nothing, 2) withdraw the circulars, 3) withdraw circulars and replace with a new single planning policy. Option 3 is preferred.

Options 1 and 2 would not achieve Government's overarching aim of effective provision of authorised sites for travellers to facilitate the traditional way of life of these groups.

Option 1 (do nothing) is not a viable option as the policy in the current circulars focuses on the regional planning process. The Government have made it clear that they want to decentralise planning decisions and intend to remove the regional planning system and have introduced the duty to cooperate to allow for strategic planning. The circulars are, therefore, outdated and will be ineffective in explaining to local authorities how they should plan for and manage development of the provision of traveller sites within a decentralised planning system. Critically, the current process that the circulars point local authorities to for setting targets for sites provision will no longer be functional as it involves the regional planning system. Planning for traveller sites can be a difficult and contentious issue for councils, making it particularly important to have clear and up-to-date policy in place. Without this, there is significant risk of a negative impact on the provision of appropriate authorised traveller sites, with a potential increase in unauthorised developments and unauthorised encampments, and a potential worsening of associated social and financial costs.

Option 2 (withdrawing and not replacing the circulars) would similarly fail to provide a clear central Government policy position to guide local authorities' actions in the context of a decentralised planning system.

Option 3 (withdraw the circulars and replace with a new single planning policy document) will promote effective provision of authorised sites for travellers by updating the policy so it provides clear guidance within a decentralised planning system in which regional strategies are abolished.

**Will the policy be reviewed?** The Government intends to review this policy when fair and representative practical results of its implementation are clear. It is intended to incorporate a version of this policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

Signed by the responsible Minister:

Bob Neill

Date: 26/03/2012

# Summary: Analysis and Evidence

# Policy Option 3

**Description:** Withdraw circulars 01/2006 and 04/2007 and replace them with a new single policy

## FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low:	High:	Best Estimate:
2011	2011	10	£0.068m	£0.083m	£0.075m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£0.01m	n/a	£0.01m
High	£0.03m	n/a	£0.03m
Best Estimate	£0.02m	n/a	£0.02m

### Description and scale of key monetised costs by 'main affected groups'

There will be one-off familiarisation costs to local planning authorities. These are estimated at £0.02m. There are no costs anticipated with this policy over and above the one-off familiarisation costs. This estimate has been revised since the consultation stage Impact Assessment in light of responses to that consultation (see evidence base for further details).

### Other key non-monetised costs by 'main affected groups'

Local councils will have a 12-month implementation period to put in place their five-year land supply under the new policy, after which the full policy will come into force and the absence of this land supply will be given weight in planning decisions for temporary permissions. During this implementation period, travellers may experience delays in securing planning permission for new sites. However, the costs associated with this are unlikely to be significant because of the mitigating effect of the wider policy measures that the Government has introduced and the existence of policy on temporary permissions in Circular 11/1995. These costs are therefore assumed negligible. Costs associated with the actual allocation process and granting of planning permission for traveller sites, have also been excluded because this policy does not place an added explicit requirement on local authorities with regard to these activities they may already choose to do under current policy.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	n/a	n/a	n/a
High	n/a	n/a	n/a
Best Estimate	n/a	£0.01m	£0.1m

### Description and scale of key monetised benefits by 'main affected groups'

With guidance that is more streamlined and easier to use, a small saving to local councils will be made in processing each application that relates to the guidance. Average annual savings are estimated to be £0.01m. This estimate has been informed by feedback on the consultation stage Impact Assessment.

### Other key non-monetised benefits by 'main affected groups'

Clarity and certainty about how provision for traveller sites should be planned for and on what basis applications should be considered will benefit local councils and applicants. This may lead to more sites being brought forward in appropriate locations and may, therefore, reduce the risks to councils of high enforcement costs compared to the counterfactual of failing to clarify the policy, which may result in reduction in the number of sites brought forward and subsequent increase in unauthorised developments with resulting enforcement costs. As a result there may be fewer appeals and the professional and administrative costs associated with these for applicants and councils may be reduced. An increase in unauthorised sites could also exacerbate poor social outcomes for travellers as those living on such sites can face additional difficulties accessing health and education services. Unauthorised sites also exacerbate tensions between settled and traveller communities.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.5
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To estimate the time cost (of familiarisation) and saving (from consolidated and streamlined national policy), a standard wage approach has been used. The policy aims to provide greater discretion and flexibility to local councils so the behavioural response to this enhanced flexibility is likely to vary by local council. All assumptions and risks are outlined in more detail in the evidence base.

**BUSINESS ASSESSMENT (Option 3)**

Direct impact on business (Equivalent Annual) £m: n/a			In scope of One in One Out (OIOO)?	Measure qualifies as
Costs:	Benefits:	Net:		

# Evidence Base (for summary sheets)

## Background

### Travellers in England

Current national planning policy and guidance for 'gypsy and traveller' and 'travelling showpeople' sites is set out in circulars 01/2006 and 04/2007. These 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 caravan sites.

Circular 04/2007 covers policies for 'travelling showpeople' sites. Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Most showpeople are members of the Showmen's Guild of Great Britain which represents approximately 20,000 travelling showpeople families. Some showpeople do not operate funfairs, but instead hold circuses. These form a small subgroup and there are separate professional organisations for circus people. Travelling Showpeople require secure, permanent bases for the storage of their equipment and for residential purposes. Circus people are likely to require an enclosed space in which to rehearse and may also require space in which to exercise animals.

Circular 01/2006 covers policies for 'gypsy and traveller' sites. The circular contains a definition of 'gypsy and traveller' for the purposes of planning. Although the definition is not based on ethnicity, those living on 'gypsy and traveller' sites in England are primarily either (Romany) Gypsies or (Irish) Travellers<sup>1</sup>. Both groups are protected as ethnic minorities under the Equality Act. Estimates of these populations vary but generally it is thought that there are about 300,000<sup>2</sup> Gypsies and Travellers in England. Most of these now live in houses rather than caravans. The bi-annual *Caravan Count*<sup>3</sup> shows that of the 18,383 caravans in England, 15,274 are on authorised sites and 3,109 (about 17 per cent) are on unauthorised sites. Of the 3,109 caravans on unauthorised sites, 909 are on 'unauthorised encampments' and 2,200 are on 'unauthorised developments'. The former denotes caravans parked without permission on land that is not owned by the traveller and the latter denotes land that is owned by the traveller but does not have planning permission.

Gypsies and Travellers have lived in England for at least 500 years. Although some Gypsies and Travellers travel for some of the year, the vast majority do not now travel on a daily basis all year round. Increasingly, as traditional seasonal work has declined, Gypsies and Travellers have adapted to permanent residential sites where they can more easily access a doctor, schools and other services and employment whilst maintaining the cultural traditions of being a Gypsy or Traveller.

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<sup>1</sup> The term 'gypsies and travellers' is used in this document to denote the non-ethnic description for the purposes of planning. The term 'Gypsies and Travellers' is used to denote the ethnic groups of Romany Gypsy and Irish Traveller heritage.

<sup>2</sup> The 2011 Census has, for the first time, allowed people to mark their identity as Romany Gypsy or Irish Traveller. This will provide more reliable data on the population.

<sup>3</sup> Figures are from the January 2011 *Count of Gypsy and Traveller Caravans*.

# The effectiveness of current policy

Circulars 01/2006 and 04/2007 set out policy on planning for traveller sites and also managing development by deciding applications for traveller sites.

The planning policy on traveller sites set out in the current circulars points to a process for setting targets and imposing them on local authorities that is centred on the regional planning system, which the **Government is abolishing**.

The regional planning system has been widely disputed by local councils as imposing unjustified top-down targets and is to be abolished. The previous Government introduced regional spatial strategies in 2004 and two are still incomplete.

A fundamental problem with a top-down approach in which development is imposed upon local authorities by regional plans is that the delivery of strategic objectives can be frustrated if there is a misalignment between the objectives of Government (at the top) and those of local authorities and communities (at the bottom). If Government wants to impose a certain level of development such as housing or traveller sites on a community but local people do not want to pay the costs (in terms of more congestion, extra pressure on public services and the like) then this misalignment of preferences results in conflict and opposition to development.

The previous system acknowledged the issue of misaligned preferences but relied on 'sticks' rather than 'carrots'. In any top-down system, enforcement of 'imposed' rules or targets can be costly and/or ineffectual. The Inspectorate had the power to impose traveller site numbers on local councils and local councils could face lengthy and costly appeals if their plans were judged to be inconsistent with national policy.

Studies also show that local people feel they were often presented with limited options, giving the impression that decisions have already been taken, or were consulted on "abstract" strategies (such as regional spatial strategies) rather than plans for their local area<sup>4</sup>. Other research has shown that national targets decrease the attention decision-makers give to community groups<sup>5</sup>. Local people need to have confidence in the decision-making process otherwise they will not engage and this could result in opposition. The public also need to feel that plans have been developed in the best interests of their community by those they trust to act in the community's best interests. The evidence suggests that plans therefore need to be developed locally and have a high degree of civic participation. The evidence suggests that people place most trust in decisions made by their fellow citizens. For instance, the British Attitudes Survey finds that whilst only a third of the public say they would trust a group of politicians to make a difficult planning issue decision, two thirds say they would trust such a decision made by a sample of 12 members of the public<sup>6</sup>. When communities are informed and engaged in planning decisions, better outcomes can be achieved. At present local people do not feel engaged in the decision making process, with less than four in ten people feeling that they can influence decisions in their local areas. A locally led planning process will help to change this. Once people are engaged in the planning process they can help to shape developments so that they best meet local needs. This will help to produce more optimal outcomes that maximise welfare and reduce levels of opposition to new housing and traveller sites. The evidence suggests that communities are not against development per se but that specific aspects cause concern: whilst 21 per cent of respondents opposed new housing supply in their area, this number fell to 8 per cent if homes are well-designed and in keeping with the

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<sup>4</sup> Baker, M., Hincks, S. and Sherriff, G. (2009) *Getting Involved in Plan Making: Participation and Stakeholder Involvement in Local and Regional Spatial Strategies in England*, Paper presented at Regional Studies Association Annual International Conference, Leuven, Belgium, 6-8 April

<sup>5</sup> Murdoch, J. and Abram, S. (1998) 'Defining the Limits of Community Governance', *Journal of Rural Studies*, 14(1), 41-50

<sup>6</sup> Halpern, D. (2009) *The Hidden Wealth of Nations*

local area<sup>7</sup>. Therefore, higher rates of community involvement in the planning and development process could lead to acceptance of new development.

The Government wants planning decisions to be made by people who are democratically accountable, not unelected regional bodies, and through genuine collaboration with local people. It, therefore, intends to remove the regional planning system and replace it with a new planning system that decentralises control over housing and planning matters and passes decisions back to local authorities and communities.

The procedure to abolish regional strategies has two stages. The first is to abolish the architecture of the regional planning tier. This stage took effect when the Localism Bill was enacted on 15 November and prevents any further regional strategies being created. The second is to abolish each existing regional strategy by order using powers that the Secretary of State has taken in the Localism Act. Now the Localism Act is in place, it is the Government's intention to lay Orders in Parliament to abolish existing regional strategies as soon as possible, but that process is subject to the outcomes of the consultation on the environmental assessments that have been undertaken on a voluntary basis. The consultation closed on 20 January and we are currently considering the responses. The abolition is also subject to an equality impact screening process.

As part of this, the Government wants its policy on traveller sites to be decentralised and to put decisions on needs assessment, target setting and bringing forward land against targets to be in the hands of local councils, in collaboration with local communities. At present the policy in the circulars sets out these processes in the context of a regional planning system that is at odds with the Government's decentralisation agenda.

As part of this fundamental change to the planning system, the Government has radically streamlined the current suite of planning policies and has published a draft **National Planning Policy Framework**.

In recent years, the planning system has become overloaded with central policy and guidance making it cumbersome and unclear for councils, developers and local people to use effectively. This can impact on the processing of planning applications causing confusion, delay and costs within the system and uncertainty associated with planning delay. The complexity and prescriptive nature of national policy has also led to local people becoming disengaged from the system. According to Ipsos MORI, only 15 per cent of people consider themselves to be involved in decision making at a local level<sup>8</sup>. Of those 15 per cent, the majority (9 per cent) consider themselves unable to influence decisions<sup>9</sup>. Radical streamlining makes planning policy more accessible by distilling it and removing outdated or unnecessary context, repetition, background and guidance.

Decentralisation is supported by other broader planning reforms. This includes the **growth incentives** including the New Homes Bonus that the Government introduced in April 2011. The New Homes Bonus will include traveller sites. It commenced in April 2011. This will promote a more localist and collaborative planning system and is also combined with the **Traveller Pitch Funding**, which is also already in place. This will mean that local communities will see the benefits of growth and not just the costs.

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<sup>7</sup> Survey results for the National Housing and Planning Advisory Unit (NHPAU) by YouGov ([www.communities.gov.uk/documents/507390/nhpau/pdf/16127041.pdf](http://www.communities.gov.uk/documents/507390/nhpau/pdf/16127041.pdf))

<sup>8</sup> This relates to all types of development and is not limited to traveller sites.

<sup>9</sup> Ipsos MORI (2010). *Do the public really want to join the government of Britain?*

[http://www.ipsos-mori.com/Assets/Docs/News/Do per cent20the per cent20public per cent20want per cent20to per cent20join per cent20government per cent20of per cent20Britain.PDF](http://www.ipsos-mori.com/Assets/Docs/News/Do%20the%20public%20want%20to%20join%20government%20of%20Britain.PDF)

The **duty to cooperate** is an important element in the planning reforms. This has been introduced through the Localism Act, and is a key mechanism for strategic planning once regional strategies are abolished (subject to the environmental assessment process). The duty requires local planning authorities, county councils and other public bodies to engage constructively, actively and on an ongoing basis when planning for strategic cross-boundary matters in the preparation of Local Plans.

### **Counterfactual: circulars remain in place while planning policy is decentralised**

The traveller circulars are outdated in the context of the Government's decentralisation agenda. The Government is committed to putting decision making on planning back into the hands of elected local councils and local communities. The policy in the circulars, however, sets out local councils' role in planning for traveller sites within the regional planning process. The Government wants a policy that makes local councils (not unelected regional bodies) responsible for planning for traveller sites and fits within its decentralisation agenda. The Government is intending to abolish regional strategies and is implementing broader reforms to support the new planning system, as set out above. The circulars will, therefore, be ineffective in explaining clearly to local councils how they should plan for the provision of traveller sites and manage development of traveller sites within the new decentralised planning system.

#### **IMPACT ON PROVISION OF LAND FOR TRAVELLER SITES**

If the current circulars were to remain in place it is highly likely that there would be significant decrease in the future in the provision of traveller sites relative to the current rate as the planning reforms continued and the policies of the circulars became increasingly at odds with the new system.

In terms of **plan making**, the circulars say that local housing authorities should **assess needs** for 'gypsies and travellers' and 'travelling showpeople' using the *Gypsy and Traveller Accommodation Assessments* process. (These assessments are part of local authorities' statutory duties to assess needs. This needs assessment identifies pitch requirements for each local authority area. There is Government guidance to local housing authorities on how to carry out this *Gypsy and Traveller Accommodation Needs Assessment*.) Under the circulars, policy is that the needs assessment and pitch requirements are fed into the regional planning body. The regional planning body then checks and modifies the pitch number requirements provided through the needs assessments by looking at assessments provided. The regional body then specifies the number of **pitch/plot targets** that each local authority should have. The assessments and associated targets provided to the regional body and their final decision on needs and associated targets are tested through an examination in public of the draft regional spatial strategy. These final targets are allocated to local authorities in the regional spatial strategy – which is the document that sets out the broad development priorities for the region and forms part of the development plan. Local planning authorities are then required to translate the top-down pitch/plot targets allocated to them by the regional body into specific **site allocations** in their local development plans, which are then tested at local examination in public.

However, the Government now wants local councils to decide on the right level of housing and traveller site provision. It intends to abolish regional strategies to return decision making from unelected regional bodies to local councils, in consultation with local communities. The Government, therefore, wants to update the circulars to make it clear how local authorities should work within its reformed and decentralised planning system and its duty to cooperate. If the circulars are not updated, the processes that Government expects local councils to follow within the new decentralised planning system when local councils are using their new powers to determine their own site numbers, will not be set out. This lack of policy clarity may lead to a decrease in traveller site provision and will hinder the accessibility of policy that is particularly required under a decentralised system.

In terms of plan making for traveller sites, under the counterfactual, this current policy for **setting targets for site provision will no longer be functional** – this is because it is based on a system of regionally imposed targets that would no longer apply<sup>10</sup>.

Now the Localism Act is in place, the policy points to a process that no longer exists for setting future traveller site targets because the Act removed the framework for regional strategies meaning that no further regional strategies can be created. The Government will expect local authorities to plan for strategic matters, including accommodation for Gypsies and Travellers, in their Local Plans. Through this process local authorities will have to justify their policies for traveller site provision using robust evidence that will be tested at the Local Plan examination. However, it will not be clear that local authorities should set targets as part of their decisions on the right level of provision in their areas. The Government wants local authorities to set targets and, therefore, needs to update policy to make this clear.

If no changes to planning policy for traveller sites are made and circulars 01/2006 and 04/2007 remain in place, there will be no policy that says traveller pitch/plot targets should be set, against which local authorities should bring forward land for sites in their plans. Without a policy saying local authorities should set their own targets (working with others through the duty to cooperate) in the process of deciding the right level of provision in their areas, there is a significant risk that local councils will not make provision for pitches/plots at all.

The Government, therefore, needs to update the policy to provide a policy that says local councils should set targets as part of their process of deciding the right level of provision, against which they can bring forward land for sites in their plans to prevent levels of supply decreasing.

Table 1 shows that, based on the bi-annual Caravan Count statistics<sup>11</sup>, the total number of caravans has gone up by approximately 39 per cent between 2000 and 2011. Over the same period, the percentage of caravans located on authorised sites has only increased by 2 per cent. There has been a 22 per cent increase in caravans on authorised sites between 2006 (when Circular 01/2006 was published) and 2011. There has also been a small reduction in the proportion of caravans on unauthorised sites. In addition, there has been an increase in the total number of caravans and an increase in the total number of caravans on unauthorised developments (development on land that travellers own but for which they do not have planning permission). There are still more caravans on unauthorised developments than there were when Circular 01/2006 was introduced. Even when combined with the number of caravans on unauthorised encampments (developments on land that does not belong to the traveller) the total number of caravans on unauthorised sites has only decreased from 3,272 in January 2006 to 3,109 in January 2011 – out of a current total of 18,383 caravans, only 163 less are on unauthorised sites. Therefore, although there has been an absolute increase in “gypsy and traveller” sites the circular, operating within a policy of regionally imposed targets, has made

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<sup>10</sup> **Impact of engagement at a local rather than regional level**

The Government intends to abolish regional strategies. The procedure to abolish regional strategies has two stages. The first is to abolish the architecture of the regional planning tier. The architecture of the regional planning tier was abolished when the Localism Bill was enacted on 15 November. This prevents any further regional strategies being created. There will, therefore, no longer be examinations in public of regional plans. The abolition of regional strategies forms a key element of the Government’s proposals to decentralise decisions on planning and housing to local authorities and communities. Under the Localism Act, the duty to cooperate, which will be a key mechanism for strategic, larger-than-local, planning once regional strategies are abolished, requires local planning authorities to engage constructively, actively and on an ongoing basis in preparing their local plans. The traveller planning policy aligns with this decentralisation agenda and sets out the Government’s expectations on engagement within the local system and the structures and statutory processes that are in place through it. The impacts of abolishing regional strategies are subject to their own assessments.

<sup>11</sup> The July 2011 Caravan Count was the first one to include “travelling showpeople” sites and has not yet been published. These figures, therefore, relate to “gypsy and traveller” sites only.

very limited inroads into any under provision, with the number of caravans on authorised sites only moving from 79 per cent to 83 per cent.

This slow rate of progress for both permanent and transit sites and the consequent future site requirements are also reflected in a recent Equality and Human Rights Commission report<sup>12</sup>, which concluded that:

- in England, it is estimated that 5,821 additional permanent residential pitches for Gypsies and Travellers are required in the five years following the needs assessment (which in many areas is 2006-11, but in some is 2007-12 or even later)
- the number of additional transit pitches required to facilitate a nomadic lifestyle is much less clear but would be in addition to the 5,821 residential pitches
- the current rate of progress is insufficient to meet these five-year requirements even within 10 years – across England, taking into account all pitch types (social and private) and those with temporary and permanent planning permissions, it will take about 16 years to meet stated five-year requirements at the rate of progress achieved during 2006-09
- excluding pitches with only temporary or personal planning permissions, it will take about 27 years to meet stated five-year requirements

Year (January)	Total number of caravans	Caravans on authorised sites (% of total number of caravans)	Caravans on unauthorised developments
2000	13,253	10,737 (81%)	728 (5%)
2001	13,503	10,900 (81%)	965 (7%)
2002	13,612	10,838 (80%)	1,137 (8%)
2003	13,972	10,944 (78%)	1,408 (10%)
2004	14,309	10,738 (75%)	1,977 (14%)
2005	15,369	11,929 (78%)	2,139 (14%)
2006	15,746	12,474 (79%)	2,154 (14%)
2007	16,611	13,073 (79%)	2,252 (14%)
2008	17,844	14,047 (79%)	2,287 (13%)
2009	17,813	14,185 (80%)	2,365 (13%)
2010	18,355	14,736 (80%)	2,395 (13%)
2011	18,383	15,274 (83%)	2,200 (12%)

Analysis by the Department for Communities and Local Government based on 2010 figures showed that 2,400 Gypsy and Traveller families were without an authorised site to stop and that on trend, taking into account the sites to be made available through private development, the number of caravans on unauthorised sites would rise to 2015 to nearly 4,500 (3,000 families).

Should the circulars remain in place, with no replacement policy on locally agreed target setting, the rates of provision seen above will decrease.

<sup>12</sup> Equality and Human Rights Commission Research Report 68: Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update [http://www.equalityhumanrights.com/uploaded\\_files/research/rr68\\_gt\\_web\\_version.pdf](http://www.equalityhumanrights.com/uploaded_files/research/rr68_gt_web_version.pdf)

<sup>13</sup> Figures are from *Count of Gypsy and Traveller Caravans* in January each year.

Although it has not been verified, evidence was submitted in response to the consultation from a report by the Irish Traveller Movement of Britain that put forward an argument that there had been a decrease in targets since the announcement of the intended abolition of regional strategies. It is, therefore, important that targets and associated land supply allocations are based on robust evidence of need and tested at an examination in public and that the new policy is published to make this clear.

The Government believes that local authorities are best placed to understand the needs of their local area and to decide the right level of traveller site provision. Some of the revised targets may, therefore, be justified but some may not – it is unlikely that many revised targets have been tested for soundness at an examination in public of a Local Plan. Local provision will also not have been decided in the context of the duty to cooperate, which was introduced on 15 November when the Localism Bill received Royal Assent. The Government has made it clear that in the context of the abolition of regional strategies, it expects local authorities to plan for the needs of travellers in their communities using the current system of Local Plans and working jointly, as necessary, through the duty to cooperate. However, without clear policy to guide local authorities on the Government's national policy aims in this area, targets and thus provision are likely to decrease. While regional strategy targets were arbitrarily imposed on local authorities without proper strategic consideration that took into account local circumstances, the Government wants to make it clear that, under its decentralised system, local councils will still be expected to set targets but they will be their own, locally assessed ones based on council's own locally agreed evidence base. Government also wants to make clear that specific land for traveller sites should be identified in Local Plans if need has been identified (rather than just a criteria-based policy to decide applications for sites). Government also wants to emphasise that local councils will then have to justify their site provision at examination in public, which is the process for testing Local Plans.

#### **ECONOMIC AND SOCIAL CONSEQUENCES OF INAPPROPRIATE REDUCED RATE OF SITE PROVISION**

There are social and economic costs associated with insufficient supply of traveller sites.

Gypsies and Travellers experience, and are being held back by, some of the worst outcomes of any group in this country, across a wide range of social indicators. Gypsies and Travellers living on unauthorised sites can face additional difficulties accessing health and education services, and the precarious nature of their homes can further exacerbate inequalities and **stifle life chances**.

Lack of authorised sites can lead to an increase in unauthorised sites. Unauthorised sites can **increase tensions** with settled communities in surrounding areas. A 2009 Equality and Human Rights Commission<sup>14</sup> report noted that people living near unauthorised sites often object to developments without planning permission.

An increase in unauthorised sites can also lead to **increase in enforcement costs** for local authorities trying to enforce against breaches of planning control and for the police trying to enforce against trespass. The same study reported that evidence suggests that enforcement costs of local councils can be reduced significantly if councils invest in providing authorised sites. Since Bristol City Council created two authorised sites, it has seen its costs for enforcement drop from £200,000 in the mid-90s to a yearly average of £5,000.

Travelling Showpeople do not tend to live on unauthorised sites but also need a residential base from which they can also run their business and thus avoid poor living conditions and contribute to the economy. The Guild's consultation response highlighted that the travelling fairground business is a significant contributor to the nation's leisure economy through taxes to the

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<sup>14</sup> *Gypsies and Travellers: simple solutions for living together* (Equality and Human Rights Commission, 2009)

Government, through sums paid to local authorities for the hire of land and by the additional business generated in a local area when there is a fair. The Guild also commented that showpeople employ others to work at fairs, many of whom have low or no educational qualifications and have been failed by the school system, and that if Travelling Showpeople cannot live securely they cannot work and employ people from outside their community. By giving them employment, demand on social services is reduced and employees are given life skills. The ability of Travelling Showpeople to have a home that is also a business base is, therefore, important.

It is also **easier for local authorities and the police to use their enforcement powers** if there are authorised sites.

A decrease in enforcement costs and living near appropriately located, properly run authorised sites over badly run and inappropriately located unauthorised ones is also **beneficial for the settled community**. While some members of the settled community object to living near sites, data from the Citizenship Survey shows that a smaller proportion of people that live near a site object to it than the proportion of those who do not live near a site and would object to living near one. Local settled communities also benefit from savings made by local authorities to enforcement costs.

### **IMPACT ON GREEN BELT**

The circulars contain policy on developing sites in Green Belt. Circular 01/2006 says that gypsy and traveller sites are “normally” “inappropriate development” in Green Belt. This is at odds with broader Green Belt policy, set out in the National Planning Policy Framework. This states that all development (with some exceptions that do not include traveller sites) *are* (rather than *normally are*) inappropriate development in Green Belt.

The inconsistency with wider policy is potentially confusing. In a system based on locally agreed targets and one in which local councils and communities have power returned to them, the clarity and streamlining of policy is important.

In addition, much development of traveller sites under the circulars has not been in appropriate places but has instead been on Green Belt. Data from the Planning Inspectorate suggests that between 2006 and 2009 60 per cent of planning appeals for traveller site development in the Green Belt were allowed. This is compared to just 19 per cent over the same period for minor housing<sup>15</sup> appeals. There is a risk that this would, therefore, continue if the circulars were to remain in place. The more permissive policy that exists for traveller sites in relation to Green Belt can create perceptions of unfairness amongst people, which can in turn lead to community tensions.

## **Problem under consideration/rationale for intervention**

### **OPTION 1: “DO NOTHING”**

Under this option, the intention to decentralise the planning system and to abolish regional strategies in their entirety would remain and the process for doing so would continue. As seen above, this would result in out-of-date and ineffective guidance to local planning authorities on how they should plan for and manage development of the provision of traveller sites within a decentralised planning system, with negative consequences for land supply, inappropriate development and consequent social and economic costs.

In addition, as the policy became increasingly out of date, it would also become increasingly hard for marginal parts of the policy that would still be effective guidance under the reformed

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<sup>15</sup> “Minor housing” is defined as development of 10 dwellings or less.

system to be identified from the core that would not be effective guidance on Government's policy intentions within a reformed, decentralised planning system.

This could lead to protracted arguments, potentially in court, as to what could be considered functioning extant policy direction as differing opinions were argued on a case-by-case basis due to the lack of clarity that would exist from a policy that provides advice on process involving a regional system that would not exist, while the process for deciding the right level of site provision had been returned to local councils.

This would be at odds with the broader reforms to the planning system that Government is making, which support the abolition of regional strategies and the move to a more decentralised system with shorter, clearer and more accessible guidance that local authorities and communities can use effectively.

In addition, the publication of the National Planning Policy Framework to replace the current suite of broader planning policy, would mean that the circulars were not in line with the new planning policies set out in the National Planning Policy Framework.

Most respondents answered "no" to the question that asked if there were any other benefits to retaining the existing policy.

#### **OPTION 2 "WITHDRAW THE CIRCULARS"**

Under this option, the out-of-date circulars would be withdrawn and nothing would be put in their place. As with Option 1, it would fail to provide a clear central Government policy position to guide local authorities' actions.

This would be the most localist policy option. However, while the Government is taking forward work to simplify and consolidate national planning policy and allow local councils as much flexibility as possible, there remain areas of national significance and of particular contention where it is important to maintain a clear national policy. It would not be appropriate for the Government to leave this matter entirely to the discretion of local councils, and such an approach was not supported by most responses to the consultation.

Planning for traveller sites can be a difficult and contentious issue for councils, making it particularly important to have clear and up-to-date policy in place. Without this, there is significant risk of a negative impact on the provision of appropriate authorised traveller sites, with a potential increase in unauthorised developments and unauthorised encampments, and a potential worsening of associated social and financial costs.

#### **OPTION 3: "WITHDRAW CIRCULARS AND REPLACE WITH A NEW SINGLE PLANNING POLICY"**

As seen, Government intervention in the form of up-to-date policy is required. Planning for traveller sites can be a difficult and contentious issue for councils, making it particularly important to have clear and up-to-date policy in place. A new single planning policy will help ensure that local councils adequately plan and manage the development of traveller sites in line with the Government's aims in this policy area and its reforms for traveller site provision and the broader planning system. An up-to-date policy is required that explains to local authorities the Government's strategic national aims in this area and how to manage development and plan for sites within the new system in which imposed regional targets are removed and planning is put back into the hands of local authorities working jointly through the duty to cooperate, when required. Without this, there is significant risk of a negative impact on the provision of appropriate authorised traveller sites, and associated risk of an increase in unauthorised sites, increased enforcement costs, poor social outcomes for travellers, impact on the ability of Travelling Showpeople to function economically and a worsening of community tensions.

### *Impact on provision of land for traveller sites*

Under the counterfactual in which regional strategies are abolished but the circulars remain in place, local authorities would have to assess needs through the Gypsy and Traveller Accommodation Assessment process as per the policy and their statutory requirement to do so. They would no longer, however, need to feed the results of the needs assessments into the regional planning process, as this would have been abolished. Pitch targets would, consequently, also not be allocated to local planning authorities in the absence of regional strategies. Local authorities would not, therefore, have to bring forward land against these targets.

In light of its localist planning system, the Government's new policy asks local authorities to use a "robust evidence base" to **assess needs** for the purposes of planning and managing development of traveller sites. The requirement to carry out a Gypsy and Traveller Accommodation Needs Assessment is a statutory one so this requirement will remain. However, in line with the removal of the regional planning system in favour of a more localist system that puts control back into the hands of local councils and communities, the Government is giving local authorities the freedom to choose the method it uses to assess needs for the purposes of planning policy. A council may choose to use the statutory assessment or it may choose another.

The Government wants site **targets** to be set by democratically elected local councils in line with its reforms and the new policy asks local planning authorities to set targets for traveller sites based on their needs assessment. The policy then asks local authorities to bring forward land for traveller sites in their plans to meet the targets they have set.

Under the system of regionally imposed targets, regional planning bodies were asked to maintain an up-to-date understanding of needs over the lifespan of the regional strategy. Under the counterfactual there would be no regional planning body or regional strategy so the new traveller site policy asks local authorities to bring forward a **five-year land supply**. This means that local authorities are asked to identify land for traveller sites to meet needs for the next five years and update this annually. The policy also asks Local authorities to look into the longer term and also to identify a supply of specific developable sites or broad locations for years six to ten and, where possible, for years 11-15. This is in line with planning policy for general housing set out in the National Planning Policy Framework so the alignment will also help to simplify planning policy. The housing policy in the National Planning Policy Framework asks local authorities to have an additional buffer of five per cent (moved forward from later in plan period) and where there has been a record of persistent under deliver of housing, to increase the buffer to 20 percent (moved forward from later in the plan period). This has not been applied to the traveller site policy. The requirement to have a five-year land supply for traveller sites, unlike the requirement to have a five-year land supply for housing, is new. In addition, some consultees commented that the way in which land comes forward for traveller sites is different to that for general housing. The Government does not, therefore, think it is appropriate to apply the buffer policy to traveller sites.

As the consultation draft did, the final policy also sets out that, after the implementation period (see below), if a local planning authority does not have a five-year land supply for traveller sites then this should be given significant weight when the grant of a temporary permission is being considered. This policy operates in addition to (and not instead of) the presumption in favour of sustainable development, set out in the National Planning Policy Framework. This means that, a lack of five-year land supply may be relevant to the granting of a permanent permission as well as counting as "significant" in relation to a temporary permission.

Where no need has been identified and thus a five-year land supply is not required, local authorities should have **criteria-based policies** in their plans, to provide a basis for decisions in case applications nevertheless come forward.

The final policy removes wording from the consultation draft that said that in producing their Local Plan, local planning authorities should allow for provision to be made for other family members who may not themselves physically move their accommodation onto the site.

On reflection, the Government feels that this wording only addresses one aspect of criteria in plans that it would find unacceptable because they would be discriminatory towards travellers. Instead, a more encompassing requirement has been included in the following paragraph, which makes it clear that criteria-based policies should be fair and should facilitate the traditional and nomadic life of travellers, while respecting the interests of the settled community. This approach has been reached recognising the particular needs of travellers where criteria-based policies are adopted.

A system of locally agreed targets puts control back into the hands of local councils and allows them to plan for their local needs. The Government, however, recognises that **strategic working** between local councils will also at times be required but within the new framework wants to allow greater freedom to local councils in how they manage strategic planning matters. The Government has introduced a duty to cooperate via the Localism Act. This provides a statutory context for strategic working within the reforms. The new policy, therefore, needs to reflect the new framework's balance of local and strategic working. The new Policy, therefore, asks local authorities to plan for local need but the importance of working together across boundaries is also stressed. The duty to cooperate is also referenced in the final policy.

#### *Impact on travellers*

In terms of travellers as applicants for planning permission, relative to the counterfactual, the policy does not change the process they have to follow when applying for planning permission.

#### *Impact on Green Belt*

The final policy removes the word "normally" from the planning policy on Green Belts that is in Circular 01/2006. This aligns it with general policy on Green Belts set out in the National Planning Policy Framework and provides the policy that traveller sites are considered inappropriate development in Green Belt. The policy also clarifies that there is no presumption that a temporary permission, including those on Green Belt, should become a permanent one.

This will help ensure that traveller sites are developed in appropriate places and not on Green Belt land, ensure planning policy is clear and consistent and thus can operate most effectively in a new localist planning system, and reduce community tensions that can arise over perceptions that planning policy for traveller sites is more lenient than planning policy for housing for settled communities.

#### *Countryside*

The Government also has a new policy in relation to traveller sites in the countryside. The new planning policy for traveller sites clarifies that, on a similar basis to planning policy on housing in the countryside, local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. The Government believes that it is important that development should not take place at the expense of the environment and its policy objective is to protect open countryside from development of traveller sites or housing.

In the countryside policy for housing in the National Planning Policy Framework, there are examples of special circumstances in which local planning authorities may allow new isolated development in the countryside. These have not been included in the traveller site policy because they relate specifically to built housing and, therefore, do not have an equivalent in terms of traveller sites/development.

#### *Other benefits to replacing the circulars with a new single planning policy*

In replacing the circulars to ensure that current policy reflects a decentralised planning system, there are additional benefits in introducing a new single planning policy that can be updated to fit better within the Government's reforms to the planning system.

To enable local communities to participate in planning under the new system, **policy needs to be accessible, clear and consistent**. In relation to both plan making and the determination of planning applications, the circulars contain a lot of background and context that set out the broader policy position, the views of the then Government, and issues that are clearly set out in law. The circulars also repeat a lot of policy set out in other planning documents on the one hand, have differences to similar policy set out in other documents on the other hand, contain advice for local authorities that is guidance rather than planning policy and have much unnecessary detail. The circulars are therefore long, inconsistent and cumbersome. This hinders the accessibility and clarity that is paramount under the new system.

As the policy, context, guidance and background set out in the policy documents becomes increasingly out of date, it will become increasingly hard for the parts of the policy that may still apply to be identified from those that would no longer be relevant. The circulars will become progressively more inaccessible, lacking in clarity and inconsistent.

The Government has, therefore, made changes to some of the policies in the circulars to ensure its policy intentions are clear in this new context of streamlining lengthy, cumbersome, user-unfriendly complex policy and guidance and decentralising the planning system to strengthen the role of elected councils and communities, and to align them with the contents of the National Planning Policy Framework.

In addition, the circulars themselves have been highly contentious, creating a **perception amongst many that the policy is unfair** and treats traveller sites more favourably than housing for the settled community. This has created tension, undermined community cohesion and caused resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites. In the emerging system in which the Government needs to bring people on board with planning by having clear policy with which they can engage, this will be an increasing problem unless changes are made.

The Government therefore thinks that it is important to replace the circulars to show that a new planning system is in place and thus reduce the perceptions of unfairness that can have a real impact on relations between settled and traveller communities. Signalling that fundamental parts of the policy have changed by implementing a new document may help address this perception and in turn reduce tensions between settled and traveller communities.

Aligning certain areas of planning policy, such as Green Belt, with that for wider policy, particularly in relation to general housing, may also help reduce perceptions of the traveller sites being treated more favourably.

The current circulars emphasise the importance of effective **consultation** with travellers when planning for sites. The new policy augments this by also emphasising the importance of consulting with settled communities. This is to ensure the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities in the planning system to give people a change to shape the development that occurs in their area and to help reduce opposition to development.

The new policy makes provision for an **implementation period** of 12 months to allow councils to put their five-year land supply in place under the new localist policy before the consequences of not doing so come into effect. Under the current circulars, many planning permissions that have been granted since its introduction are reported to be temporary rather than permanent ones. While travellers prefer temporary permissions to having nowhere legal to live, they are not considered ideal as they create insecurity for those living on them and for the settled community

living around them. If local authorities have time to put their land supply in place, they will be more likely to be able to grant permanent planning permission. The new policy makes provision for an implementation period of 12 months to allow councils to put their five-year land supply in place. Five-year land supply is a new requirement for traveller sites. Local planning authorities require time to gather evidence and assess sites for their deliverability. When a plan is adopted, there should be evidence in the plan to show that at the moment of adoption there is a five-year supply. However, before a plan is adopted, or when the five-year supply is updated annually after a plan is adopted, an up-to-date five-year supply is maintained through annual monitoring (and is usually published in an annual monitoring report). Having considered the consultation feedback, the Government has allowed 12 months to give councils a reasonable opportunity to put the new supply in place. This will promote a plan-led approach and the provision of traveller sites.

Following this implementation period, the policy says that significant weight in favour of granting a temporary permission will be given to the failure of a council to have a five-year land supply in place. This is consistent with provisions in current policy. The circulars say that when a local planning authority is still deciding its site allocations policy, it should give “substantial weight” to any unmet need if considering whether a temporary planning permission is justified.

The implementation provisions for the National Planning Policy Framework also apply to the traveller site policy. These provisions state that the policies in the National Planning Policy Framework apply from the day of publication and are therefore material considerations that local planning authorities should take into account from the day of publication. The implementation provisions also say that for 12 months from the day of publication, decision-takers may continue to give due weight to relevant policies adopted since 2004<sup>16</sup> even if there is a limited degree of conflict with the National Planning Policy Framework or traveller site policy. By virtue of the fact that the implementation provision in relation to relevant policies adopted before the National Planning Policy Framework is limited to those adopted in accordance with the 2004 Act and that only due weight is to be given to policies with a limited degree of conflict with the National Planning Policy Framework or traveller site policy, the Government does not anticipate any disadvantageous effects on travellers in this implementation period. The traveller policy will come into effect at the same time as the National Planning Policy Framework.

The new policy has been published in **the form of a new “planning policy”** for traveller sites rather than a circular or modified circular. The new planning policy for traveller sites is structured in a similar way to the National Planning Policy Framework. The traveller site document itself also follows a sparse and direct style that has been welcomed by local planning authorities and developers for its clarity and directness. Publishing policy in the form of a planning policy rather than a circular also clarifies that the document contains policy rather than just guidance, which in recent years has been the common use of circulars. The Government believes, therefore, that setting out the policy in the form of a planning policy will provide clarity and certainty to local planning authorities as to what they are required to do in planning for sites (as opposed to guidance which they may or may not follow). This will also provide certainty to traveller and settled communities. In addition, policy from the current circulars has been retained in the new policy where the Government feels it is sensible to do so.

The new planning policy for traveller sites should be read in conjunction with the National Planning Policy Framework. The traveller site policy has been published in a separate document (and not within the National Planning Policy Framework). This will allow focus on this specific policy area, which causes a high degree of community stress. It will benefit those engaged in planning for traveller sites by clearly setting out specific traveller site policies in a separate document. The Government intends to review this policy when fair and representative practical results of its

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<sup>16</sup> In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan

implementation are clear. It is intended to incorporate a version of this policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

The new planning policy will operate in the context of the range of broader policy initiatives in relation to planning and traveller communities and which will provide a fair deal for traveller communities and settled communities who play by the rules. The Government's key policy commitments are to:

- provide Traveller Pitch Funding from April 2011 (£60m over the spending review period, £47m of which has already been allocated)
- include traveller sites in the New Homes Bonus scheme (from April 2011) to incentivise local authorities to provide appropriate sites
- limit the opportunities for retrospective planning applications, in relation to any form of development via the Localism Act, which came into force on 15 November
- provide £50,000 to support a training programme run by Local Government Improvement and Development which aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites
- introduce the duty to cooperate through the Localism Act (introduced on 15 November 2011)
- provide stronger enforcement powers for local authorities to tackle breaches of planning control
- abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain (subject to the outcome of the environmental assessment process)
- set up a cross-Government, ministerial-level working group to address the discrimination and poor social outcomes experienced by traveller communities
- apply the Mobile Homes Act (1983) to local authority traveller sites to give those living on authorised traveller sites improved protection against eviction and a secure home in line with residents of other residential mobile home sites. This will not affect the powers of local planning authorities and the police to take action against gypsies and travellers on unauthorised sites

## **Consultation responses**

A full discussion of consultation responses is set out in Annex 1.

## Policy objectives

The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this objective the Government's aims for planning are to enable local planning authorities:

- to make their own assessment of need for the purposes of planning
- ensure that local planning authorities work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- plan for sites over a reasonable timescale
- protect Green Belt from inappropriate development
- 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 authorities have had regard to this policy
- ensure that development plan documents include 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
- provide suitable accommodation from which travellers can fairly access education, health, welfare and employment infrastructure
- streamline and consolidate the planning system

The decentralisation of the planning system will put planning for housing and traveller sites into the hands of local councils. This means that Government must intervene to provide a new planning policy for traveller sites to make its policy intentions clear by setting out the process it wants local authorities to follow when planning for traveller sites. This will ensure effective provision of sites within the new planning system.

While fundamental aspects of the policy in the circulars will not work within the new system to provide effective guidance on the process local authorities should follow in planning for traveller sites, some of the policy in the current circulars has been incorporated into the new policy because it will work effectively within the reformed planning system. This section, therefore, focuses on the key changes that are being made to traveller site policy to ensure it works most effectively within the new planning system. The section also focuses on other changes that are being made to policy in replacing the circulars to achieve additional benefits via a policy that is up to date and fits better with the reforms to the planning system.

### A) Light touch policy

The Government is committed to putting control of planning for traveller accommodation needs back into the hands of local elected councils. The new policy aims to enable local planning authorities:

1. to make their own assessment of need for the purposes of planning and use this evidence to set their own targets for pitch/plot provision
2. plan for sites over a reasonable timescale
3. deliver fairness in relation to protection of the Green Belt from development
4. reduce tensions between settled and traveller communities in relation to the planning system

## **1. Enable local planning authorities to make their own assessment of need for the purposes of planning and use this evidence to set their own targets for pitch/plot provision**

Under the counterfactual in which regional strategies are abolished but the circulars remain in place, local authorities would be required to plan for the traveller site needs of their areas and justify their decisions through examination in public of their Local Plans. However, the way in which they should plan would not be clear or set out according to the current Government's wishes and broader decentralisation agenda. If the circulars were to remain, local authorities would have to assess needs through the Gypsy and Traveller Accommodation Assessment process as per the policy and their statutory requirement to do so. They would no longer, however, need to feed the results of the needs assessments into the regional planning process, as this would have been abolished. Pitch targets would, consequently, also not be allocated to local planning authorities in the absence of regional strategies. Local authorities would not, therefore, have to bring forward land against these targets.

In light of its localist planning system, the Government's new policy will ask local authorities to use a "robust evidence base" to **assess needs** for the purposes of planning and managing development of traveller sites. The requirement to carry out a Gypsy and Traveller Accommodation Needs Assessment is a statutory one so this requirement will remain. However, in line with the removal of the regional planning system in favour of a more localist system that puts control back into the hands of local councils and communities and does not have policy that is adequately covered by legislation, the Government is giving local authorities the freedom to choose the method it uses to assess needs for the purposes of planning policy. A council may choose to use the statutory assessment or it may choose another.

The Government wants site **targets** to be set by democratically elected local councils in line with its reforms. Local authorities will then be asked to bring forward land for traveller sites in their plans against these targets.

Under the regional system, regional planning bodies were asked to maintain an up-to-date understanding of needs over the lifespan of the regional strategy. Under the counterfactual there would be no regional planning body or regional strategy so the new policy asks local authorities to bring forward a **five-year land supply**. This means that local authorities should be able to identify land for traveller sites to meet needs for the next five years and update their land supply on an annual basis. Local planning authorities are also asked to look into the longer term and identify a supply of specific developable sites or broad locations for years six to ten and, where possible, for years 11 to 15. This is in line with planning policy for general housing set out in the National Planning Policy Framework so the alignment will also help to simplify planning policy.

Where no need has been identified and thus a five-year land supply is not required, local authorities should have **criteria-based policies** in their plans, to provide a basis for decisions in case applications nevertheless come forward.

The final policy removes wording from the consultation draft that said that in producing their Local Plan, local planning authorities should allow for provision to be made for other family members who may not themselves physically move their accommodation onto the site.

On reflection, the Government feels that this wording addresses only one aspect of criteria in plans that it would find unacceptable because they would be discriminatory towards travellers. Instead, a more encompassing requirement has been included in the following paragraph, which makes it clear that criteria-based policies should be fair and should facilitate the traditional and nomadic life of travellers, while respecting the interests of the settled community.

The abolition of the regional planning system will put control back into the hands of local councils and allow them to plan for their local needs. The Government, however, recognises that **strategic working** between local councils will also at times be required but, within the new framework, wants to allow greater freedom to local councils in how they manage strategic planning matters. The Government has introduced a duty to cooperate via the Localism Act. This provides a statutory context for strategic working within the reforms. The new policy, therefore, needs to reflect the new framework's balance of local and strategic working and work with the duty to cooperate. The new policy, therefore, asks local authorities to plan for local need but the importance of working together across boundaries is also stressed.

In line with the Government's streamlining aims, the final document does not contain reference to local authorities **monitoring** and comparing applications for sites for travellers and those for other types of residential development and other caravan sites. Monitoring requirements are dealt with elsewhere in legislation and guidance. In addition, some consultation responses from councils were critical of this policy as being opaque. They felt it was not clear what was required of them.

The Government has considered whether the removal of this text would represent an unjustified impact on any group with protected characteristics. However, it has concluded that there are ample monitoring requirements on local authorities already in place that ensure that local authorities understand the needs of their traveller populations in terms of planning, and the degree to which those needs are being met, to enable them to feed this back into their policy making.

The Department for Communities and Local Government publishes official National Statistics every quarter in the *Planning Statistical Release*. This sets out data collected by local planning authorities. It covers applications for major and minor gypsy and traveller sites and applications for major and minor housing developments. While it does not cover applications for other forms of caravan sites, local planning authorities would themselves have this data.

In addition, further requirements exist. Annual Monitoring Reports are undertaken by local planning authorities to consider whether their Local Plan implementation is being achieved, and the Housing Act requires local housing authorities to assess travellers' needs. Section 13 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to keep under review matters which affect the development of their area, including the size, composition and distribution of the population of the area – this is a strong starting position from which to plan effectively for the needs of different groups of people.

The new traveller site planning policy itself requires local authorities to use a robust evidence base to assess need, to set targets to meet the need they have identified, and to identify a five-year land supply that is reviewed and maintained on an annual basis. On balance, the Government has concluded that the removal of this part of the draft policy does not disadvantage travellers in respect of policy plan development.

## ***2. Facilitate local authorities in planning for sites over a reasonable timescale***

As seen above, the final policy asks local authorities to have a **five-year land supply** of deliverable sites.

The final policy also gives local authorities a 12-month **implementation period** to put in place their five-year land supply before the consequences of not doing so come into effect. After this period, the policy says that any lack of a five-year land supply be a "significant material consideration in any subsequent planning decision" when considering the grant of a temporary planning permission".

In having an implementation period before the lack of five-year land supply is given significant weight in a temporary permission, the Government recognises that it is removing the Circular 01/2006 policy that unmet need is given additional weight in decisions but not bringing in the replacement policy until after the implementation period.

However, providing an implementation period supports a plan-led system by giving local planning authorities time to do what the new policy asks of them and then providing a consequence for those councils that do not plan for sites. The application of a consequence for those that do not plan, to apply to the consideration of temporary permissions only is a continuation of the policy in the circulars. If local authorities have time to put their land supply in place, they will be more likely to be able to grant permanent planning permission. The new policy makes provision for an implementation period of 12 months to allow councils to put their five-year land supply in place. Five-year land supply is a new requirement for traveller sites. Local planning authorities require time to gather evidence and assess sites for their deliverability. When a plan is adopted, there should be evidence in the plan to show that at the moment of adoption there is a five-year supply. However, before a plan is adopted, or when the five-year supply is updated annually after a plan is adopted, an up-to-date five-year supply is maintained through annual monitoring (and is usually published in an annual monitoring report). Having considered the consultation feedback, the Government has allowed 12 months to give councils a reasonable opportunity to put the new supply in place. This will promote a plan-led approach and the provision of traveller sites. The Government believes that this implementation period strikes the best balance between the need to give local planning authorities time to prepare and the need to avoid unnecessary uncertainty for travellers.

The implementation provisions for the National Planning Policy Framework also apply to the traveller site policy. These provisions state that the policies in the National Planning Policy Framework apply from the day of publication and are therefore material considerations that local planning authorities should take into account from the day of publication. The implementation provisions also say that for 12 months from the day of publication, decision-takers may continue to give due weight to relevant policies adopted since 2004<sup>17</sup> even if there is a limited degree of conflict with the National Planning Policy Framework or traveller site policy. By virtue of the fact that the implementation provision in relation to relevant policies adopted before the National Planning Policy Framework is limited to those adopted in accordance with the 2004 Act and that only due weight is to be given to policies with a limited degree of conflict with the National Planning Policy Framework or traveller site policy, the Government does not anticipate any disadvantageous effects on travellers in this implementation period. The traveller policy will come into effect at the same time as the National Planning Policy Framework.

### ***3. Deliver fairness in relation to protection of the Green Belt from development***

The final policy removes the word “normally” from the planning policy on Green Belts that is in Circular 01/2006. This aligns it with general policy on Green Belts set out in the National Planning Policy Framework to clarify that traveller sites are inappropriate development in Green Belt.

This will help ensure that traveller sites are developed in appropriate places and not on Green Belt land, ensure planning policy is clear and consistent and thus can operate most effectively in a new localist planning system, and reduce community tensions that can arise over perceptions that planning policy for traveller sites is more lenient than planning policy for housing for settled communities.

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<sup>17</sup> In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan

#### **4. Reduce tensions between settled and traveller communities in relation to the planning system**

The new planning policy will provide a framework that tells local authorities how they should plan for and manage the development of traveller sites within the new decentralised system that returns responsibility for provision of traveller sites to them. Without this it is likely that there will not be effective provision of sites across the country.

Without effective provision of sites, there is the potential for the number of **unauthorised sites** to increase. A consequence of this could be an increase in the tensions between settled and traveller communities that these can generate.

In replacing the circulars to ensure that current policy reflects the decentralisation agenda, there are **additional benefits** in introducing a new single planning policy that can be updated to fit better within the broader reforms to the planning system.

The circulars themselves have been highly contentious, creating a **perception amongst many that the policy is unfair** and treats traveller sites more favourably than housing for the settled community. This has created tension, undermined community cohesion and caused resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites. In the emerging system in which the Government needs to bring people on board with planning by having clear policy with which they can engage, this will be an increasing problem unless changes are made.

The Government therefore thinks that it is important to replace the circulars to show that a new planning system is in place and thus reduce the perceptions of unfairness that can have a real impact on relations between settled and traveller communities. Signalling that fundamental parts of the policy have changed by implementing a new policy document may help address this perception and in turn reduce tensions between settled and traveller communities.

To enable local communities to participate in planning under the new system, policy needs to be accessible, clear and consistent. As seen, given background, context, repetition of other policy in some areas, lack of alignment with wider policy in other areas, and guidance, this is not the case with the circulars. As the circulars become increasingly out of date this problem will become worse. This will hinder the accessibility and clarity that is required under the new system that decentralises planning away from an unelected regional tier and strengthens the role of elected councils and communities.

To ensure that policy is as coherent and streamlined as possible, the Government is, as seen, making changes to policy on Green Belt to align it with that for general Green Belt policy. Its new approach to bringing forward land (asking local authorities to have a five-year land supply) will align the new traveller site policy with policy in relation to planning for general housing.

The alignment with other policy, particularly that for general housing, will help ensure that policy is fair and is seen to be fair. This can again help to address the perceptions of unfairness that can create tensions between settled and traveller communities.

The Government has also amended the wording of its new policy in relation to **traveller sites in the countryside**. The new planning policy for traveller sites clarifies that, on a similar basis to planning policy on housing in the countryside, local planning authorities should strictly limit isolated new development in the countryside.

The current circulars emphasise the importance of **effective consultation** with travellers when planning for sites. The new policy augments this by also emphasising the importance of early and effective community engagement with settled as well as traveller communities when councils are formulating their plans and determining planning applications. This will again help

to ensure that the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities in the planning system to give people a chance to shape the development that occurs in their area and to help reduce opposition to development.

## **B) Consolidating and streamlining policy**

To enable local communities to participate in planning under the new system, policy needs to be accessible, clear and consistent. As seen, given background, context, repetition of other policy in some areas, lack of alignment with wider policy in other areas, and guidance, this is not the case with the circulars. As the circulars become increasingly out of date this problem will become worse. This will hinder the accessibility and clarity that is required under the new system that decentralises planning way from an unelected regional tier and strengthens the role of elected councils and communities.

The current circulars contain both policy and guidance which, taken together, total 54 pages. Many of the requirements set out in each of the circulars are the same. The circulars also duplicate a number of policies that are already adequately covered in legislation (the Housing Act 2004). To ensure that planning policy is as coherent and streamlined as possible, the Government is, as seen, making changes to policy on traveller sites in Green Belt, and on the bringing forward of land in plans to align the new traveller site policy with wider planning policy, particularly that for general housing. The final planning policy for traveller sites has also:

- removed repetition of national planning policy that is set out elsewhere. For example, the main body of Circular 04/2007 contains 61 paragraphs and only six of these are not already included in Circular 01/2006<sup>18</sup>. In addition, paragraphs 52-53 in Circular 01/2006 and paragraph 44 in Circular 04/2007 are adequately covered in the National Planning Policy Framework. Similarly paragraph 45 of Circular 01/2006 and paragraph 41 of Circular 04/2007 simply repeat what is already said in Circular 11/1995: *The Use of Conditions in Planning Permissions*. These paragraphs were, therefore, removed from the draft policy and following consultation have been replaced with just one sentence stressing extant policy that states that there is no presumption that a temporary permission should become a permanent one
- removed nonsensical differences in policy in the two circulars
- removed unnecessary guidance so that planning policy documents contain only policy. It is estimated that over half of the current circulars consists of unnecessary guidance, much of which simply duplicates other policy or guidance. Removing this unnecessary guidance and duplication has resulted in a document that is just nine pages long, as opposed to 54 pages
- removed unnecessary context so that planning policy documents contain only policy. For example paragraphs 1-14 of Circular 01/2006 and paragraphs 1-14 of Circular 04/2007 just set out the introduction and context to the policy, totalling 28 paragraphs of contextual information. Whereas the proposed policy sets out the introduction and context in just five paragraphs

By making these changes, the policy is a shorter, clearer, less cumbersome document that will be easier for councils and developers to use effectively.

## **Costs and benefits of each option**

The Government has tested its understanding of the costs and benefits of its proposals during the consultation period. The sectors and groups most likely to be affected are:

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<sup>18</sup> This does not include the paragraphs in the Preface, Introduction or Definition sections as they are specific to travelling showpeople.

- local planning authorities
- traveller communities (including (Romany) Gypsies and (Irish) Travellers and other 'gypsies and travellers' as identified by the planning definition and Travelling Showpeople)
- settled communities

## Option 1: Do nothing

Under this option, no changes would be made to national planning policy for traveller sites and circulars 01/2006 and 04/2007 would remain in place as the national policy for (respectively) planning for 'gypsy and traveller' and 'travelling showpeople' sites. The intention to abolish regional strategies in their entirety would remain and the process for doing so and the broader decentralisation reforms would continue. Key aspects of the policy would, therefore, become obsolete because the regional system within which it asks local authorities to operate is in the process of being abolished.

### COSTS

Within this option, as seen above, there is a significant risk of a **negative impact on the provision of appropriate authorised traveller sites**.

A lack of appropriate authorised sites can lead to an **increase in unauthorised developments and unauthorised encampments**. This has potential consequent social and economic costs.

Gypsies and Travellers experience **poor social outcomes** across a range of social indicators. Gypsies and Travellers living on unauthorised sites can face additional difficulties accessing health and education services and the precarious nature of their homes can further exacerbate inequalities and stifle life chances.

**Travelling Showpeople** do not tend to live on unauthorised sites but also need a residential base from which they can also run their business and thus avoid poor living conditions and contribute to the economy. The consultation response from The Showmen's Guild of Great Britain highlighted evidence from Visit Britain which, in their 2008 study, stated that visitors to leisure attractions spend an average of £29 per head on their visit, and that deducting what is spent at the event from that figure shows the average spend in the local area surrounding it. If the average spend at the fair is £10 per head, then a sum of £19 is spent in the locality on other goods and services.

Unauthorised sites can **increase tensions** between traveller and settled communities in surrounding areas as people living near unauthorised sites often object to developments without planning permission.

An increase in unauthorised sites can also lead to **increase in enforcement costs** for local authorities trying to enforce against breaches of planning control and for the police trying to enforce against trespass. The same study reported that evidence suggests that enforcement costs of local councils can be reduced significantly if councils invest in providing authorised sites. Since Bristol City Council created two authorised sites, it has seen its costs for enforcement drop from £200,000 in the mid-90s to a yearly average of £5,000. Increased enforcement costs are also a cost to local settled communities.

As the policy became increasingly out of date, the problems with having lengthy, unclear and cumbersome policy would increase and as a more localist system requiring shorter, clearer and more accessible policy for local authorities and communities was implemented. This would, therefore, result in the ongoing costs to local planning authorities and communities in having to work with a cumbersome and confusing policy that is over long and repetitive (between the two

circulars and of other national policy). An estimate of the cost to councils and applicants from having more **consolidated national policy** for the wider planning system has been made of £7m per annum.

Under this option the costs of inappropriate development on **Green Belt** will continue. The inconsistency of the circulars with wider policy is potentially confusing. In a system without regional strategies in which local councils and communities have power returned to them, the clarity of policy is important. In addition, the more permissive policy that exists for traveller sites in relation to Green Belt can create perceptions of unfairness amongst people, which can in turn lead to community tensions.

This option would also **forgo the other benefits identified under Option 3**.

The majority of people that responded to the consultation generally agreed with these likely costs.

## **BENEFITS**

**Some members of the settled community object to living near traveller sites.** A system in which local planning authorities bring forward less land for traveller sites could, therefore, be beneficial for some members of the settled community that might otherwise live near a site. However, a lack of authorised sites is likely to lead to an increase in unauthorised sites and lead to the subsequent costs to the settled community already outlined. In addition, data from the Citizenship Survey shows that a smaller proportion of people that live near a site object to it than the proportion of those who do not live near a site and would object to living near one.

The Government has not identified any further benefits that would be achieved by retaining the circulars. Consultees were asked whether there were any benefits to retaining the existing policy and, if so, whether these could be quantified.

Retaining the existing circulars would avoid the **familiarisation costs** that are likely to be incurred under its chosen option of introducing a new planning policy.

Some travellers commented that **circulars 01/2006 and 04/2007 were beginning to work** as local authorities were beginning to plan for traveller sites and site provision was increasing. The Showmen's Guild of Great Britain provided evidence of how the circulars had been effective in providing sites in certain areas but that this positive work in planning for sites ended when it was announced that the circulars were being withdrawn. Some respondents referred to evidence that they believe shows that the circulars were beginning to work. For example, evidence by Jo Richardson and Ros Lishman of De Montfort University was noted as showing that the number of appeals allowed increased by 20 per cent following the introduction of Circular 01/2006. Other evidence quoted includes the Department for Communities and Local Government's Caravan Count data which indicates that in the year ending December 2009, local authorities determined 217 applications for traveller pitches, 50 per cent of which were granted. It has been argued that this figure is unprecedented in terms of the period prior to the introduction of Circular 01/2006 and that this indicates that Circular 01/2006 was making (albeit slow) progress. It was also argued that putting **provision into the hands of local authorities has systematically failed** in the past and a return to this will have negative consequences for supply of sites. Some respondents, therefore, wanted the circulars to be retained.

However, it is more likely that provision of sites will decrease if an out-of-date policy is kept in place than if the circulars are replaced with a policy that fits within the new planning system. It also has to be remembered that the new planning policy's policies on how councils should plan and manage development of traveller sites once supply of sites is put back into their hands has to be seen within the broader set of planning reforms in which it will operate. The new policy will, therefore, work within a reformed planning system (including the New Homes Bonus and Traveller Pitch Funding and the duty to cooperate).

Some respondents wanted the circulars to be **reviewed but not withdrawn**. They thought it would be preferable to revise and update the existing circulars to take account of the changes to regional planning and for the Government to replace regional planning with a form of sub-regional planning which might involve a requirement on local authorities to cooperate and plan on a quasi-regional basis.

The new policy achieves this by emphasising the importance of local authorities working together and through the duty to cooperate, which will provide a framework for strategic working once regional strategies are abolished and has been introduced through the Localism Act.

Any benefits to retaining the current circulars will, therefore, be limited and short-term and are outweighed by the costs.

## **Option 2: Withdraw circulars 01/2006 and 04/2007 and do not replace them**

Under this option, the Government would withdraw the two circulars but not replace them with a new policy. This would mean there would be no dedicated national planning policy for “gypsy and traveller” or “travelling showpeople” sites.

### **COSTS**

Planning for traveller sites can be a difficult and contentious issue for councils, making it particularly important to have clear and up-to-date policy in place. Without any policy, there is significant risk of a negative impact on the provision of appropriate authorised traveller sites, with a potential increase in unauthorised developments and unauthorised encampments, and a potential worsening of associated social and financial costs already set out. A policy is necessary to ensure adequate provision of traveller sites locally.

The Government asked respondents to the consultation for their views on this option. Most respondents did not think there were further benefits to retaining the existing policy.

### **BENEFITS**

The Government recognises that having no national planning policy for traveller sites would be the **most localist** policy option as it would give local councils the maximum discretion in this policy area. Some respondents to the consultation supported the removal of policy in its entirety for this reason.

However, while the Government is taking forward work to simplify and consolidate national planning policy and allow local councils as much flexibility as possible, there remain areas of national significance and of particular contention where it is important to maintain a clear national policy. It would not be appropriate for the Government to leave this matter entirely to the discretion of local councils, and such an approach was not generally supported by the response to the consultation.

The inconsistent and more lenient planning policy on development of traveller sites in Green Belt that is in the current circulars would be withdrawn under this option.

## **Option 3: Withdraw circulars 01/2006 and 04/2007 and replace them with a new single policy**

This option would be delivered by consolidating and streamlining the two circulars into one comprehensive new planning policy. The new policy:

- a) enables local planning authorities to make their own assessments of need and to use this evidence to set their own targets for pitch/plot provision
- b) enables local councils to plan to meet this need over a reasonable timescale

- c) enables local councils to protect Green Belt from development
- d) enables local councils to reduce tensions between settled and traveller communities
- e) updates, streamlines and consolidates planning policy for traveller sites.

**A) ENABLING LOCAL PLANNING AUTHORITIES TO MAKE THEIR OWN ASSESSMENTS OF NEED AND TO USE THIS EVIDENCE TO SET THEIR OWN TARGETS FOR PITCH/PLOT PROVISION**

Under the counterfactual in which regional strategies are abolished but the circulars remain in place, local authorities would have to assess needs through the Gypsy and Traveller Accommodation Assessment process as per the policy and their statutory requirement to do so. They would no longer need to feed the results of the needs assessments into the regional planning process, as this would have been abolished. Pitch targets would, consequently, also not be allocated to local planning authorities in the absence of regional strategies. Local authorities would not, therefore, have to bring forward land against these targets.

The intended abolition of regional strategies puts planning for traveller sites back into the hands of local councils. Planning policy sets out how this should be done. Under the Government's new policy local authorities are given the freedom to make their own assessment of need for the purposes of planning policy based on robust evidence that will be tested at examination. They are then asked to set their own targets for the provision of pitches. They are then asked to bring forward a five-year supply of land to meet these targets. The importance of local authorities working together in the arena of planning policy for traveller sites is stressed in the policy.

*Views of consultees*

Consultees were asked whether they envisaged any extra costs to local planning authorities associated with the new policy on assessment of need for traveller sites. Consultees were also asked to give their views 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.

A number of local planning authorities supported the proposal to **remove the reference to the Gypsy and Traveller Accommodation Needs Assessments** commenting that this would provide them with greater flexibility to assess the needs of the traveller community depending on local circumstances. However, a number of travellers and local planning authorities commented that the removal of the reference to the Gypsy and Traveller Accommodation Needs Assessments would result in the lack of a common basis for decisions on the level of need and subsequent target setting.

Some local authorities commented that the lack of a common basis for decisions could lead to an increase in challenge to individual planning applications, including an increase in cases going to court, and thus a resource burden. Similarly, some local authorities commented that they would have to gather a disproportionate amount of evidence to ensure that it stood up to scrutiny. Some local authorities commented that removal of the reference to Gypsy and Traveller Accommodation Needs Assessments would increase their costs because they would feel the need to start again from scratch in producing their evidence base. Travellers were also worried about this and the delay in providing sites that could result, which it was felt could be several years.

Travellers have said that their resources are limited, which would make involvement in numerous local authority examinations in public difficult. They have highlighted that input by traveller groups in examinations was important in the regional process in getting the targets increased to reasonable numbers. They commented that the lack of a common basis would lead to lack of robustness by local authorities in assessing need and producing targets and that many would, therefore, set low targets. Evidence provided from one study said that there had been a general reduction in local authority traveller site targets following the announcement that regional strategies would be abolished. Traveller organisations, therefore, commented that by giving local authorities powers to assess need and then set their own targets, these targets will continue to steadily decrease under the new policy. Travellers also felt that the lack of a

common basis to assess need and set targets would make it very hard for them to argue with comparatively well-resourced local authorities during the process of assessment and targets setting or during examinations in public of Local Plans. It was not, therefore, felt that examination in public would provide a sufficient safeguard in which the robustness of assessments and targets could be tested.

The Government has considered the comments received in relation to removing specific reference to the Gypsy and Traveller Accommodation Needs Assessments. The Government remains of the view that local authorities are best placed to determine how to assess housing needs, including traveller site provision, in their local areas depending on local circumstances. The emphasis on “robust evidence” and the removal of specific reference to Gypsy and Traveller Accommodation Needs Assessments does not mean that Gypsy and Traveller Accommodation Needs Assessments are no longer capable of forming part of the evidence base. Indeed, in some cases it is anticipated that some local planning authorities will continue to rely on their existing Gypsy and Traveller Accommodation Needs Assessments rather than gather a new evidence base from scratch and their continued use may be less burdensome for local authorities. However, the Government considers that local authorities are best placed to determine the type and level of evidence of need in their area.

The Government has therefore concluded that there are adequate legislative requirements in place, via the Housing Act 2004, which will ensure that local authorities properly assess the accommodation needs of travellers within their local area. It also believes that the increased emphasis on working together in the final policy, along with the duty to cooperate will ensure that a common evidence base is achieved.

Respondents to the consultation commented that what was meant by “**historical demand**” was unclear.

A number of local planning authority representatives commented that this may penalise local planning authorities that have provided sites in the past and “let off” those who have a history of not providing sites, leading to an inequitable distribution. Travellers commented that the lack of clarity would mean that local planning authorities would argue whatever suited to keep provision low and that local authorities would not work together to find solutions where land restrictions made site development difficult. The consultation, therefore, identified that this proposal presented a risk that some local planning authorities would not plan for sites. This would in turn lead to undersupply or risk areas of the country being “no-go” ones for travellers with significant impacts for traveller communities and for the resources of local planning authorities that do plan.

In response to the consultation, the Government has amended the policy to **remove the reference to historical demand**. Instead, it now focuses on planning for local need but in the context of effective cross-boundary working between local authorities. The Government believes that this will ensure local planning authorities properly plan for current and future need, using robust evidence. This will be augmented by the introduction of the duty to cooperate through the Localism Act, which requires local authorities to work together on strategic matters. The duty requires local planning authorities, county councils and other public bodies to engage constructively, actively and on an ongoing basis in planning for strategic cross-boundary matters. Through a continual process of engagement the duty will promote a culture change and new spirit of partnership working. The duty will apply to the preparation of policies on strategic matters in local plans and marine plans. It will also apply to activities that support the preparation of these policies. Local planning authorities and other public bodies will be required to consider whether to enter into agreements on joint approaches, and whether to work jointly on Local Plans policies. The final policy refers local planning authorities to the duty to cooperate.

Some respondents commented that the policy will result in time and money benefits for local authorities as they will be able to **make decisions locally and be accountable** for them. The new policy encourages local authorities to work with neighbouring authorities, where necessary, to meet need. This allows local authorities to work together in ways of their own choosing and thus on a more collaborative basis than the bureaucratic regional examinations allowed. The Government, therefore, believes that the ability of local planning authorities to set their own targets will have benefits in terms of better quality plan making because the targets will be suited to the needs of the local authority, working collaboratively with neighbouring authorities where necessary, rather than being a figure mathematically imposed by a regional assembly.

The new localist system replaces the current bureaucratic system in which, having assessed need, local authorities have to participate in a regional examination process and then have top-down targets imposed on them. There could be cost savings for local planning authorities as a result of **no longer needing to participate in a lengthy and bureaucratic regional planning process**. Cost per day of regional examination is estimated to be £804 (see the Impact Assessment carried out for changes to Local Plans<sup>19</sup>). The average length of examinations (in days) is difficult to estimate in this context. These cost savings are presented for illustration purposes only, as it is difficult to estimate the number of days saved. Therefore, these costs are not included within the total Net Present Value calculations.

The removal of reference to Gypsy and Traveller Accommodation Needs Assessments in the final policy will have benefits for local planning authorities in that it accords with the Government's streamlining objectives as the requirement for local authorities to assess the accommodation needs of travellers is already clearly set out in primary legislation.

#### *Costs*

Local councils are already required by legislation to carry out accommodation needs assessments for travellers as part of their assessments of housing need for the wider community. The new planning policy gives them the freedom to make their own assessments of need for the purposes of setting pitch/plot targets (relative to the circulars working in the regional context in which they were designed). However, under the counterfactual, this statutory duty would still remain. Local councils are, therefore, free to use the evidence from their statutory needs assessment process should they wish to do so, therefore, no new burdens are being placed on them by the new policy in this respect.

Under the counterfactual position, local authorities would not be required to set targets based on their evidence or to bring forward land against them. Under the counterfactual, some local authorities are likely to have chosen not to do this and this will, therefore, represent an additional cost to them relative to the counterfactual.

However, the process through which the evidence base, targets and land supply are tested already exists in that Local Plans already have to go through an independent process of challenge via consultation and examination in public.

The emphasis in the final policy on local authorities working together supports the requirements of the duty to cooperate, which has been introduced through the Localism Act. The Government does not, therefore, consider there will be additional burdens to local authorities in this respect of the policy.

#### *Benefits*

The policy changes will give local authorities clear direction as to how Government expects them to plan for traveller sites within the new decentralised planning framework – using an evidence base of their choice to establish need, setting targets on this basis and bringing forward land in their plans to meet the targets.

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<sup>19</sup> <http://www.communities.gov.uk/documents/localgovernment/pdf/1829666.pdf>

As seen, it is likely that without this framework, the provision of land for traveller sites will significantly decrease with the likely result being an increase in unauthorised sites and the social and economic costs associated with this.

## **B) ENABLING LOCAL PLANNING AUTHORITIES TO PLAN TO MEET THIS NEED OVER A REASONABLE TIMESCALE**

This element of the policy asks local authorities to ensure they plan for a five-year supply of traveller pitches/plots and to update this annually. The policy also asks local authorities to look into the longer term and also to identify a supply of specific developable sites or broad locations for years six to ten and, where possible, for years 11 to 15.

The policy also says that a lack of five-year supply should be a “significant material consideration in any subsequent planning decision” when considering the grant of a temporary planning permission. This is opposed to the current circulars which say that “substantial weight” should be given to unmet need when considering whether to grant a temporary permission. The policy gives local authorities a 12-month implementation period in which they can get their five-year land supply in place, before these consequences of not having done so comes into effect.

### *Views of consultees*

Consultees were asked to give their views as to whether the implementation period envisaged (six months in the draft policy published for consultation) will lead to any extra costs – and what those might be in monetised terms.

Some commented that the implementation period will lead to additional costs to local authorities in terms of resourcing their assessments and site identification and could lead to uncertainty and an increase in applications, appeals and enforcement action and much debate at the examination in public. One local authority has estimated that costs could be in the region of tens of thousands of pounds. However, some thought that there would be no additional costs as a result of this policy because local authorities should already be assessing need and bringing forward land to meet that need under the current circular (and under policy previous to that). Local authorities also carry out consultations on the land they intend to allocate in plans.

Given the pre-existing requirements to assess need, bring forward land and consult on site allocations, some travellers felt that an implementation period of six months was too long and that there should be no implementation period. Some consultees thought, however, that the implementation period proposed by the draft policy (six months) was too short to allow local authorities to put land supply in place. Some suggested it should be as long as 18 months or two years.

The requirement to have a five-year land supply is a new one. The Government considers that local authorities clearly need time to put in place their five-year land supply if a long-term sustainable solution is to be implemented in which local authorities properly plan for sites in appropriate locations. However, it also notes that local authorities should already have been assessing need and bringing forward land for sites and that the new policy, therefore, represents a continuation of this work.

The Government has, therefore, increased the implementation period to 12 months. Given this, it does not, therefore, believe there are likely costs arising from the policy to have a five-year land supply to ensure a continuous supply of sites for at least 15 years. There is a potential cost of a short-term reduction in authorised site provision during the implementation period (during which time local authorities may not have a five-year land supply to meet need but will also not have to give significant material consideration to this when considering whether to grant temporary permissions). This could, in turn, lead to more demand for, and pressures on social housing.

Some local councils commented on the resource requirements of bringing forward a five-year land supply. For example, public consultations are required. However, local planning authorities have been asked to bring forward land under previous policies and this is not, therefore an increased burden.

#### *Costs*

If the circulars remained in place alongside the abolition of regional strategies, it would be unclear in the policy as to whether there is any requirement at all for local authorities to bring forward land in Local Plans to meet any local needs that might be identified in their statutory needs assessment. They may have chosen to plan for need in a different way by, for example, having a criteria-based policy only. Local authorities may have chosen to continue to bring forward at least some land. However, it would be likely that some would try and argue that in the absence of regional strategies the policy does not require them to do this.

As identified by some consultees, there may, therefore, be a cost to some local authorities, relative to the counterfactual, in being asked to bring forward a five-year supply of sites.

In terms of the implementation period, there is a potential cost of a short-term reduction in provision of authorised sites during the implementation period. This is discussed below under risks 1 and 2 in the “Risks for Option 3” section).

#### *Benefits*

The benefits of five-year land supply policy and an appropriate implementation period are that local authorities will have time to put in place their five-year land supply. This will help ensure a long-term sustainable solution to traveller sites planning in which local authorities properly plan for sites in appropriate locations. Sites are more likely to be granted planning permission if they are in places. This is beneficial for travellers and also creates certainty for settled communities.

The policy will provide clarity in relation to the expectations of local authorities to plan for a five-year supply, which may avoid the resources that could be involved for local authorities, communities, and courts in arguing on a case-by-case basis whether or not land supply policy applies in the absence of regional strategies.

### **C) ENABLING LOCAL PLANNING AUTHORITIES TO PROTECT GREEN BELT FROM DEVELOPMENT**

The final policy has made the wording in relation to traveller development in the Green Belt consistent with that for all other types of development in the Green Belt. This has involved removing the word “normally” from the policy that states that traveller sites are “normally inappropriate development” in Green Belt.

The policy also changes the policy on development in countryside from that in the circulars. The new planning policy for traveller sites clarifies that, on a similar basis to planning policy on housing in the countryside, local planning authorities should strictly limit new development in the countryside.

#### *Views of consultees*

Some consultees commented that the new policy would make it harder for travellers to get planning permission for development in the Green Belt. Some wanted to ensure that there is no blanket ban on any development in Green Belt and felt the retention of the word normally would achieve this. Others felt that little difference would be made in reality because most decision makers start from the premise that a traveller site is inappropriate development in Green Belt – the issue is whether there are very special circumstances that outweigh that.

Some traveller representatives also commented about strengthening of planning policy in relation to traveller sites in the countryside. Some commented that the policy in relation to the development in the open countryside would make it more difficult for them to get planning

permission for sites in the countryside and that this would lead to increased costs. Some pointed out that there would have to be some sites in the countryside given the lack of previous supply, that travellers were generally a rural group and that if travellers were pushed closer to settled communities that aren't always welcoming, community tension could increase. Some, therefore, wanted the removal of "strictly limit" and inclusion of words in current policy that make it clear that some development is acceptable in the countryside.

The Government has considered these comments. The Government recognises that traveller sites are often in rural or semi-rural locations and that this reflects some cultural links between travellers and the countryside. However, there are examples of successful traveller sites in and on the edge of settlements and the Government's policy objective is to protect open countryside from development of traveller sites or housing. On this basis, the Government considers that the strict limit on rural development is proportionate. The Government has decided to ensure a broadly consistent approach to policy in the National Planning Policy Framework and maintain its streamlining of policy by removing the words on development being acceptable in some parts of the countryside. The wording is broadly consistent with the National Planning Policy Framework. In addition, there are many examples of traveller sites and travellers being well integrated with local settled communities.

The Government believes that it is important that development should not take place at the expense of the environment. The policy therefore clarifies that local planning authorities should, as they should for other types of housing, strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

In the countryside policy for housing in the Framework, there are examples of special circumstances in which local planning authorities may allow new isolated development in the countryside. These have not been included in the traveller site policy because they relate to built housing and, therefore, do not have an equivalent in terms of traveller sites.

#### *Costs*

There is a possible cost to travellers of a refusal of planning permission for sites in Green Belt or the countryside that may otherwise have been given permission.

There is a potential that traveller sites may be located closer to settled communities, which may increase tensions between the communities.

#### *Benefits*

The inconsistency of the circulars with wider policy is potentially confusing. In a decentralised system in which local councils and communities have power returned to them, the clarity of policy that this change will create is important. The policy will ensure planning policy is clear and consistent and thus can operate most effectively in a new localist planning system.

The clarity may also lead to greater certainty for local authorities, traveller and the settled communities, particularly when making planning applications. This may result in fewer planning appeals and challenges.

This element of policy will help ensure that traveller sites are developed in appropriate places and not on Green Belt land or in open countryside. The benefit of the policy is any protection Green Belt will receive from inappropriate traveller development. This represents a benefit because of the variety of evidence that people value the Green Belt and green spaces more generally. The Barker Review estimated the social benefit of urban fringe green belt at £177,800 per hectare (present value). This is supported by the impact of green space on house prices. Gibbons, Mourato and Resende (2011) found that 'green space' increased the value of housing by 1.04 per cent and being in the Green Belt increased them by a further 3 per cent. However, for this specific policy it is extremely difficult to quantify or measure precisely the extent to which Green Belt protection will be increased.

The policy may help reduce community tensions that can arise over perceptions that planning policy for traveller sites is more lenient than planning policy for housing for settled communities.

#### **D) REDUCING TENSIONS BETWEEN SETTLED AND TRAVELLER COMMUNITIES**

The new policy amends policies for traveller site development so that they are consistent with policy for other types of development, particularly in terms of development in Green Belt and countryside to align them with general housing policy.

The new policy also highlights the importance of community consultation that focuses on both the settled and traveller communities at the plan making and development management stages. This is different from current policy that only emphasises engagement with traveller communities rather than engagement with both traveller and the settled communities.

By having a planning policy that works effectively in the new system, the number of unauthorised sites is less likely to increase and police and planning authorities will find it easier to use their enforcement powers.

The two circulars are being streamlined into a single planning policy document for traveller sites.

##### *Views of consultees*

The majority of consultees, including some travellers and local planning authorities supported the emphasis on consultation with both the traveller and settled communities. However, some travellers and their representatives commented that this requirement could actually increase tension as it may lead the settled community to believe they have a right to veto development, which is not the case.

The evidence of inquiry by design in this country, and other models of getting people involved on the continent, suggest that early involvement in the decision-making process means people are more likely to be supportive of local development. Government believes that the emphasis on community engagement will make it more likely that members of the settled community will accept traveller development. Not only will this help to reduce tension between the traveller and settled community, but it will make it more likely that development will take place in sustainable locations. This will benefit traveller communities by providing greater access to education and health services as well as employment.

Some commented that the additional focus on consultation with settled communities could result in confrontational events or the settled community believing they have a right to veto development. However, this policy also sits in the context of the support that it is providing towards a training programme run by the Local Government Group. The Government is contributing £50,000 to support funding from Local Government Improvement and Development and the Homes and Communities Agency. This aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites.

Others commented that a requirement to consult already exists or that of most importance was the need for local authorities to consult traveller communities. Others particularly commented that local authorities are not always good at engaging with traveller communities relative to settled communities and that there should also be emphasis placed on better engagement with travellers. The Government has altered its policy, following its consultation on the draft policy, to address comments and ensure that the need to consult travellers is still clear.

##### *Costs*

Costs of changes to Green Belt and countryside policy to align them with housing have been previously set out.

There will be familiarisation costs from having a new policy. These are seen to be outweighed by the costs of maintaining an out of date policy. They are discussed below under policy objective (e) (*Updates, streamlines and consolidates planning policy for traveller sites*).

### *Benefits*

Benefits of changes to Green Belt and countryside policy to align them with housing have been previously set out.

A more permissive policy for traveller sites in relation to Green Belt can create perceptions of unfairness amongst people, which can in turn lead to community tensions. Aligning the policy, where effective, with those for general housing may help decrease the view that traveller sites receive favourable treatment in the planning system and thus reduce the community tension this view can cause. Ensuring consistency between policy for traveller and settled communities should help to address comments about unfairness in the planning system. This will help to promote community cohesion which will have benefits for both the settled and traveller communities.

The new planning policy will provide direction on how local authorities should plan for and manage the development of traveller sites. Without this it is likely that there will not be effective provision of sites across the country. This may lead to an increase in unauthorised sites. A consequence of this could be an increase in the tensions between settled and traveller communities that these can generate.

Ensuring the policy works within the new localist planning framework with its emphasis on the involvement and engagement of all parts of local communities in the planning system to give people a change to shape the development that occurs in their area and to help reduce opposition to development.

Members of the settled community have been found to object to developments without planning permission so reducing unauthorised sites may contribute to the reduction of community tensions.

The circulars themselves have been highly contentious, creating a perception amongst many that the policy is unfair and treats traveller sites more favourably than housing for the settled community. This has created tension, undermined community cohesion and caused resentment against the overwhelming majority of law-abiding travellers who do not live on unauthorised sites. Replacing the circulars themselves will send an important signal that the planning system has changed.

### **E) UPDATES, STREAMLINES AND CONSOLIDATES PLANNING POLICY FOR TRAVELLER SITES**

By removing guidance and duplication between the two circulars and between other national policies, the number of pages has been reduced from over 50 to less than ten.

Contradictions between policy in the circulars and broader policy have also been changed and the policies aligned.

Traveller site policy has been published in a separate document and not within the National Planning Policy Framework. A separate document will allow focus on this specific policy area, which causes a high degree of community stress. It will benefit those engaged in planning for traveller sites by clearly setting out specific traveller site policies in a separate document. The Government intends to review this policy when fair and representative practical results of its implementation are clear. On balance, the Government has concluded that the clarity of a separate document enables, rather than inhibits, its public sector equality duties. It is intended to incorporate a version of the traveller site policy within the National Planning Policy Framework at that stage, having taken account of the results of its implementation.

## Costs

Local authorities, traveller and settled communities, and their representatives are unlikely to face any extra costs, in net terms, from implementing the changes proposed under this option. Whilst there may be some familiarisation costs, predominantly for local authorities, the scale depends upon the existing approach by each local authority to planning for traveller sites. Moreover, any such costs will be quickly offset by savings derived from presenting the Government's policies for traveller sites in an integrated, streamlined way and from the removal of the risk of challenge as local planning authorities have to interpret increasingly out-of-date guidance on a case-by-case basis.

Familiarisation costs are quantified as follows: familiarisation will affect all those who use the planning policy regularly. This is considered to be a one-off cost in year one only.

The assumptions used in the analysis are as follows:

1. It is assumed that one town planner per local authority will need to familiarise themselves with the new policy (326 planners).
2. Consultation responses detailed that other agents may be affected, such as senior management and councillors, as well as officers (including officers who are not planners but may have an interest in the policy, such as community development officers). Therefore, we have employed a range of wage rates to highlight this. Average wage rate for town planners is estimated at £37.92 per hour (ONS); and a middle manager at £52.21 per hour (ONS).<sup>20</sup>
3. The average person is assumed to read 200 words per minute.<sup>23</sup> For a draft text length of approximately 2,500 words, this provide an estimate of 13 minutes to read. To account for the fact that readers are not only required to read but understand the text, it is estimated that this could take approximately four times longer and, therefore, this cautious range is extended to 1 hour. It should be noted that this represents the average time taken. For some this may take longer (where a deep understanding of the whole system is required), whereas for others it may take less (where understanding the broad principles and a limited number of specific policy areas is sufficient).
4. The lower scenario of time taken to familiarise is estimated at 1 hour. Some consultation responses detailed that familiarisation costs could be greater than 1 hour. We have consulted further and reading time was identified to take double this initial estimate. Furthermore, some consultees commented that officers will need to be familiar with the policy and also need to know how the policy should be implemented fairly and effectively, and in accordance with local policies. Therefore, time costs are estimated to range from 1 to 2 hours per planner.

The table below presents a range of familiarisation costs to local authorities (annual, one-off costs), based on a range of time incurred to familiarise and wage rates (depending on the officers involved).

Wage rates per hour	Time incurred familiarising with new policy	
	1 hour	2 hours
Planning officer, £37.92	£12,000	£25,000
Middle Manager, £52.21	£17,000	£34,000
<i>Average</i>	<i>£15,000</i>	<i>£29,000</i>

<sup>20</sup> Public sector wage rates (including local government), ONS Survey Control Unit (2011/12). These hourly wage rates are up-rated to incorporate overheads (1.8) and NI/pensions (1.3). A proxy of junior manager is used (based on ONS advice).

These estimates have been revised since the consultation stage Impact Assessment in light of responses to that consultation. Consultees were asked whether the familiarisation costs estimated for local planning authorities appear reasonable. Some respondents commented that the estimated costs seemed reasonable, however, others commented that the familiarisation costs estimated seemed unrealistic and views were expressed that a streamlined light touch policy will induce uncertainty and consequent costs for local authorities.

Familiarisation costs to applicants have not been quantified. Travellers generally apply for planning permission as private individuals. Costing up wage rates is not, therefore, appropriate and data on the earnings of travellers as private individuals is not available. Some traveller groups have a planner attached to them who help support people in their applications. However, our understanding is that these are often volunteers. Monetisation of familiarisation costs for applicants in relation to this specific policy is not, therefore, possible. However, as set out on page 21, an estimate of the cost to councils and applicants from having more consolidated national policy for the wider planning system, of which exercise this policy is a part, has been made of £7m per annum.

### *Benefits*

The benefits of streamlining policy are quantified below. The analysis for the Killian Pretty Review provides some context for what the benefits of streamlining could look like if they were implemented across the planning system as a whole. The Killian Pretty review considered that if Government overhauled and simplified the national policy framework and the secondary legislation for the process of planning applications, this would enable faster and more effective handling of applications by reducing the inherent complexity in the process. They estimated that this complexity costs applicants a total of £750m per year in consultants and legal fees, and that a 10 per cent reduction could save applicants £75m per year and local authorities £30m per year. The Impact Assessment of the National Planning Policy Framework estimated the potential savings in time to councils and applicants from having more consolidated national policy of around £7m per annum.

Bringing together policy for travellers in a single document has the potential to result in real cost savings for local authorities and travellers by cutting out duplication and minimising complexity for users. Instead of looking at several policy documents, they will only need to look at one. We therefore consider that there is a potential for cost savings for local authorities and travellers in the medium to long term from presenting policies for traveller sites in an integrated way, particularly in terms of speedier and better quality plan-making and decision taking in respect to planning applications. However, planning applications for traveller pitch developments are a relatively small proportion of all planning applications.

The assumptions used in the analysis are as follows. These have been verified as a result of consultation responses:

1. Statistics<sup>21</sup> show that total major and minor decisions on “gypsy and traveller” pitch developments equalled 293 in the year to March 2011.
2. The administrative savings are to planners in local authorities. We assume that one hour is saved per application (at a wage rate of £37.92 per hour as above). Some consultees commented that the estimated administrative savings for local planning authorities and the assumption of 1 hour, as a result of streamlining national planning policy, appear reasonable. Responses and feedback to the consultation do not give sound reason and evidence to revise this assumption. The Impact Assessment for the National Planning Policy Framework estimated administrative savings as a result of consolidation to range from 2.5 to 4 hours per average major planning application.

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<sup>21</sup> <http://www.communities.gov.uk/documents/statistics/xls/1929750.xls>

3. We assume that the current level of planning applications rise in line with economic growth - using the Office for Budget Responsibility's forecast<sup>22</sup>.

Cost savings to local authorities from using consolidated policy are estimated to be £0.1m (present value over 10 years) or £0.01m (average annual).

Benefits to applicants have not been quantified.

The above savings should also be compared with the costs for councils and applicants that may arise from the confusion of retaining a policy that will become increasingly out of date. Assessing which parts of the policy may apply or not apply in this context could lead to protracted arguments, potentially in court, as what is extant policy is argued on a case by case basis.

As set out, in replacing the circulars to ensure that current policy reflects a decentralised planning system, there are additional benefits in introducing a new single planning policy, of which streamlining is one.

We have set out that clarity and consistency in planning policy are required to make it user friendly. A shorter, clearer, less cumbersome document will be easier for councils and developers to use effectively. The sparse and direct style of the policy document has been welcomed by developers for its clarity and directness.

To enable local communities to participate in planning under the new system policy needs to be accessible, clear and consistent. Long, inconsistent and cumbersome documents hinder the accessibility and clarity that is paramount under the new system. The evidence of inquiry by design in this country, and other models of getting people involved on the continent, suggest that early involvement in the decision-making process means people are more likely to be supportive of local development. Government believes that the emphasis on community engagement will make it more likely that members of the settled community will accept traveller development. Not only will this help to reduce tension between the traveller and settled community, but it will make it more likely that development will take place in sustainable locations. This will clearly benefit traveller communities by providing greater access to sites, education and health services as well as employment.

## Risks for Option 3

### Potential risk of short-term reduction in authorised sites

There is a possible risk, if this policy is considered in isolation from the wider measures that the Government is implementing, of a **short-term reduction in authorised sites** during the implementation period of the policy, while local authorities get their five-year land supply of traveller sites in place because during this period there will be no consequence for local authorities who do not have a five-year supply of sites in place. This could potentially add to the number of unauthorised sites. An increase in unauthorised sites could, in turn, lead to more demand for, and pressures on social housing, community tension and increased enforcement costs. Travelling Showpeople need mixed use sites to maintain their business. A lack of sites could, therefore, be detrimental to their ability to function economically. However, the number of sites potentially at risk are small (see below) and the Government believes that its wider measures (discussed below) will mitigate this potential risk. In addition, this has to be seen against the risk of sites decreasing immediately and for the longer term if the circulars remain in place now that there is no framework for setting targets through the regional planning system.

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<sup>22</sup> As at 23 March 2011. <http://budgetresponsibility.independent.gov.uk/econ-fiscal-outlook-march.html>

Following the introduction of circulars 01/2006 and 04/2007, a number of temporary permissions for traveller sites were given because the circulars said that if there was immediate unmet need then a temporary permission should be given. While the new policy says that those local authorities that have not planned to meet local need should give significant material consideration to this in any subsequent planning decision when considering the grant of a temporary planning permission, the new policy gives local authorities a reasonable period of time to get their plans in place before this becomes effective.

The policy of circulars 01/2006 and 04/2007 led to sites in unsuitable places, such as Green Belt, without giving local authorities time to plan properly for the new policy. The Government wants to give local authorities a reasonable amount of time to plan properly and will allow local authorities a implementation period. This will mean that development of sites is sustainable. The policy provides for an implementation period of twelve months from the date of publication of the final policy to enable local planning authorities to review their existing policies. After that period, if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable traveller sites, the final policy requires them to give significant material consideration to this in any subsequent planning decision when considering the grant of a temporary planning permission.

The length of the implementation period is important when balancing the need for sites against the likely cost implications for local authorities and the need for a plan-led approach to site provision. The longer the implementation period, the less the potential burden will be on local authorities and the more likely that a sustainable, plan-led approach to provision will ensure appropriately located sites over the longer term that will make it easier for travellers to gain planning permission for sites in the Local Plan. However, the longer the implementation period, the greater the potential impact will be on traveller communities in terms of a potential reduction of temporary permissions and thus sites during this period. Some respondents referenced a report by the Irish Traveller Movement of Britain that put forward an argument that there had been a decrease in targets since the announcement of the intended abolition of regional strategies. It is, therefore, important that targets and associated land supply allocations are tested at an examination in public and the new policy is published that makes it clear that local authorities will need to have targets based on robust evidence that will be tested at examination.

Some temporary permissions will be coming to an end during the implementation period and new applications for temporary permission may be sought. Should there be a period of time after the implementation of the new planning policy, in which regional strategies have been abolished but the new planning policy is still in its implementation period, some permissions that might have been renewed if the existing circular remained in place may be more likely to be refused under the implementation arrangements of the new policy. This is because during the implementation period, any local planning authorities that do not have a five-year land supply of sites would not yet be subject to the policy within the document that says they give significant material consideration to this in any subsequent planning decision when considering the grant of a temporary planning permission. This, however, needs to be seen in the wider context of the overall decrease in sites brought forward if the circulars were to remain in place.

It is not anticipated, however, that this will be a significant problem. Firstly, the maximum period of time that this would apply would be 12 months and so the numbers of sites involved would be small. Secondly, there are other measures that the Government has put in place that will mitigate this potential risk. Thirdly, as noted by some traveller representatives during consultation, if a planning application was refused they could take the case to appeal. The Planning Inspectorate do not take less than three to four months to decide a traveller site appeal once evidence has been submitted to an Inspector. When time to determine the original application to the local planning authority is included, this takes some final decisions out of the implementation period.

## Number of sites potentially affected

We do not have exact figures for the number of temporary permissions that are likely to expire at this time or the number that may have been granted an extension under the old policy. However, data from the Equality and Human Rights Commission indicates that in the four-year period between 2006 and 2009, 95 new site applications were granted a temporary or personal permission by the local planning authority and a further 89 were granted a temporary or personal permission on appeal. These 184 permissions represent 576 pitches. We assume this equates to 979 caravans<sup>1</sup>.

Personal permissions are permanent until the death of the applicant so will not come up for renewal in the same way. However, if we take the 184 figure as a base and assume that a quarter of these permissions will expire every year between 2011 and 2014, this represents approximately 244 caravans per year. The data on which this calculation is based does only relate to temporary and personal permissions granted for new sites in the 2006-2009 period. It therefore excludes extensions of temporary permissions granted on existing sites. However, on the other hand, as seen above, it does include personal permissions, which will not come up for renewal in the same way. In addition, temporary permissions tended to be for a five-year period and it is likely that most of them would have been granted towards the end of the period 2006-2009, once Circular 01/2006 had been in place for a time so, on this basis, less than a quarter are actually likely to be expiring in 2012 when we are implementing the new policy. In addition, as seen above, the times from application to appeal decision for a traveller will take some final decisions out of the implementation period.

## Mitigating Measures

**1)** There is a potential risk that local authorities that do not think they can get their land supply in plans within the implementation period will **grant permission for sites in sub-optimal locations** to ensure they have a land supply in place.

However, the Government have extended the implementation period to give them more time. In addition, the publication of the draft planning policy statement in April 2011 also gave a clear indication of the direction of travel. Local planning authorities are not being asked to start the process of planning for traveller sites from scratch. They would already have undertaken Gypsy and Traveller Accommodation Needs Assessments and so they should have a good idea of their needs and already be identifying land.

**2)** A **short-term reduction in authorised sites** may potentially arise, if considered in isolation from other measures and the wider issue of an overall reduction in sites as the process of abolishing regional strategies continues. This could lead to a short-term increase in unauthorised sites, either on land travellers own or on land they do not own. A potential reduction in authorised sites could, in turn, lead to an increase in community tension or poor living conditions for some travellers who may end up living on overcrowded or unauthorised sites and/or moving around much more frequently, including risks to their ability to access services such as education and health care. There is also a potential risk that a lack of authorised sites could lead to burdens on local authorities in terms of increased homelessness applications. (However, travellers tend to resort to unauthorised sites or overcrowded living rather than putting in homelessness applications.) Some planning and police enforcement powers rely on the availability of authorised sites so the ability to use these may be restricted. In addition, any increase in enforcement action will have costs to the public purse (see below for costs).

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<sup>1</sup> Based on the assumption that each pitch represents an average of 1.7 caravans

Overall, however, the potential risk of sites not coming forward is heavily mitigated by the other measures which the Government is putting in place to encourage the provision of more sites. The Government does not conclude that an increase in unauthorised sites will occur if these other aspects of its package of measures enable an increase in short-term site provision – in particular the effective use of pitch funding (£60m over the spending review period), which will be available to local authorities during this implementation period. The Government has also included traveller sites in the New Homes Bonus. This is already available. While some consultees questioned the degree to which the money available under the New Homes Bonus would incentivise site provision, the Government has put in place this measure to incentivise sites and believes it will. The New Homes Bonus will match fund the additional council tax raised for new homes including traveller sites, with an additional amount for affordable homes (including traveller sites) for the following six years. The Government concludes that the New Homes Bonus combined with the Traveller Pitch Funding will work to increase site provision. In addition, the Government has committed to providing financial support (£50,000) along with Local Government Improvement and Development and the Homes and Communities Agency, to support a training programme by the Local Government Group, which aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites.

Together, the Government believes that these measures will mean that new sites could come forward which hitherto were not practical or viable, enabling an increase in site provision overall. Similarly, the new enforcement powers which the Government is giving councils will help to ensure that there is no increase in the overall number of unauthorised sites.

**3)** There is a potential risk that local authorities will **bring forward large parcels of land for sites** rather than the small ones that are desired by travellers, are more affordable for private purchase and are more easily managed. This is because allocating land in plans and planning applications for sites can be very contentious. It can, therefore, be less problematic to consult less often on a smaller number of large sites than more often on a larger number of smaller sites.

There is nothing in the new policy that makes this more of a potential risk than the system under the circulars working in the regional strategy context or if the circulars remained while regional strategies continued to be abolished. The policy is clear that local authorities should plan for need in consultation with travellers and the wider community and so should understand their needs. In addition, the policy has a definition of “deliverable” to ensure that land allocations for traveller sites have a reasonable prospect of being developed.

**4)** There is a potential risk that **local authorities will not consider working together** to produce joint plans, where appropriate, to allow needs to be met across a wider local spatial scale. Local authorities that have a history of providing sites often report that travellers move from neighbouring authorities to their areas because they are more likely to find a site. This means that the need increases in those areas that have provided sites and decreases in those areas that have not and they will be liable to provide yet more sites. This could lead to some local authorities being unfairly overburdened in terms of provision unless neighbouring authorities work with them. There may also be potential risks to areas such as Green Belt if a local planning authority has special or strict planning constraints across its area unless neighbouring authorities were to work with it. This has been raised by a number of consultees.

However, the publication of joint *Gypsy and Traveller Accommodation Needs Assessments* shows that most local authorities voluntarily worked in partnership to produce joint statutory housing needs assessments for travellers. This shows willingness to co-operate in relation to traveller accommodation issues and has also provided a precedent for this in practice. The specific reference to the Gypsy and Traveller Accommodation Needs Assessments has been removed from the policy, however, the requirement for local planning authorities to carry out Gypsy and Traveller Accommodation Needs Assessments remains in place (as set out in the

Housing Act). The Gypsy and Traveller Accommodation Needs Assessments may still form part of the evidence base on need. However, the Government believes that local planning authorities are best placed to determine how to assess need in their local area for the purposes of planning.

In addition, the Government has introduced a duty to cooperate through the Localism Act that requires local planning authorities and other public bodies to engage constructively on strategic cross-boundary matters in the preparation of local plans. The Government believes that this will be more effective than the system of top-down targets imposed via regional strategies, which redistributed pitch targets to different local authorities in an arbitrary and non-strategic manner and antagonised local areas. This duty is a mechanism for strategic working now that the framework for regional strategies has been abolished by the Act so no more can be created. The final policy references the duty to cooperate.

In response to the consultation, the Government has removed wording about “historical demand” and has emphasised instead the importance of local authorities planning to meet need and working collaboratively across boundaries, where necessary. This will work with the duty and will be more effective than keeping the circulars and their emphasis on strategic working through the regional system in place now that the Localism Act is in force and no more regional strategies can be created.

**5) There is a potential risk that local authorities may not provide sites where they are needed if a majority of their electorate are opposed to them.** Travellers can experience antipathy from the settled community through misunderstanding and stereotyping. The planning system is one arena where these tensions often come to the fore. Some consultees, primarily representatives of traveller communities, commented that these tensions could be exacerbated as members of the settled community believe that the policy changes mean they will have a right to veto development in their local area.

The Government’s new policy, however, makes it clear that local planning authorities should use a robust evidence base to assess need for site provision for the purposes of planning, set pitch targets based on this and then plan to meet those targets by identifying ‘deliverable’ land in their Local Plans.

As noted above, in response to the consultation, the Government has also removed wording about “historical demand” to emphasise instead the importance of local authorities planning to meet need and working collaboratively across boundaries, where necessary.

In addition, the duty to cooperate will ensure that local authorities and public bodies are involved in constructive and active dialogue as part of a continual process of engagement in planning process. The duty will maximise effective working on development planning in relation to strategic issues that cross administrative boundaries. The duty will apply to the preparation of local plans and other activities that support development planning. This will include policies and strategies jointly on issues that have wider impacts, such as economic growth, retail development and environmental management and work that informs emerging policies such as joint evidence gathering and research. Local authorities are required to demonstrate how they have complied with the duty to cooperate at examination in public of their plan.

The established process of independent challenge, scrutiny and testing of local planning policies through consultation and examination in public will play a central role in verifying the evidence of need on which pitch targets are based and the subsequent bringing forward of suitable and available sites to meet targets. During the examination in public, an independent planning inspector will consider whether the plan complies with legal requirements and whether it is sound. There is no legal definition of what is “sound”. However, in order to be found sound in this context, the inspector will need to consider whether the plan is positively prepared, justified, effective and consistent with national policy. “Positively prepared” means that the plan

should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development

“Justified” means that the document must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against the reasonable alternatives. “Effective” means that the document must be deliverable, flexible, and able to be monitored. If it is concluded that the plan is not justified, effective and consistent with national policy, the plan may not be found sound, in which case further work may be required before it can be adopted by the local authority. Where an Inspector judges that there has not been effective cooperation, under the duty to cooperate, the plan cannot proceed. Local plans may not be adopted if they are not found sound.

Local housing authorities also have a statutory responsibility to assess need for traveller accommodation. Every local housing authority is required, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985, to carry out an assessment of the accommodation needs of travellers residing in or resorting to their district. The Act also requires authorities to prepare a strategy demonstrating how the accommodation needs of travellers will be met as part of their housing strategies. This evidence base is available to form part of the discussion of assessment of need for the purposes of planning in any local authority.

Under the new policy, local authorities will be fully responsible for the assessment, target setting, planning and provision of sites. However, the Government have made it clear that alongside the additional powers that localism brings also comes responsibility. The proposed new policy makes it clear that local authorities that do not plan to meet the need they have themselves assessed will face consequences and will be asked to give significant material consideration to a lack of five-year land supply in any subsequent planning decision when considering the grant of a temporary planning permission.

In addition, alongside its proposals for locally-driven development, the Government has funded £50,000 to support a training programme by the Local Government Improvement and Development Agency which aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites. The Government has also put in place the New Homes Bonus to create an incentive that rewards local authorities that deliver sustainable housing development, including traveller sites, with a financial bonus. The New Homes Bonus was introduced in April 2011, ensuring that local authorities and communities see the benefits rather than the costs of development. The Government’s proposals under the New Homes Bonus will also apply to the delivery of traveller sites. Additionally, following the Spending Review, travellers’ sites in public ownership are now included in the Homes and Communities Agency’s National Affordable Housing Programme. The Homes and Communities Agency will seek to ensure that provision of appropriate sites forms part of the overall package of housing and regeneration in the area, and Traveller Pitch Funding of £60m over the spending review period commenced in April 2011.

There is a clear business case for planning for and providing sites. A 2006 Commission for Racial Equality report found that local authorities spent around £18m a year of council tax payers’ money evicting gypsies and travellers from unauthorised sites and that these costs could be significantly reduced if councils invested in providing an authorised alternative. Since Bristol City Council created two authorised sites, it saw its costs for enforcement drop from £200,000 in the mid-1990s to a yearly average of £5,000. A later Equality and Human Rights Commission Report (*Simple Solutions*) argued that once gypsies and travellers are in authorised sites significant returns can also be collected in rent, council tax and utility bills. Well-run, authorised sites in appropriate locations that allow integration between settled and traveller communities can also diminish the community tensions that arise when sites are developed without planning permission. Unauthorised sites are often located in unsafe or unsuitable places lack basic facilities causing a health hazard for those who live there or nearby, environmental damage and an eyesore for neighbours. This too can be avoided with appropriate planning for official sites.

It is more likely that appropriate sites will be brought forward if there is clear guidance to local authorities on how the process Government expects them to follow to plan and manage traveller site development within the context of a reformed planning system.

**6)** There is a potential risk that **travellers will not be able to participate effectively in the Local Plan making process**. As seen above, consultation and examinations in public in drawing up Local Plans is the key arena in which evidence of need is tested and pitch targets set. The Government's proposed new policy says that local planning authorities should assess the needs of their area for the purposes of plan making, set associated pitch targets and plan to meet this need. Under the current circular, there is the chance to influence the evidence base for the assessment of pitch and plot targets through eight regional strategies and the London Plan. There are 326 local planning authorities in England and, therefore, a potential risk that the, often, small community groups that represent travellers will have insufficient resource to participate effectively in relevant Local Plan consultations or examinations in public.

This potential risk was highlighted by a number of consultees, primarily on behalf of traveller communities, who commented that travellers do not have the resources to be involved in every local authority's examination in public. It has been highlighted that input by traveller groups is crucial in getting the Panel to increase targets, particularly given literacy difficulties amongst traveller communities. It is, therefore, essential that this input continues but views were expressed that there is insufficient capacity to do this for each local authority.

The Government believes that local planning authorities are best placed to determine how to assess need in their local area for the purposes of planning. The requirement for local councils to assess the accommodation needs of travellers is already adequately set out in legislation through the Housing Act 2004 and the Government does not think it necessary or desirable to duplicate the legal requirements. Instead, local planning authorities should be given the flexibility to determine how best to assess need in their local area for the purposes of planning, depending on local circumstances. It is important to note that this does not mean that the Government is abolishing traveller needs assessments or that the Gypsy and Traveller Accommodation Needs Assessments cannot form part of the evidence base for the purposes of planning. Some local planning authorities may well decide that it is appropriate to rely on their existing evidence base (including Gypsy and Traveller Accommodation Needs Assessments) rather than formulate a new one. However, the Government believes that, ultimately, this is for local planning authorities to decide. The final policy also places an additional emphasis on cross-boundary working, which will deal with the common reference points comments. The Government believes that the emphasis on cross-boundary working will ensure greater consistency between local planning authorities and greater certainty for communities. This will, in turn, reduce the likelihood of challenge to planning decisions which will reduce burdens for local planning authorities and the travelling community.

In addition, a December 2010 informal survey by DCLG officials of Local Plan examinations that took place in November 2010 revealed that in nine out of 12 cases (75 per cent), representations (either in writing or in person) had been made by traveller representatives. In addition, The Showmen's Guild of Great Britain reported successful participation in all the *Gypsy and Traveller Accommodation Needs Assessments* and Gypsy and Traveller and New Traveller groups also participated in these. While, as seen above, a number of these were carried out jointly by local authorities, they show the ability of traveller groups to engage with authorities at a local level. The Traveller Law Reform Project carried out their own informal survey on the number of written representations made by traveller representatives on a sample of local planning authorities' core strategies<sup>2</sup>. Their data suggested that 62 per cent of local authorities (with website evidence and in the Department for Communities and Local

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<sup>2</sup> The sample was a 15 per cent sample of the 326 local planning authorities and included those surveyed by DCLG.

Government survey) had written input at some stage from the community or linked voluntary organisations in the development of core strategies and 38 per cent did not. They felt that 38 per cent was substantial minority and that only 17 per cent of local authorities were identified as having received input based on local knowledge. It must be emphasised that these results only relate to material available on websites, some websites had no information because of the particular stage that the core strategy was at or the information was not collated. It does not cover attendance at local examinations in public and relates only to written responses which have been recorded.

As previously set out, the Government is intending to abolish the system of imposed regional targets and believes that its new approach will encourage development and bring local community support to development more effectively by decentralising decisions to local councils coupled with incentives that will reward communities that accept development. Planning regulations require councils to consult local people on the preparation of plans, including bodies which represent the interests of different racial, ethnic or national groups in the authority's area, and bodies which represent the interests of persons carrying on business in the authority's area. In addition, the Government has specifically funded work with local councillors and officials on their leadership role for traveller site provision and has amended the draft policy on which it consulted to emphasise the continued importance of consulting traveller communities.

## **New Burdens assessment**

Local authorities are already required under the Housing Act 2004 to assess the accommodation needs of travellers. Under the final policy, local authorities will continue to gather this evidence, as required by law, but will then have the responsibility for using this and other relevant evidence to set their own targets for pitch/plot provision rather than having targets forced on them by an unelected regional tier. Local authorities have are also already expected to bring forward land in Local Plans for traveller sites.

A number of policy changes clarify the policy position or amend the policy so it is consistent with that for the settled community.

It is not, therefore, anticipated that the Government's preferred option will result in any new burdens on local authorities.

## **One-In One-Out**

For the purposes of 'One-In, One-Out', regulation is defined as a rule or guidance, imposed or operated by central government, such that failure to comply with it would result either in the regulated entity coming into conflict with the law, or being ineligible for continued funding, grants or participation in schemes. Regulations are categorised as IN or OUT according to whether direct incremental economic costs to business and civil society organisations exceed direct incremental economic benefits. Direct costs and benefits are those that result directly from the implementation, removal or simplification of regulation, in other words, first order effects, *not* impacts that follow something else happening (as a result of the regulation).

The planning policy for traveller sites is administrative guidance setting out the Secretary of State's policy on planning matters. Local planning authorities are required (under section 19 2004 Planning and Compulsory Purchase Act) to have regard to this when preparing their Local Plans but are free to determine how planning policy is applied locally. Decisions about how to put the policy into practice rest with councils in the context of the specific circumstances of their local area.

Planning applications are determined by local planning authorities who are required (section 70(2) of the Town and Country Planning Act 1990) to have regard to the development plan for

the area and to any other material considerations. Material considerations constitute any matter relating to the use and development of land that is relevant to the application at hand, including national planning policy. Local planning authorities determine planning applications on a case by case basis in light of all material considerations.

The planning policy for traveller sites does not directly control the activities of businesses or civil society organisations, and is therefore not in scope of the 'One-In, One-Out' rule.

# Specific impact tests

## Statutory equalities duties

An Equality Impact Initial Screening and consultation stage Full Equality Impact Assessment were carried out and published alongside the draft policy and consultees were asked whether they think there are any groups that would be disproportionately affected by the draft policy.

A number of consultees, primarily on behalf of traveller communities, commented that the draft policy would have disproportionate impacts on Romany Gypsies and Irish Travellers. A number of consultees commented that a robust policy to ensure provision of sites will result in additional social benefits for them in terms of access to education, healthcare and employment. However, they commented that the draft policy will significantly reduce the number of authorised traveller sites which would, in turn, increase the number of unauthorised sites.

In order to address these comments, the Government has made a number of amendments to the policy to ensure that traveller communities are not disproportionately affected by the policy. These changes are highlighted above and in the equality impact assessment.

An Equality Impact Initial Screening and a Full Equality Impact Assessment is being published alongside the final policy. The new traveller site policy is embedded within a broader set of policy measures that will ensure fairness for traveller and settled communities (these are set out above).

## ECONOMIC IMPACTS

### Competition and small firms

The Government recognises that travelling showpeople are an economic group and these policy changes therefore have the potential to result in economic impacts in terms of competition and small firms.

It is not anticipated that the Government's preferred policy option will have any harmful impacts on competition or small firms as the aim is to increase site provision for travellers. This in turn will lead to positive impacts on the employment opportunities of travellers and their ability to run the small businesses which they often run.

Travelling showpeople, however, believed that the policy would have a detrimental impact upon them because they believed that the policy would reduce the likelihood of site supply. However, by taking the actions noted in this Impact Assessment, the Government does not believe that its policy will have a detrimental impact on site supply.

The detailed comments of the Guild and the Government's response to these are set out in full in Annex 1. Throughout the Impact Assessment, the Government has show the changes it has made to the policy following consultation, or its evidence for disagreeing with particular points, or how it has weighed up competing positions to determine to its final policy. In doing so, the Impact Assessment explains the Government's conclusion, that the final policy will have a positive impact on site supply relative to the counterfactual of the policies remaining in place.

The Government intends to abolish regional strategies and the first stage has been completed through the introduction of the Localism Act. If no changes to planning policy for traveller sites are made there will be no policy that says local authorities should set targets for the provision of pitches/plots. The Government believes that without targets, there is a significant risk that local

planning authorities will not make provision for pitches/plots at all. This situation would have an extremely detrimental impact on the provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups, including on Travelling Showpeople as an economic group. The Government, therefore, believes that there is a need for a new planning policy for traveller sites that has been updated to reflect the ongoing decentralisation reforms to the planning system.

## **Environmental impacts**

### **GREENHOUSE GAS ASSESSMENT AND WIDER ENVIRONMENTAL ISSUES**

The policy changes clarify the position in relation to development in Green Belt and will ensure that proposals for traveller sites in the Green Belt are considered in the same way as all other applications for development. The preferred policy option therefore has the potential to have positive environmental impacts in this regard by reducing the inappropriate locating of traveller sites in Green Belt and thus increasing the amenity of Green Belt to all.

There is other national policy and guidance, in the National Planning Policy Framework, that local planning authorities should use in formulating their plans and determining individual applications, for example policy on flooding.

It is anticipated that the Government's preferred policy option will have beneficial environmental impacts.

## **Social impacts**

### **HEALTH AND WELLBEING**

It is anticipated that the Government's preferred policy option will have beneficial impacts on health and wellbeing. Further details on this are set out in the Equalities Impact Assessment and Screening published alongside this Impact Assessment.

The Government is committed to addressing the discrimination and poor social outcomes already experienced by traveller communities. The Secretary of State has set up a cross-Government, ministerial-level working group to tackle existing social inequalities, particularly in relation to health and education.

### **HUMAN RIGHTS**

It is anticipated that the Government's preferred policy option will facilitate the traveller way of life and have beneficial impacts. Human rights have also been considered as part of the equalities impact assessment/screening.

### **JUSTICE SYSTEM**

It is anticipated that the Government's preferred policy option will have beneficial impacts on the justice system. An increase in authorised sites will mean less police time in enforcing against unauthorised sites.

### **RURAL PROOFING**

It is not anticipated that the Government's preferred policy option will have any harmful impacts on rural areas. Indeed, these policy changes may have a positive impact on rural areas by reducing the number authorised sites located inappropriately in the countryside and Green Belt. It is therefore believed that the Government's preferred policy option will give a greater emphasis to protection of the countryside and Green Belt. An increase in appropriate sites in appropriate rural areas will facilitate the small businesses of travellers and potentially support the rural economic base.

## **Sustainable development**

It is not anticipated that the Government's preferred policy option will have any harmful impacts on sustainable development. Indeed, taken as a whole these proposals should have a positive impact on sustainable development by giving local planning authorities more powers to ensure that traveller sites are located in more sustainable locations.

# Annex 1: Consultation responses

On 29 August 2010, the Secretary of State for Communities and Local Government announced the Government's intention to withdraw and replace the existing traveller planning circulars. On 13 April, the Government published its draft planning policy for traveller sites for consultation. A regulatory impact assessment was published alongside the draft policy and comments were invited on the scope and content of the impact assessment.

The Government received 668 substantive responses to its consultation. In addition, nine hearings were held around England to enable people to give their responses orally. These were attended by 94 people. A campaign was also organised by the London Gypsy and Traveller Unit and 373 leaflets were received.

Details of the points raised in relation to the draft planning policy are set out in the Summary of Consultation Responses. Of the consultation responses received, 200 included comments on the impact assessment. The key points arising from all parts of the consultation that are pertinent to the impact assessment are set out below.

There was general agreement, including from local government representatives (over 60 per cent) and traveller representatives (over 70 per cent), that where need has been identified, local authorities should set their own **targets** for the provision of sites in local planning policies. However, some travellers commented about targets being set by local authorities as opposed to the regional system, in which they are allocated via the regional strategy process. Some respondents referenced as evidence a report by the Irish Traveller Movement of Britain that put forward an argument that there had been a decrease in targets since the announcement of the intended abolition of regional strategies. However, it is unlikely that many of the revised targets have been tested at an examination in public or drawn up as part of a process of strategic working as is required by the duty to cooperate. The potential problem of unjustifiably reduced targets not based on robust evidence of reduced need will be mitigated by the introduction of the new policy that sets out the process for local target setting in the context of the duty to cooperate that requires local authorities to carry out planning on strategic matters jointly. Local planning authorities are required to demonstrate compliance with the duty at the local examination. The final policy also references local planning authorities' duty to cooperate on strategic planning under the Localism Act provisions.

Some respondents called for a policy that, instead of allowing local councils to set their own targets, continued to use regional strategy targets or the most up-to-date figure in the regional strategy process in areas where regional strategies have not been adopted. However, this would result in a complex policy given, as seen, not all areas have adopted regional strategies. Councils are free to retain the regional strategy figure should they wish and to rely on the evidence prepared under regional strategies. However, specifying that local councils use regional figures would work against the grain of the Government's radical reforms for the whole planning system (set out the coalition agreement) including its abolition of the regional planning system.

While some responses supported the proposal to not make specific reference to Gypsy and Traveller Accommodation Needs Assessments and to refer instead to a "**robust evidence base**", some comments were made that this would lead to low assessments of need and thus the setting of low traveller site targets. Travellers and their representatives commented that their views about the lack of robustness would not be alleviated by the process of testing the evidence base in local examinations in public. A number of local authorities supported the absence of the reference to Gypsy and Traveller Accommodation Needs Assessments, although some commented that this would result in a lack of a common evidence base for

decisions on the level of need and target setting and a subsequent increase in challenges to planning cases and burden on them and wanted guidance to be published to ensure a common evidence base.

Having considered these comments, the Government has concluded that there are adequate legislative requirements in place which will ensure that local authorities properly assess the accommodation needs of the traveller community within their local area. Local housing authorities are required under the Housing Act 2004 to assess the accommodation needs of travellers as part of their statutory duties. There is also extant Government guidance on this. The Government is clear that part of its streamlining aims is to remove, as far as possible, references in policy to issues that are covered adequately by legislation. The Government agrees that it is important to ensure that there is a common evidence base between local planning authorities where needed but not at a national level. The final policy therefore places an additional emphasis on the importance of cross-boundary working between local planning authorities in planning for traveller sites. In addition, the duty to cooperate will be a key mechanism for strategic working after the intended abolition of regional strategies, subject to the environmental assessment process. The introduction of the duty to cooperate through the Localism Act requires local planning authorities, county councils and other public bodies to engage constructively, actively and on an ongoing basis in the planning process and will support a common basis for decisions between local authorities. Councils are required to demonstrate compliance with the duty at Local Plan examinations, which is a powerful sanction. The final policy references the duty to cooperate.

It remains very important that local authorities continue to plan for the future of their communities, including travellers. However, the Government considers that local authorities are best placed to determine how to meet their housing needs, including traveller site provision. In line with the introduction of the duty to cooperate, the Government also thinks it is important that local authorities work across boundaries with neighbouring local authorities on strategic matters but does not want to dictate to them *how* this is done. It is important to note that the emphasis on robust evidence and the removal of specific reference to Gypsy and Traveller Accommodation Needs Assessments does not mean that Gypsy and Traveller Accommodation Needs Assessments are no longer capable of forming part of the evidence base. Indeed, in some cases Gypsy and Traveller Accommodation Needs Assessments may be the most appropriate evidence available to a local planning authority and their continued use may actually be less burdensome for local authorities than gathering a whole new evidence base would be. However, the Government considers that local authorities are best placed to determine the type and level of evidence of need in their area.

Government intends to abolish the regional planning system to put control back into the hands of local authorities. The draft policy on which Government consulted, therefore, asked local councils to plan for “**local need in the context of historical demand**” with the duty to cooperate being the key mechanism through which the strategic element of local planning would occur. However, consultation responses sought clarification of this phrase. Views were expressed by a number of local councils and traveller representatives that this policy could discourage effective joint working between councils and lead to inequitable distribution of sites between councils, with those that had previously provided continuing to do so, while those that had not provided would be able to continue to not provide. The consultation, therefore, identified that this proposal presented a risk that some local planning authorities would not plan for sites, which would in turn lead to undersupply and have significant impacts for traveller communities and resources and land pressure for local planning authorities that do plan.

In response to these comments, to support strategic working within local planning, the Government has amended the final policy so local authorities are asked to plan for local need but the importance of working together across boundaries is also stressed, in line with the new duty to cooperate. The final policy emphasises the need for local authorities to work across boundaries to ensure redistribution of provision of sites. The Government believes that this will

ensure local planning authorities properly plan for current and future need, using robust evidence. The final policy also references the duty to cooperate.

The responses to the consultation showed general support for bringing forward land in the planning system, for at least the first five-years, and many local planning authorities supported the **five-year land supply policy**. Some travellers said that the supply should be frontloaded in the first year, given the historical lack of sites. Some local planning authorities commented that there should be a one-off five-year supply but no rolling supply because need would be largely met after five years.

Some local councils commented about the necessity and practicality of bringing forward a five-year land supply and the resource required to do this. However, local councils are already under a legal duty to assess traveller housing needs and have been asked to bring forward land under previous policies. Some comments were expressed over how a five-year land supply would work in practice given the different ways in which traveller sites can come forward. Some respondents said that a definition of “deliverable” land supply would help. Some asked for guidance in the policy on identifying deliverable sites. Some felt that criteria-based policies, if constructively developed and applied, would be more effective than demonstrating a five-year land supply. Other comments were that local councils would merge traveller land supply sites with housing land supply sites (in other words, the same land would just be set aside for either) which would risk pricing travellers out of the market.

The Government has considered the range of comments on this policy. It has concluded that the final policy should require local planning authorities to plan for a five-year supply of land for traveller sites. It is very important that local planning authorities plan for the future of their communities, including travellers, and identifying land is a reasonable policy in this context and the Government is committed to aligning planning policy for traveller sites with that for housing, where practical. If need has been met then this will be shown in local authorities’ robust assessments and there will consequently be no requirement to bring forward land in that particular case. There is a definition of “deliverable” in the policy. This definition is consistent with that set out in the National Planning Policy Framework and states that to be “deliverable” the allocations should be “suitable”, “achievable” and “available” for use as a traveller site.

The housing policy in the National Planning Policy Framework asks local authorities to have an additional buffer of five per cent (moved forward from later in plan period) and where there has been a record of persistent under deliver of housing, to increase the buffer to 20 percent (moved forward from later in the plan period). This has not been applied to the traveller site policy. The requirement to have a five-year land supply for traveller sites, unlike the requirement to have a five-year land supply for housing, is new. In addition, some consultees commented that the way in which land comes forward for traveller sites is different to that for general housing. The Government does not, therefore, think it is appropriate to apply the buffer policy to traveller sites.

**Travelling Showpeople** were worried their needs would not be addressed and that their site targets and land supply would be merged with the different needs of Gypsies and Travellers. However, the policy is clear that specific land for traveller sites should be identified. In light of the consultation response, wording has also been added to clarify that travelling showpeople site targets and land supply should be separate from that for gypsies and traveller sites. In addition, roughly equal numbers of local councils said “yes” to support of the policy as said “no”, with a fewer number not expressing an opinion either way. Travellers supported the approach more (over 80 per cent said “yes”) and feel that criteria-based policies have been overly restrictive in the past.

Support was generally shown for the new emphasis on local councils **consulting with settled communities** as well as traveller communities (more than sixty per cent of respondents supported the proposal). Some traveller representatives supported this policy because they

thought that any forum that would help open up communication channels between settled and traveller communities was good. However, some of those representing travellers commented that a false impression could be created that settled communities had the right to veto development and thus increase tensions when they realised this was not possible. Others, like some local government respondents, were supportive saying that if settled communities could say *where* they wanted sites and travellers could say *why* they want them in a particular location this would be beneficial. Some commented that this forum could result in confrontational events or the settled community believing they have a right to veto development. Others commented that a requirement to consult already exists or that of most importance was the need for local authorities to consult traveller communities. Others particularly commented that local authorities are not always good at engaging with traveller communities relative to settled communities and that there should also be emphasis placed on better engagement with travellers.

On balance, the Government believes that the best way to try and reduce tension is to retain the emphasis on early and effective community engagement with settled as well as traveller communities. Engagement does not mean communities have an automatic right to veto development. The Government wants instead to give communities a much greater say on what gets built in their areas but needs to make sure the right balance is struck between conservation and growth, with an appropriate fit with local and national planning policy. This policy also sits in the context of the support that it is providing towards training programme run by the Local Government Group. The Government is contributing £50,000 to support funding from Local Government Improvement and Development and the Homes and Communities Agency. This aims to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites. The Government has identified a broader shortcoming in the planning system that needs to be addressed – a lack of meaningful public participation in planning. The Government's view is that too often, the planning system (such as the previous system of regional strategy housing and traveller pitch targets) sets communities against development of all kinds. The evidence of inquiry by design in this country, and other models of getting people involved on the continent, suggest that early involvement in the decision-making process means people are more likely to be supportive of local development. The more people participate, the more likely it is that development will take place. Such engagement accords fully with the Government's localism agenda by maximising the opportunity for communities to be involved in the planning process. However, the Government has considered the comments and has amended the final policy to stress the importance of effective consultation with traveller communities. The policy will emphasise that local authorities should obtain a balance of views to enable them to make their decisions and will reduce opposition to development based on misunderstanding and lack of information.

Some travellers have argued that there is evidence to show the **existing circulars are working** and, if given more time, would continue to work more effectively and, therefore, wanted to keep the circulars. Traveller communities said that having a robust policy that ensures the provision of sites will result in additional social benefits for travellers in terms of access to education, healthcare and employment. There were comments that the policy will reduce the number of authorised traveller sites which will, in turn, increase the number of unauthorised sites. They highlighted that this would have significantly negative impacts on travellers including on travelling showpeople and also on local councils in having to enforce against unauthorised development. However, as seen above, rates of provision would be likely to decrease if the circulars were retained given the broader reforms to the planning system.

There were comments from some travellers that they have a **lack of resource to engage in multiple examinations in public** at local level and that examination involvement is crucial to ensure need is properly assessed, as shown by regional examinations. They argued that this would be exacerbated by the removal of the Gypsy and Traveller Accommodation Needs Assessments reference and the lack of emphasis of the need for local authorities to work together across boundaries, which, they felt, would lead to individual planning decisions being at greater risk of challenge.

There is clearly some involvement already by travellers and those supporting them in the Local Plan process. In addition, the Government believes that removal of the reference to historic need from the final policy in favour of the emphasis on working together will help ensure a common evidence base. The duty to cooperate will ensure local authorities work together on strategic matters in their plans. The duty is referenced in the final policy. The Government, along with the Homes and Communities Agency, is also contributing to training run by the Local Government Group to raise awareness amongst councillors of their leadership role in relation to traveller site provision and planning applications for sites. This will support the move to the new planning system.

Some local planning authorities questioned some of the assumptions in the impact assessment on the **likely familiarisation costs** and the potential benefits to local planning authorities as a result of the streamlined policy. The relevant assumptions and estimates made in this impact assessment have been revised since the consultation stage impact assessment in light of responses to that consultation.

Some respondents considered that the six-month **implementation period** proposed to enable local planning authorities to get in place a five-year supply of sites before the consequences of not doing so (giving significant material consideration to applications for the grant of temporary permission) come into effect was either too short (mainly local planning authorities) or too long (mainly travellers).

Travellers generally wanted the implementation period to remain the same or be shorter. They felt there is a risk that a longer implementation period would lead to a greater risk of short-term reduction in sites through the absence of the "significant material consideration" policy during that time. There is a possible risk, if treated in isolation from wider measures being taken by the Government, of a short-term increase in unauthorised sites during the implementation period of the policy and some respondents representing travellers wanted there to be no implementation period at all. The consequences of short-term increase in unauthorised sites could be poor living conditions for travellers, increase in enforcement for local planning authorities and police, and increased tension.

Conversely, some local authorities commented that a six-month implementation period would be insufficient time for them to get in place their targets and land supply for sites, particularly if they are not well advanced on their Local Plan preparation. Some asked for as long as two years to do this. However, local authorities are under a legal duty to assess needs and should, therefore, have a good idea of their requirements. They should also have already been bringing forward land in the planning system under previous policies.

On balance, the Government has decided to increase the implementation period to allow 12 months before "significant material consideration" comes into effect to ensure that there is time to put plans in place to support a proper plan-led approach to development that will make development of sites more likely once they are identified in plans. The Government does not want to extend the period further given the existing requirements to assess need and bring forward land. In addition, the publication of the draft policy on 13 April 2011, giving a clear steer on Government's policy intentions, means that local authorities will have had nearer 24 months to put in place their land supply. It is anticipated that the potential risks of short term decrease in site supply will be mitigated given the wider measures being taken, the presence of wider policy on temporary permissions, and the changes made to the policy as a result of consultation – these include the Traveller Pitch Funding, the New Homes Bonus, the introduction of the duty to cooperate, and increased emphasis on local authorities working together. In addition, the policy on temporary permissions set out in wider policy (*Circular 11/95: The Use of Conditions in Planning Permissions*) will still be in place. This states that a temporary permission may be justified for a development if it is expected that the planning circumstances will change in a particular way at the end of the period for which a temporary permission is being sought. (This issue was discussed more fully in the "Risks for Option 3" section.)

The draft policy published for consultation asked local authorities to “consider favourably” applications for a temporary permission if they do not have an up-to-date five-year land supply once the implementation period is over. This was a change from the wording in the current circulars. Some travellers called for the wording in the current circulars to be carried into the new policy – this asked that “substantial weight” be given if need had not been met and they felt that this would be stronger. The text in the final draft has been altered to say that lack of land supply “should be a **significant material consideration** in any subsequent planning decision”. This reflects wording suggested by a local government respondent. There were mixed responses from local planning authorities. Some supported the “consider favourably” policy while others considered it too prescriptive. Some did not support this policy because they did not support the five-year land supply policy or six-month implementation period on which it is based although they were still content for there to be consequences in terms of favourable consideration for those that did not plan properly.

The Government has considered the proposed wording. Their assessment is that the three different phrases have the same effect in practice – that is, if local planning authorities cannot demonstrate an up to date five-year supply of deliverable sites, this is a matter of significant weight in favour of granting a temporary permission. In effect, therefore, this is not a policy change. There were also calls for the “consider favourably” policy to be applied to permanent permissions for sites. However, the significant weight being applied only to temporary permissions is held over from the current circulars and does not, therefore, represent a policy change. This policy operates in addition to (and not instead of) the presumption in favour of sustainable development, set out in the National Planning Policy Framework. This means that a lack of five-year land supply may be relevant to the granting of a permanent permission as well as counting as “significant” in relation to a temporary permission. On balance the Government concludes that these policies when considered together do not create a disadvantageous position for travellers.

Much development under the current circulars has not been in appropriate places but has instead been on **Green Belt**. Data from the Planning Inspectorate suggests that between 2006 and 2009 60 per cent of planning appeals for traveller site development in the Green Belt were allowed. This is compared to just 19 per cent over the same period for minor housing<sup>1</sup> appeals.

Many respondents (more than 50 per cent) agreed with the proposal to amend the wording in relation to development in Green Belt, this would ensure consistency with the National Planning Policy Framework. Some traveller representatives questioned the evidence that suggests that it is easier for travellers to get planning permission on appeal for development in Green Belt than it is for the settled community because most permissions given on traveller sites were temporary and designed to be a stop gap until land came through in Local Plans. Some quoted only 17 per cent of traveller site appeals in one study being given permanent permission on appeal. They say this shows that local authorities make the wrong decisions and will not grant permission. They also argue that local authorities do not take land out of Green Belt in plans to build traveller sites, as they do for housing. They argue that this, along with higher rates of homelessness than those of the general population, shows that travellers have to fight for their right to a home rather than that they are benefiting from special treatment. There was, therefore, comment from some members of traveller communities, who believed that the changes from the current circulars will make it harder for sites to be provided in the Green Belt. In relation to Green Belt policy, additional flexibility was wanted by some local planning authorities to allow them to grant temporary permissions in Green Belt.

The Government does not believe that inappropriate development in Green Belt should be allowed and is not, therefore, going to increase the flexibility of local planning authorities to

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<sup>1</sup> “Minor housing” is defined as development of 10 dwellings or less.

grant temporary permissions for traveller sites in Green Belt. The Government is also committed to ensuring fairness in the planning system. The alignment of the new traveller site policy with general Green Belt policy clarifies the broader Green Belt policy in which traveller sites sit and thus the inappropriateness of traveller sites and most forms of development in Green Belt and 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. Impacts of a reduction in Green Belt land relative to the counterfactual are therefore outweighed by the benefits of a planned system in which appropriate land is identified through plans. Giving more discretion on development of traveller sites in Green Belt would be a change of policy that would impact upon the fundamental objectives of the Green Belt and conflict with the wider policy on this set out in the National Planning Policy Framework.

Some traveller representatives also commented on the proposal to strengthen the wording of traveller site planning policy in relation to the **countryside** by stating that development in open countryside should be “strictly limited” and by removing wording that says that sites are suitable in some countryside areas. Some commented that the policy in relation to the development in the open countryside would make it more difficult for them to get planning permission for sites in the countryside and that this would lead to increased costs. Some felt that there would have to be some sites in the countryside given the lack of previous supply, that travellers were generally a rural group and that if travellers were pushed closer to settled communities that aren’t always welcoming, community tension could increase. Some, therefore, wanted the removal of “strictly limit” and inclusion of words in current policy that make it clear that some development is acceptable in the countryside.

The Government has considered these comments and has decided to keep “strictly limit”. The Government recognises that traveller sites are often in rural or semi-rural locations and that this reflects some cultural links between travellers and the countryside. However, the Government’s policy objective is to protect open countryside from development of traveller sites or housing. Government believes that it is important that development should not take place at the expense of the environment. In addition, there are many examples of traveller sites and travellers being well integrated with local settled communities. The policy therefore clarifies that, on a similar basis on housing in the countryside, local planning authorities should strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan. The Government, therefore, considers that the strict limit on rural development is proportionate.

In the countryside policy for housing in the National Planning Policy Framework, there are examples of special circumstances in which local planning authorities may allow new isolated development in the countryside. These have not been included in the traveller site policy because they relate to nature of built housing and, therefore, do not have an equivalent and are not relevant in terms of traveller sites.

There was general agreement about the proposal to **align planning policy** on traveller sites more closely with that for other forms of housing, where effective, to help mainstream and reduce perception of unfair treatment. There were some comments that equality would not necessarily be achieved by treating people equally if they had different needs. Some travellers commented that fairness is not created by treating people the same if they do not start on a level-playing field (rates of homelessness were noted to be higher for traveller communities than the general population) and, therefore, attempts to align traveller site and housing policy starts from a base that is unequal. There were also comments that the policy is being replaced, in part, on the basis of a *perception* of unfairness.

The Government recognises that the accommodation needs of the settled community and traveller communities can be different and should be dealt with differently where appropriate. That is why it is ensuring that there is a specific planning policy for provision of traveller sites. The Government is only aligning policy where it thinks it is effective to do so. For example, it

wants to continue to have a planning policy for traveller sites at present because it believes that the distinct land-use needs of travellers would be lost within mainstream housing policy if policy was removed at present. The Government also recognises the problems experienced by members of traveller communities. That is why it has set up its Ministerial Working Group on Preventing and Tackling Inequalities Experienced by Gypsies and Travellers. However, the Government also believes that perceptions are themselves important and that perceptions of unfairness can, therefore, result in detrimental tensions between settled and traveller communities. The Government, therefore, will continue with its policy of aligning traveller site policy with that for housing, where it is practical, to help reduce tensions and streamline the planning system. Many respondents, including some travellers, also supported this mainstreaming approach to help reduce perceptions of differential treatment in the planning system.

The Government has also carried out a full equality impact assessment of its new policy and has concluded that there is no adverse equality impact of its policy.

## Travelling Showpeople

Consultees were asked whether they think the draft policy is likely to have any impact, positive or negative, on Travelling Showpeople as an economic group.

The Showmen's Guild of Great Britain had a number of comments about the impact on Travelling Showpeople. The Guild felt the changes to planning policy would have no benefits and instead will have a detrimental impact on the lives of Travelling Showpeople. They argued that the policy:

- will restrict their options and opportunities to find new and decent homes
- will lead to an increase in planning appeals and the costs associated with them
- will lead to a significant reduction in the short, medium and long term of new sites and thus an increase in homelessness

This was because they felt that:

- localism will not work to provide sites
- they do not have resource to get involved in Local Plans
- their particular land use needs may be lost by merging two policies into one document

The Guild's comments are based on their belief that the policy will not contribute positively to the supply of sites. They, therefore, believe that Travelling Showpeople will find it harder to gain new homes and homeless Travelling Showpeople (they quoted 35 per cent of total showpeople as identified in the Gypsy and Traveller Accommodation Needs Assessments) will also struggle commercially as they need a settled base. The comments of The Guild are addressed below.

The Guild believes that there are **merits to option 1 (do nothing) or merits to just amending and shortening Circular 04/2007** because they argue that the circular was beginning to have positive effects. The Guild has questioned the evidence base relied upon in arguing that the extant circulars have not worked. The Guild commented that the caravan count figures relied on in the evidence base actually show a 15 per cent increase in the number of authorised "gypsy and traveller" sites in the four years since Circular 01/2006 was published.

The issue of figures has been dealt with (see section on "The effectiveness of current policy"). It should also be noted that Travelling Showpeople sites were not included in the Caravan Count until July 2011 so the figures discussed apply only to gypsy and traveller caravan sites.

In addition, as explained above, Option 1 (do nothing) would not deliver the Government's overarching policy aim of 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 Government intends to abolish regional strategies and the first stage has been completed through the introduction of the Localism Act. If no changes to planning policy for traveller sites are made there will be no policy that says local authorities should set targets for the provision of pitches/plots. The Government believes that without targets, there is a significant risk that some local planning authorities will not make provision for pitches/plots where there is need. This situation would have an extremely detrimental impact on the provision of authorised sites for travellers to facilitate the traditional and nomadic way of life of these groups, and on Travelling Showpeople as an economic group. The Government, therefore, believes that there is a need for a new planning policy for traveller sites that has been updated to reflect the ongoing decentralisation reforms to the planning system.

The Guild also commented that the policy was being revised because of a **perception of unfairness and the data used to evidence unfairness**. It questioned the interpretation of data from the Planning Inspectorate that suggests that between 2006 and 2009, 60 per cent of planning appeals for traveller site development in the Green Belt were allowed, compared to just 19 per cent over the same period for minor housing<sup>2</sup> appeals. The Guild believes that a more relevant figure is that over 70 per cent of successful planning applications from Travelling Showpeople are actually granted by the Planning Inspectorate rather than at local authority level, whereas the figure for all other planning applications is that over 70 per cent of successful applications are granted at local authority level. It thinks that this shows that Travelling Showpeople have to fight for their right to have a home in which to live and are far from benefiting from special treatment.

The Government has had regard to these comments. However, it considers that a system in which planning permission is granted by local authorities and the number of cases going to appeal is reduced, will put decision making back into the hands of local communities and the democratic process. The Government wants a proper plan-led approach to development and believes that this policy, in the context of its wider reforms to the planning system of which it forms a part, will be more effective than current policy in achieving this.

The Guild commented that the changes proposed in the draft policy may reduce the amount of **land that is affordable** for Travelling Showpeople from being potentially usable as residencies and business bases for them. For example, it commented that the policy on Rural Exception Sites that states that these will not be appropriate for mixed residential and business sites, will make such sites unavailable for their use. However, the policy on Rural Exception Sites has not changed to that previously existing and set out in Circular 01/2006. The policy was, however, omitted from Circular 04/2007. There will therefore be no impacts on Travelling Showpeople as an economic group in this respect because there has been no policy alteration.

The Guild commented on the proposal to **streamline planning policy** by combining policy for travelling showpeople sites with that for gypsy and travellers sites. It highlighted its preference for a separate planning policy document for Travelling Showpeople. However, it agreed that there are benefits to reducing the number of planning documents, and that there could be benefit in one document for gypsy and traveller and travelling showpeople sites subject to conditions.

The Guild requested that **the name of the document should be amended** to *Planning for Gypsies, Travellers and Travelling Showpeople*. However, there does not seem to be any reason why this would make a difference in planning terms to the effectiveness of the policy. The definitions of "gypsies and travellers" and "travelling showpeople" for the purposes of planning have not been amended from those set out in Circular 01/2006 and Circular 04/2007 and are clearly

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<sup>2</sup> "Minor housing" is defined as development of 10 dwellings or less.

included in the policy. The proposal to retain these definitions was supported by the majority of respondents to the consultation, including the Guild.

The second condition requested is that the planning policy **should be structured differently** and as follows: a) introduction and context of homelessness for the traveller communities and the Government commitment to resolving this; b) general planning points common to all communities; c) specific section on planning for Gypsies and Travellers; d) specific section on planning for Travelling Showpeople highlighting traditions, requirements and circumstances.

However, as highlighted, the Government has consolidated and streamlined the circulars into a shorter single planning policy to: 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 so that planning policy documents contain only policy; and remove unnecessary context so that planning policy documents contain only policy. The Government does not consider that planning policies are the right places for the above and has followed this approach in the National Planning Policy Framework. The objectives of the policy are clear, and where there are policy requirements specific to one particular group, the policy has made this clear. For example, The Guild commented that there has been no differentiation in target setting for gypsies and traveller sites and travelling showpeople sites which, it believes, implies that local authorities will set one “need” figure for travellers in their Local Plans and all pitches and plots will be considered against that one figure. In response to this, the Government has added wording to the final policy to clarify that travelling showpeople site targets and land supply should be separate from that for gypsies and travellers.

The Guild commented on the proposal to **remove specific reference to Gypsy and Traveller Accommodation Needs Assessments** and instead refer to a “robust evidence base”. It provided evidence of some local planning authorities consistently refusing to accept any need despite the presence of Travelling Showpeople in the area and the outcome of the needs assessments proving a need. The Guild commented that such behaviour could become the norm without clear Government guidance and a requirement to have proper needs assessments.

However, the Government is not changing the Gypsy and Traveller Accommodation Needs Assessment process itself. Local housing authorities are still under a statutory duty to assess need and the changes to planning policy will not alter that. The Government has also not abolished the Gypsy and Traveller Accommodation Needs Assessment guidance. The Housing Act 2004 still says that local authorities should “have regard” to any guidance issued and the issuing of this guidance again sits outside planning policy. What the Government is doing is removing reference to this specific needs assessment process and associated guidance in its planning policy. This is because it is of the view that local authorities are best placed to determine how to assess housing needs, including traveller site provision, in their local areas depending on local circumstances, and to use this evidence to set targets for pitch/plot provision for the purposes of planning policy. This will be achieved by removing central direction on the evidence base and method to be used by local authorities.

The Guild also commented that they do not have the **resource to scrutinise every Local Plan** (there are 326 local authorities in England) rather than the much smaller number of regional strategies in which targets were previously set, in the absence of central guidance. They questioned the conclusion in the consultation document that travellers can participate in the Local Plan process on the basis of evidence that The Guild participated in the Gypsy and Traveller Accommodation Needs Assessment process. They felt that without central guidance on how need would be evaluated, they would not be able to challenge the figures at examination effectively. The Guild explained that this was because under the old system it was recommended that the Guild was specifically invited. The Guild also commented favourably on the old regional strategy process in which they felt examinations in public established a clear format in which they could work.

However, as seen, neither the central guidance related to the statutory needs assessment process nor the process itself is being altered. The framework for creating further regional strategies has been abolished by the Localism Act so a new process for assessing need for the purposes of planning and setting targets is required that fits within the localist planning agenda and its wider supportive measures (such as the New Homes Bonus) that is being put in place. The new policy provides this. The legislative requirements in place will ensure that local authorities properly assess the accommodation needs of travellers. The duty to cooperate and addition in the final policy of reference to the importance of local authorities working together across boundaries will ensure a common approach is taken without the need for the publication of further guidance, the reduction of which is part of the Government's streamlining and localism aims for the whole planning system. Local planning authorities have to demonstrate compliance with the duty to cooperate as part of the examinations of their Local Plan. If they cannot demonstrate compliance, they may fail the examination process.

The Guild agreed that where need has been identified, local planning authorities should set **targets** for the provision of sites in their local planning policies.

The Guild also supported the proposal that local planning authorities should plan for "**local need in the context of historical demand**" but asked for clear guidance on the definition of historical demand to ensure clarity. As explained, comment was given on this proposed policy by a number of local planning authorities and traveller representatives on the basis that it could be interpreted widely, could discourage effective joint working between authorities, could lead to inequitable distribution of sites amongst local authorities and could lead to "no-go" areas for travellers. In response to these comments, the Government has removed the reference to historical demand so that the policy focuses on current local need but in the context of local authorities working together across boundaries. In addition, the introduction of the duty to cooperate will ensure that local authorities work together on strategic matters in their Local Plans. The duty is also referenced in the final policy.

The Guild also commented that local authorities should be publishing clear and concise guidance with **criteria** that can be used to assess applications for traveller sites. The draft and final policy contain a policy that asks local planning authorities to set criteria against which land supply allocations can be judged and to also use this to determine planning applications for sites.

The final policy states that criteria should be fair. Wording from the consultation draft that said that, in producing their Local Plan, local planning authorities should allow for provision to be made for other family members who may not themselves physically move their accommodation onto the site, has been removed. This is because, on reflection, the Government feels that this wording only addresses one aspect of criteria in plans that it would find unacceptable because they would be discriminatory towards travellers. Instead, a more encompassing requirement has been included in the policy, which makes it clear that criteria-based policies should be fair and should facilitate the traditional and nomadic life of travellers, while respecting the interests of the settled community. This approach recognises the particular needs of travellers where criteria based policies are adopted.

The Guild strongly supported the proposal to require local planning authorities to plan for a **five year supply of traveller pitches/plots**. However, it commented that 35 per cent of Travelling Showpeople are effectively homeless and suggested therefore that the five-year supply be frontloaded with 50 per cent of it being allocated in the first year of delivery and the balance spread over the remaining four years. The policy is clear that one of the Government's objectives is to "increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply" and the Government wants local planning authorities, not central Government, to decide how to plan for a five-year supply of traveller pitches/plots based on robust evidence of their own assessment of need in their area. The final policy makes it clear that the five-year supply is to be updated annually. The housing policy in the

National Planning Policy Framework asks local authorities to have an additional buffer of five per cent (moved forward from later in plan period) and where there has been a record of persistent under deliver of housing, to increase the buffer to 20 percent (moved forward from later in the plan period). This has not been applied to the traveller site policy. The requirement to have a five-year land supply for traveller sites, unlike the requirement to have a five-year land supply for housing, is new. In addition, some consultees commented that the way in which land comes forward for traveller sites is different to that for general housing. The Government does not, therefore, think it is appropriate to apply the buffer policy to traveller sites.

The Guild commented on the proposal to amend wording in relation to **Green Belt** so it is consistent with that which was set out in Planning Policy Guidance 2: *Green Belts* and is now in the National Planning Policy Framework. They commented that Travelling Showpeople do not start from a position of equality with the settled community and that land that could otherwise be used for residential development is priced out of the reach of Travelling Showpeople unless they can build in Green Belt. The Guild also commented that it is opposed to the policy that in future the only new sites accepted in the Green Belt will be those identified by local authorities in the local planning process and not from individual planning applications. The Guild believes that the wording in Circular 04/2007 relating to special circumstance of applicants being assessed against the Green Belt should be retained.

As noted above, although the wording has been amended in this respect, the policy in relation to development in the Green Belt is to clarify that traveller sites in the Green Belt are inappropriate and are subject to the same considerations that apply to other types of development in the Green Belt, as set out in the National Planning Policy Framework. The Government does not believe that inappropriate development in Green Belt should be allowed and is not, therefore, going to increase the flexibility of local planning authorities to grant permissions for traveller sites in Green Belt in this policy. The policy on “special circumstances” that is set out in the National Planning Policy Framework is not being altered by this policy. This says that very special circumstances have to be demonstrated to allow development in Green Belt and show it outweighs the harm to the Green Belt and this applies to traveller sites. There is no need to include this in the traveller planning policy.

The Guild supported the principle of **aligning planning policy for traveller sites more closely with that on other forms of housing** but commented that it would like a policy established that makes a presumption of granting permission and commented that the policy is based on a “perception” of unfairness. The Guild would like a principle established that states that there is a crisis in housing for Travelling Showpeople and that local authorities should take positive steps to rectify this. However, as noted above, the Government’s overarching objective is clear – to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The policy makes clear that one of the Government’s objectives for planning is to increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. The final policy is to be read in conjunction with the National Planning Policy Framework and the presumption in favour of sustainable development set out within that document.

The Guild supported 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.

The Guild also supported the proposal for local planning authorities to give **significant weight** to any lack of five-year land supply when considering applications for the grant of temporary permission but commented that the settled community may believe they have a right to veto development.

However, the Government is clear that its localist planning reforms are about promoting a more collaborative approach to planning. The policy is one of consultation, not veto. The evidence above highlights that local people need to have confidence in the decision making process otherwise they will not engage and this could result in opposition. The public also need to feel that plans have been developed in the best interests of their community by those they trust to act in the community's best interests. The evidence suggests that plans therefore need to be developed locally and have a high degree of civic participation. When communities are informed and engaged in planning decisions, better outcomes can be achieved.

The Guild felt the proposed **implementation period** was too long and should be reduced to three months on the basis that local authorities were already required to develop Local Plans reflecting local need. Conversely, some local authorities commented that a six-month implementation period would be insufficient time for them to get in place their targets and land supply for sites. Some asked for as long as two years to do this.

The Government recognises that local authorities are under a legal duty to assess needs and should, therefore, have a good idea of their requirements and should also have already been bringing forward land in the planning system under previous policies. That said, the Government has extended the period to 12 months to allow councils to put their five-year land supply in place. Five-year land supply is a new requirement for traveller sites. Having considered the consultation feedback, the Government has allowed 12 months to give councils a reasonable opportunity to put the new supply in place. When a plan is adopted, there should be evidence in the plan to show that at the moment of adoption there is a five-year supply. However, before a plan is adopted, or when the five-year supply is updated annually after a plan is adopted, an up-to-date five-year supply is maintained through annual monitoring (and is usually published in an annual monitoring report). Local planning authorities require time to gather evidence and assess sites for their deliverability. This will promote a plan-led approach and the provision of traveller sites. If local authorities have time to put their land supply in place, they will be more likely to be able to grant permanent planning permission. The Government believes that this implementation period strikes the best balance between the need to give local planning authorities time to prepare and the need to avoid unnecessary uncertainty for travellers.

The Government is not, however, extending the period further given the existing requirements to assess need and bring forward land. In addition, the publication of the draft policy on 13 April 2011, giving a clear steer on Government's policy intentions, means that local authorities will have had nearer 24 months to put in place their land supply. The Government believes that this implementation period strikes the best balance between the need to give local planning authorities time to prepare and the need to avoid unnecessary uncertainty for travellers.

The Guild commented that the £50k towards training for local authorities will make little difference when divided between all local planning authorities. However, the Government is only one of three contributors to this programme. The Local Government Group and the Homes and Community Agency are also providing resource.

The Government believes it has addressed the pertinent comments **of The Guild** and that its policy will enable local authorities to plan effectively for sites for Travelling Showpeople. A number of other consultees have said they think the policy may have a positive impact on Travelling Showpeople as an economic group.