

Supplementary Council Agenda



Epping Forest District Council

Council Tuesday, 28th June, 2011

Place: Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Committee Secretary: Council Secretary: Ian Willett
Tel: 01992 564243 Email: iwillett@eppingforestdc.gov.uk

19A Communities and Local Government Consultation - Planning for Traveller Sites (Pages 3 - 20)

To consider the attached report.

In accordance with Council Procedure Rule 2.1(xiv) and section 100B of the Local Government Act 1972, the Chairman has deemed this matter urgent business in order to meet the timescale for responding to the consultation exercise.

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Report to Council

Date of meeting: 28 June 2011

Report of Planning Scrutiny Standing Panel

Subject: CLG Consultation – Planning for Traveller Sites



Chairman: Councillor Hal Ulkun (At the request of the panel the report to be presented by Councillor John Philip (Planning and Technology Portfolio Holder))

Recommendation:

That the response to the consultation as set out in the Appendix to this report be agreed

Introduction

1. At its meeting on 14 June 2011, the Planning Services Scrutiny Standing Panel considered the Communities and Local Government consultation paper on Planning for Traveller Sites. The Panel agreed responses to the questions posed in the document which are set out in the Appendix to this report.
2. Normally responses to consultations are considered and agreed by the Overview and Scrutiny Committee and that Committee has delegated the Planning Services Scrutiny Panel to comment on appropriate consultations if the timescale does not allow for the matter to be brought before the Committee.
3. The timescale for responding to this consultation exercise does not allow for the matter to be brought before the Overview and Scrutiny Committee. However, having regard to the importance of this consultation the Planning Scrutiny Panel rather than submitting its comments direct resolved that, subject to consultation with the Chairman of the Overview and Scrutiny Committee, a report be made to the Council by the Planning and Technology Portfolio Holder recommending adoption of the Panel's recommendations. The report to the Panel is set out below.

Context

4. The consultation, which runs for 12 weeks from 13th April to 6th July, is essentially about a draft Planning Policy Statement (PPS) (Planning for traveller sites), which is intended to replace Circulars 01/2006 and 04/2007 (Planning for Gypsy and Traveller Caravan Sites, and Planning for Travelling Showpeople). There are 13 questions associated directly with the content of the PPS, and a further 15 specific questions related to the consultation stage impact assessment, mainly to do with the costs and benefits associated with 3 options. For ease of reference, the questions with draft responses are included as an appendix to this report. There are also 7 general questions about the impact assessment (page 26 of the consultation document), but officers have not chosen to respond to these directly, believing that responses to

other questions tend to address the issues raised.

5. The draft PPS states that ‘the Government’s overarching objective 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.’
6. The Government has made plain its intention to abolish Regional Spatial Strategies (eg the East of England Plan) and all associated housing and Gypsy Roma Traveller (GRT) pitch targets. This will take place when the Localism Bill is enacted in early 2012. The Government is also intending to replace all existing planning guidance (Circulars and PPSs) with a National Planning Policy Framework in April 2012 and this draft PPS has been written with that in mind.
7. The PPS aims to:
 - enable local planning authorities to make their own assessment of need for the purposes of planning and to use this to set their own targets for pitch/plot provision. (A “pitch” is defined as an area for residential use on a GRT site. “Plot” refers to an area for mixed use (eg residential and equipment storage) on a travelling showpeople site);
 - encourage local planning authorities to plan for sites over a reasonable timescale;
 - protect Green Belt from development;
 - ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
 - promote more private site provision while recognising that there will always be some travellers who cannot provide their own sites;
 - reduce the number of unauthorised developments (ie on land owned by travellers) and encampments (on land not owned by the travelling community), and make enforcement more effective – if local planning authorities have had regard to the PPS;
 - ensure that the development plan includes fair, realistic and inclusive policies;
 - increase the number of authorised traveller sites, in appropriate locations, to address under provision and maintain an appropriate level of supply;
 - reduce tensions between settled and traveller communities in plan making and planning decisions; and
 - enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; and
 - have due regard to the protection of local amenity and local environment.
8. The proposed changes are intended to:
 - Increase significantly the number of traveller sites in appropriate locations with planning permission in order to address under-provision over the next three to five years;
 - give local planning authorities the freedom and responsibility to determine the right level of traveller site provision in their area, and the powers to meet those needs, in consultation with local communities;
 - ensure greater fairness in the planning system, including greater consistency of decisions in the Green Belt;
 - encourage production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area;
 - align policy for traveller sites more closely with that for other forms of housing; and

- contribute to a more effective and streamlined planning system with which local planning authorities and developers can more easily engage.

Consultation Questions

Definitions

9. The PPS differentiates between “gypsies and travellers” and “Gypsies and Travellers”, the former being the non-ethnic planning description, and the latter denoting the recognised ethnic groups of Roma Gypsy and Irish Traveller heritage. Perhaps slightly confusingly the Government proposes to use the term “traveller” to combine the current planning definitions of “gypsies and travellers” and “travelling showpeople”. The first question concerns the retention of those definitions: Do you agree that the current definitions of ‘gypsies and travellers’ and ‘travelling showpeople’ should be retained in the new policy?
10. For the purposes of planning, “gypsies and travellers” means “persons of nomadic habit of life whatever their race or origin including such persons who, on grounds only of their own or their family’s or dependants’ educational or health needs or old age, have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.” In a similar fashion, “travelling showpeople” are defined as “members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who, on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age, have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.”
11. Officers believe it is sensible to retain both definitions because of the different land use requirements associated with the lifestyles of the two groups, but by only excluding the recognised ethnic groups from the definition of travelling showpeople, this seems to leave some uncertainty about others who may be included in the definition of “gypsies and travellers”.

Assessment of need

12. Local planning authorities have a statutory duty to assess accommodation needs of travellers as part of their wider housing needs assessments, and to take these into account in housing strategies in respect of meeting such accommodation needs. The PPS does not specifically refer to the guidance that sets out how needs should be assessed for the purposes of the Housing Act 2004 (the ‘Gypsy and Traveller Accommodation Needs Assessment’ (GTAA) guidance). The Government proposes to give local planning authorities the power to set their own targets for pitch/plot provision “based on robust evidence of local need in the light of historical demand”, but it does not consider it necessary to prescribe the type and volume of evidence required. This, and the conclusions and targets will be tested through the processes of consultation and Examination in Public (EiP) of the Local Development Framework (LDF).
13. The second and third questions of the consultation relate to assessment of need: Do you support the proposal to remove the specific reference to GTAAs in the new policy and instead refer to a “robust evidence base”?; Do you think that local planning authorities should plan for “local need in the context of historical demand”?
While officers understand the current Government’s concerns about reducing bureaucracy, the lack of reference to the GTAA could lead to the production of needs assessments of widely differing approach and quality. A more consistent nationwide approach should result in fewer successful challenges at EiP or other Planning

Inquiries.

14. Officers support the principle of planning for “local need in the context of historical demand” (subject to developing acceptable definitions for these terms), but are concerned about the advice in the draft PPS (para 20(e)) in relation to determining planning applications for traveller sites – “they should determine applications for sites from any travellers and not just those with local connections”. This seems to contradict the ‘local need’ approach and implies that permission could be granted for “non-local” travellers on some occasions. This is rather confusing and worrying, given the limited number of sites that may be available for future GRT use because of 94% Green Belt coverage of this district.

Planning for sites over a reasonable timescale

15. The consultation document presents evidence that local planning authorities have failed to address under-provision of authorised sites and will continue to fail to meet any targets over the next three to five years. An objective of the PPS is therefore to increase significantly the number of traveller sites in appropriate locations. The Government also wants local planning authorities to plan for a five-year supply of traveller pitches/plots, arguing that this “more reasonable” timescale will make delivery much more likely. The fourth and fifth questions of the consultation are:
Do you agree that, where need has been identified, local planning authorities should set targets for the provision of sites in their local planning policies?
Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?
16. This Council has increased the number of authorised pitches by 36 (from 72 to 108) in the period from January 2008 to the present, exceeding both the (soon to be abolished) EEP target of 34 new pitches by April 2011 and the GTAA figure of 32.4 pitches by 2013. (A more detailed report on the current situation in the district is being considered by District Development Control Committee on 29th June.) Officers are satisfied that, unlike the majority of local planning authorities, this Council can confidently state that these externally calculated targets for provision of pitches have been met, and that there is therefore no immediate need to make further general provision in this district. The issue will need to be addressed in the LDF, as part of the wider housing agenda, but officers are not convinced at this time that the Council has the resources to identify land already owned by the travelling community which may be the subject of future applications, or other potentially deliverable land which would meet the local needs of travellers, in order to develop realistic targets for future provision.
17. The recent experience of the public consultation on the Development Plan Document for pitch provision leaves officers in no doubt that identifying a five-year supply of sites for pitches or plots will be virtually impossible in this district, unless some publicly owned land in suitable locations becomes available. The Government has to accept that, for whatever reasons, there is strongly held and powerful suspicion and resentment of the travelling community by the settled community, not helped by adverse and unpleasant coverage in the local and national media. These feelings are long established and deeply held and will not be easily challenged or overcome. It will certainly require a concerted effort by Government, and regional and national agencies, and is a task well beyond the capabilities or resources of this Council.
18. In this district, the travelling community exists in discrete, if extended, family units, and there appears to be little interaction between separate families. They also tend to avoid contact with the Council and other agencies unless there is a need for particular services. This should not be taken as any sort of criticism – it is simply a reflection of

their chosen way of life which officers do their best to respect. But this means that gathering information to assess future needs for pitch provision is particularly difficult, unlike the situation regarding permanent housing where there are significant quantities of statistical records and other research. The Council was complimented by the Planning Advisory Service for the procedures it had adopted to contact the travelling community to engage in the consultation required by the Direction. This involved the preparation of DVDs which were distributed by specialist consultants who had local family connections with the travellers, coupled with interviews with a range of family members. A separate exhibition, by invitation only, was held for the travellers. This was extremely resource intensive and officers now believe that the particular specialist consultants have disbanded. Gathering new information from the community to gauge the need for a five-year supply of suitable sites will be a difficult, costly and time-consuming process, and the Council simply does not have the resources to deal with this in the context of all the other work associated with the preparation of the Core Strategy. For these reasons, officers are strongly of the view that the identification of a five-year supply of appropriately located and deliverable sites is wholly unrealistic and completely unachievable.

Protecting the Green Belt

19. The consultation notes that “there is a perception ... that currently policy treats traveller sites more favourably than it does other forms of housing and that it is easier for one group of people to gain planning permission, particularly on sensitive Green Belt land.” Circular 01/2006 states that new sites for Gypsies and Travellers in the Green Belt are normally inappropriate development. The definition of “appropriate development” in PPG2: Green Belts (revised March 2001) generally excludes housing except for limited infilling or limited affordable housing. In the interests of ensuring fairness in the planning system, the Government proposes to remove the word “normally” in relation to traveller sites in the Green Belt, so that the relevant policy (E) of the PPS will state “There is a general presumption against inappropriate development within Green Belts. Traveller sites in the Green Belt are inappropriate development, within the meaning of PPG2: Green Belts.” The sixth question of the consultation asks if the Council agrees with this proposed wording.

20. All the current traveller sites (authorised and unauthorised) in the district are within the Green Belt. Inspectors’ reports for appeals at Holmsfield and Hallmead Nurseries (2007 and 2009 respectively) concluded separately that the Council was likely to find suitable sites only in the Green Belt, mainly but not solely because of land value and residential amenity issues. It is also worth pointing out that 83 of the 108 authorised pitches are located in only 2 parishes (Roydon and Nazeing), and this does raise concerns about the provision of adequate support services, and in particular education. Officers agree with the proposed change of wording because this should “even things up” as regards permanent housing and traveller pitch applications in the Green Belt. (The point about “favourable treatment” was frequently raised during the recent public consultation for the identification of additional pitches in the district) They do not believe, however, that this will significantly affect the existing traveller sites. Successful applications have had to make a convincing case of very special circumstances and this approach will continue to be used for all future applications in the Green Belt. The change in wording, however, may make it more difficult to establish or justify completely new traveller sites in the Green Belt, which in turn will make it increasingly difficult for this Council to identify suitable and deliverable new sites. Officers are strongly of the view that “non-local” need, however that may be defined, should be directed to sites outwith the Green Belt. It will be interesting to see if the proposed change is considered at the resumed Inquiry (27th June) into The Meadows site at Bumbles Green.

Reducing tensions between settled and travelling communities

21. The Government proposes aligning planning policy on traveller sites more closely with that for other forms of housing – this includes the proposed change to Green Belt development outlined above, and the identification of five-year and up to fifteen-year supplies of land for pitches. This should achieve “fair play with everyone being treated equally and even-handedly”.
22. The consultation also suggests, in the interests of further reducing tensions, that local planning authorities need to pay particular attention to early and effective community engagement with both settled and travelling communities when formulating their plans and determining planning applications. The document states “The new focus on consultation with settled communities will increase meaningful public participation in planning, meaning people are more supportive of development. It will also enable local planning authorities to obtain a balance of views to enable them to make their decisions, and reduce opposition to development based on misunderstanding and lack of information.”
23. The 7th and 8th questions relate to these two proposals:
Do you agree with the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing?
Do you think the new emphasis on local planning authorities consulting with both settled and traveller communities when formulating their plans and determining individual planning applications will reduce tensions between these communities?
24. Officers certainly believe there are some advantages in bringing pitch provision considerations within the wider housing framework. One of the many disadvantages of the recent public consultation exercise was that it was interpreted as favourable treatment for the travelling community ahead of the growing need for affordable housing within the district. If pitch provision can be treated as, and accepted as, merely one element of the total housing agenda, this may help to reduce suspicion and mistrust. Officers remain convinced, however, that at least in this district it will be quite impossible to identify a five-year (or longer) supply of deliverable sites, so there will be limits to how closely pitch provision can be aligned with other forms of housing.
25. As regards the 8th question, officers feel it is particularly important that the Government and its civil servants are made fully aware and understand the experiences of, and outcomes from, this Council’s recent public consultation exercise. There may be a distinction to be drawn between a Direction with imposed top-down targets and the processes that are outlined in the draft PPS, but it is unlikely that this will be recognised or accepted by the settled community in this district in the foreseeable future. The consultation created immense resentment amongst local residents and particular concern for potentially affected landowners and their neighbours. This in turn resulted in a relentless avalanche of requests/questions for Forward Planning staff and Members, coupled with the formation of several new residents’ groups several of which quickly networked. This deep resentment and suspicion linger within the settled community, and officers have been made aware of concerns from some groups about the current CLG consultation. In this context the 8th question is preposterous – any consultation will simply inflame the bad feeling and mutual mistrust which regrettably persist in this district.

Transitional arrangements

26. The PPS asks planning authorities which do not have a five-year supply of pitches/plots to “treat favourably” applications for temporary permission. This again aligns pitch provision policy more closely with that for permanent housing. The consultation suggests that there will be a “reasonable period of time” to establish the

five-year supply, before the consequences of not planning to meet need come into force. There are three questions associated with these transitional arrangements: Do you agree with the proposal that asks local planning authorities to “consider favourably” planning applications for the grant of temporary permission if they cannot demonstrate an up-to-date five-year supply of deliverable traveller sites to ensure consistency with PPG3: Housing?

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

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

27. For reasons outlined earlier, officers do not believe it will be possible to identify a five-year supply of deliverable sites in this district. They therefore believe that the answer to the first of these three questions should be “No”, because it is reliant on something which cannot be achieved.
28. The second of the three questions is astonishingly naïve. As is obvious from above, the allocation of sites for traveller pitches is very controversial in this district and the procedures would be complex, subject to much objection, and consequently be very lengthy, even if agreement could eventually be achieved (and officers remain very dubious about this last point). The suggestion that six months is a “reasonable” time period is quite nonsensical. It would also appear to repeat the risk of being seen to address provision for Gypsies and Travellers ahead of the housing needs of the settled community – another issue which caused resentment during the public consultation for the Direction.
29. Members should also appreciate that the Issues and Options consultation for the Core Strategy is programmed for this autumn, and this will fully use the resources of the Forward Planning team which is currently short of two members of staff. Trying to deal with identifying a five-year land supply for gypsies would jeopardise the more important task of moving ahead with the Core Strategy – an unfortunate and unnecessary repeat of the problems caused by the Direction, which severely disrupted other Forward Planning work.
30. As regards other comments, officers believe the Government should be thinking again about five-year land supplies. This Council’s recent record of increasing the number of authorised pitches probably cannot be matched anywhere else in the country, let alone the East of England. This indicates that a criteria based policy, reasonably applied, can meet the needs of the travelling community, even in areas of development restraint, if applications are professionally prepared and supported by adequate justification. There can be little doubt, however, that the increased protection to the Green Belt (which covers 94% of this district) will make it increasingly difficult, if not impossible, to identify new deliverable sites.

Consolidating and streamlining policy

31. The Government believes that the PPS will be a shorter and clearer statement of policy than the two Circulars it is proposed to replace, and hence will contribute to a more effective and streamlined planning system with which local planning authorities and developers can more easily engage. The last two consultation questions are: Are there any other ways in which the policy can be made clearer, shorter or more accessible?
Do you think that the proposals in this draft statement will have a differential impact, either positive or negative, on people because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation? If so, how in your view should we respond? We are particularly interested in any impacts on

(Romany) Gypsies and (Irish) Travellers.

32. In answer to the first question, officers feel that definitions of the terms “local need” and “historical demand” would help local authorities to have a consistent basis from which to calculate future pitch targets. This could also address the confusion that appears to exist between these terms and the guidance for determining planning applications (see para 11 of this report). The PPS also proposes the use of a “Rural Exception Site Policy” where there is a lack of affordable land to meet local traveller needs, but it is not clear whether the Government thinks that this would be an acceptable approach in the Green Belt, where the emphasis has been to add traveller sites fully to the definition of inappropriate development.
33. Officers believe that the GRT community will be adversely affected by the proposed changes, on the grounds that it is likely to be much harder to identify suitable new sites in the Green Belt.

Impact Assessment Questions

34. The Government considered 3 options: (1) do nothing; (2) withdraw the circulars; and (3) withdraw the circulars and replace with a new single PPS. Option 3 is obviously preferred, hence the consultation, but there are some impact assessment questions related to the options.

Option 1: Do nothing

35. Additional costs would not be imposed, although ongoing costs of dealing with “cumbersome and confusing” policy would continue. There is a lack of democratic accountability with regional targets. The main benefit seen by the Government is the retention of a framework with which users are familiar. The question posed is: Do you think there are any other benefits to retaining the existing policy, and whether these can be quantified?
36. Officers accept that this is not a viable option, given the other changes to the planning system that the Government is bringing forward – in particular the abolition of regionally imposed targets and the introduction of the National Planning Policy Framework. Nevertheless, the Council has also shown that the current system can work, even in areas of significant development restraint, as is evidenced by the recent significant increase in the number of authorised pitches in this district, meeting both the East of England Plan and the GTAA targets.

Option 2: Withdraw Circulars and do not replace them

37. This would remove all national planning policy specifically directed at the travelling community, and there is very little reference elsewhere. The question posed is: Can you identify – in quantitative terms if possible – whether you think there would be any benefits to this option? Officers recommend “No”.

Option 3: Withdraw Circulars 01/2006 and 04/2007 and replace them with a new single policy.

38. Costs and benefits of this option are assessed against five intended outcomes of the new policy and seven questions or requests for comments are posed. The five expected outcomes are:
1. enabling local planning authorities to make their own assessment of need and to use this evidence to set their own targets for pitch/plot provision;
 2. enabling local planning authorities to plan to meet this need over a reasonable timescale;
 3. enabling local planning authorities to protect Green Belt from development;

4. reducing tensions between settled and traveller communities; and
 5. streamlining policy for traveller sites.
39. 1) The Government believes that the first outcome will not create additional costs for local planning authorities as they are already required by legislation to collect evidence of need. It is acknowledged that there is a potential cost to travellers through a risk that sites will not be provided where they are needed if most of the electorate are opposed. Comments are requested on (a) whether the Council envisages extra costs associated with the assessment of need, and (b) 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.
40. (a) Officers believe there will be extra costs for the Council. While the Housing Strategy of 2009 included an aim to ‘consider the appropriate number of new pitches required for Gypsies and Travellers in the district in future, having regard to the County-wide GTAA’, the review of the Strategy in 2011 acknowledged that there had been limited progress, but also noted that ‘at least the number of pitches required by the EEP has been provided to date, through normal planning processes.’ Steps are being taken to identify GRT families potentially living in bricks and mortar (mainly through consultation with Registered Social Landlords), and some cross-agency contacts have been established during discussions about the formation of a County-wide Gypsy and Traveller Unit, which may help to identify, and ease future consultation with, some GRT families. The techniques adopted for the Direction consultation in terms of engaging the traveller community (see para 15) were successful but costly and time-consuming, and it would be difficult and very expensive to repeat the exercise to gather up-to-date information. Officers can, and will, make use of records kept by the County Council’s Ethnic Minority and Traveller Achievement Service (EMTAS), but these are not especially detailed, and there will be issues of data protection.
- (b) The request assumes that there will be time and money benefits, partly based on collaborative working with neighbouring authorities. Officers believe that, given the experience of dealing with the Direction, any local targets that may be set are likely to be subject to rigorous challenge by representatives of the settled community, which may add to staff and other resource costs. There is an assumption throughout the consultation document that the “duty to co-operate” included in the Localism Bill will translate easily into co-operative working between authorities. Policy B of the draft PPS (para 9(e)) requires that local planning authorities should “consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area.” Theoretically, this suggests that the Council is in a very strong negotiating position with its neighbours, ie 94% Green Belt and with the recent significant increase in authorised site provision, but in the real world, officers simply cannot see adjoining authorities positively co-operating to identify or provide sites for travellers seeking locations in this district. Travellers themselves may have no interest in being encouraged to move to sites in other districts. The assumption inherent to the request is therefore misleading.
41. 2) The second outcome relates to the five-year supply of pitches/plots and the related request for comment is on whether the transitional period will lead to any extra costs – and what these might be in monetised terms. A second request is to give the Council’s view on the extent to, and the rate at, which new sites will come forward as a result of the new approach. These issues have already been addressed earlier in this report – paras 14 and 15 describe the sheer impracticality if not impossibility of identifying a five-year supply, and paras 25 and 26 address the nonsense of the 6 month period, and the impact this would have on the timetable for preparing the

Issues and Options consultation stage of the Core Strategy. This top-down approach of one size fits all, seemingly being imposed by the Government despite claims to be reducing bureaucracy, fundamentally misses the point that this Council has met and has exceeded pitch provision targets.

42. In answer to the second request relating to this outcome, officers do not believe that the extent and rate at which new sites come forward will be significantly affected by the new approach. If anything the rate will reduce with the definition of inappropriate development now fully including traveller sites.
43. 3) The request for comment relating to protecting Green Belt is: Please give your view on whether the draft policy is likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be. Oral evidence from the previous public consultation in association with the Direction suggested that house prices were significantly adversely affected in proximity to sites which had been identified with potential for use for pitches. Officers are unsure how much of this was hearsay, and how much was simply emotive. Officers are certainly unaware of any Government or other authoritative research that links long-term adverse effects on house prices with proximity to authorised traveller sites. They therefore believe that it is unlikely that the draft policy will have any measurable monetary benefits.
44. 4) While there are no requests for views associated with this option (reducing tensions), the impact assessment is still extraordinarily idealistic and makes some statements which totally fly in the face of this Council's experience with the Direction consultation – eg “The emphasis on community engagement will make it more likely that members of the settled community will accept traveller development”; and “Not only will this help to reduce tension between the traveller and settled community (sic), but it will make it more likely that development will take place in sustainable locations.” Officers wish to express their frustration to Members that guidance of this nature is being issued, and request that meetings with Ministers should be sought to describe fully this Council's recent experiences, so that any future guidance, including the final version of the PPS, will be much closer to reality.
45. 5) There are two questions posed in regards to streamlining policy, and the Government is particularly keen to have responses to the first one:
Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give you view on the assumptions made in the calculation.
Do the estimated administrative savings for local planning authorities, as a result of streamlining national planning policy, seem reasonable? Please give your view on the assumptions made in this calculation.
46. The Government has calculated that the familiarisation cost of the new policy will be a one-off in one year only of £0.01m, this being based on the average wage of a planning officer, and the assumption that one person per local planning authority will be required to familiarise themselves with the new guidance. Officers are frankly rather puzzled by the whole topic and the importance that is being placed on this. Changes to guidance or policy are part and parcel of work in the Planning Directorate, and officers deal with this as part of the normal routine of their day job. As far as the new guidance is concerned, there will be benefits from amalgamating and simplifying what were two broadly similar Circulars, but familiarisation costs are likely to be minuscule or otherwise unmeasurable, and would be shared between a number of officers, notably those in development control and enforcement, and to a smaller extent in policy. Regrettably therefore, officers feel unable to answer this question in the detail hoped for by the Government.

47. As regards the second question, the assessment quotes the findings of the Killian Pretty review and the savings that could be made if the national policy framework was overhauled and simplified. Using an approach broadly similar to that in para 43, the assessment concludes that annual savings of £0.01m, amounting to £0.1m in ten years, could be achieved. Officers again feel unable to contribute significantly to this analysis.

Other specific questions

48. The four additional questions are:
- (a) Are there any significant costs and benefits that we have omitted? If so please describe including the groups in society affected and your view on the extent of the impact.
 - (b) Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?
 - (c) Are there any significant risks or unintended consequences we have not identified? If so please describe.
 - (d) Do you think there are any groups disproportionately affected?
- Officers' draft responses are listed below.
49. (a) The inclusion of traveller sites as inappropriate development in the Green Belt is likely to trigger almost automatic refusals by this Council for applications for entirely new sites in the district, unless they are generally showing very special circumstances. This, in turn, could lead to more frequent appeals and Inquiries with associated increased costs.
50. (b) Related to para 46, travelling showpeople will experience increased difficulty in finding suitable and acceptable sites in the Green Belt which may have a negative effect on their way of life and their economic operations.
51. (c) These issues have been mentioned elsewhere in the report, but (i) the consultation and the impact assessment seriously underestimate the strength of bad feeling which exists between the settled and traveller populations, at least in this district. This will not be easily challenged or overcome, and the suggested approaches for reducing tension are almost laughably impractical, despite the serious nature of the problem. (ii) Too much reliance is being placed on positive outcomes from collaborative working between authorities. The reality of the situation is, and this is not in any sense trying to justify what happens, the travelling community is mistrusted by the settled community (the latter forming by far the largest part of the electorate) and this is necessarily reflected by Members in dealing with traveller issues. Consequently, collaborative working is not going to mean that participating authorities are going to agree to take some of another authority's pitch numbers.
52. (d) This is not an exact answer to the question, as this is not about disproportionality, but life will be (even) tougher for the travelling community in districts such as this which are essentially all Green Belt.
53. As part of the discussion at the Scrutiny Panel on 14 June, a number of further points were made as follows:

Members were asked to note that Housing land supply normally includes a stock of unimplemented planning permissions, allocations of land mainly outwith the Metropolitan Green Belt, and that there is active dialogue with promoters of such development about future sites.

Gypsy, Roma and Traveller (GRT) land supply in this area does not have those

attributes; rather it is influenced by; what can be purchased and afforded, what need case can be presented, whether existing sites can have their capacity raised and what GRT sites could be provided within the Master Planning of future large developments.

Members themselves raised a number of points; they contrasted what has been achieved in terms of extra pitch provision for GRTs locally with the volumes of affordable housing for those on waiting lists. To have met the 2011 target for one group with housing needs, but not to have similarly met the needs of those, some of whom are longstanding local residents, is not fair. It is unfair.

The communities within the overall District are diverse; if the costs of GRT provision arise in one locality or community, but resulting benefits, such as new homes bonus, are expended in other localities that is also unfair.

A clear message from the EFDC consultation pursuant to the Direction was that GRT do not tend to want to live "cheek by jowl" with the settled community. Advice used to seek some separation of the communities, but more recent advice has sought integration. This is a circle which has not been squared.

94% of the District is Metropolitan Green Belt and Traveller sites are inappropriate in the Green Belt the combination makes sourcing sites challenging.

The consultation appears to make no reference to the overall size of site (in the past problems with larger sites were made clear)

Appendix – Planning for Traveller Sites Consultation June 2011

PPS Consultation Questions

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

Yes – It is sensible to retain both definitions because of the different land use requirements associated with the lifestyles of the two groups, but by only excluding the recognised ethnic groups from the definition of travelling showpeople, this seems to leave some uncertainty about others who may be included in the definition of “gypsies and travellers”.

2. Do you support the proposal to remove specific reference to ‘Gypsy and Traveller Accommodation Needs Assessments’ in the new policy and instead refer to a ‘robust evidence base’?

No – The lack of reference to the GTAA could lead to the production of needs assessments of widely differing approach and quality. A more consistent nationwide approach should result in fewer successful challenges at EiP or other Planning Inquiries.

3. Do you think that local planning authorities should plan for ‘local need in the context of historical demand’?

Undecided – Whilst a Planning Authority should reply positively to Planning, definitions of terms are required. There is an issue about the level of need or demand for a population which is fluid. More detail is required. The Council supports the principle (subject to developing acceptable definitions for these terms), but is concerned about the advice in paragraph 20(e) of the draft PPS in relation to determining planning applications for traveller sites – “.....applications for sites from any travellers and not just those with local connections”. If permission is granted for “non-local” travellers, this would not be addressing “local need”.

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

Undecided – Whilst the Council has increased the number of authorised pitches by 36 (from 72 to 108) in the period from January 2008 to the present, exceeding both the East of England Plan target of 34 new pitches by April 2011 and the GTAA figure of 32.4 pitches by 2013. This would suggest targets can work and that the answer is yes. However setting targets here has other implications because of the answers to questions below so the answer could just as well be No. There is therefore no immediate need to make further provision in this district. The issue will continue to be addressed through the LDF, as part of the wider housing agenda.

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

No – The Council believes that this is wholly unrealistic and completely unachievable in this district, unless some publicly owned land in suitable locations becomes available.

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

Yes – The Council agrees with the proposed change in wording, because this should “even things up” regarding the consideration of applications for permanent housing and traveller pitches in the Green Belt. The change may, however, make it more difficult to establish or justify completely new traveller sites in the Green Belt, which in turn will make it increasingly difficult for this Council to identify suitable and deliverable new sites. The paragraph 11.23a in the draft document would have to clearly be subservient to Green Belt policy.

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

Yes – The Council believes there are some advantages in bringing pitch provision considerations within the wider housing framework, for example if pitch provision can be treated as, and accepted as, merely one element of the total housing agenda. The Council is convinced, however, that at least in this district it will be quite impossible to identify a five-year (or longer) supply of deliverable sites, so there will be limits to how closely pitch provision can be aligned with other forms of housing.

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

No – This Council generally favours consultation and involvement of the community, but GRT and settled community applications should be dealt with in exactly the same way. The Council is not persuaded that a new emphasis is needed because there are already existing duties to consult both at policy formulation and at planning application stages. The Council strongly disagrees that consultation on this specific issue will help to improve relations. This is based on very recent practical experience of just such a consultation in the light of a Direction made by the previous Government.

9. Do you agree with the proposal in the transitional arrangements policy (paragraph 26 in the draft policy) for local planning authorities to ‘consider favourably’ planning applications for the grant of temporary permission if they cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, to ensure consistency with Planning Policy Statement 3: Housing?

No – If GRT housing land supply is going to be brought within PPS3 (which is itself a dated document given the many recent changes to the Planning system) then the approach must be fully integrated, in particular in considering local need (paragraph 13) and that GRT land supply in the Green Belt arises much more as a windfall process (paragraphs 35 and 36 as amended).

The “consider favourably” position is really a back stop to encourage proper planning for mainstream housing supply rather than being applicable to the particular attributes of GRT land supply which are never likely to be as formal and documented.

As already explained above, the Council does not believe it is possible to identify a five-year supply of deliverable sites, so the answer has to be “No”.

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

No – The Council believes this to be a nonsensical suggestion, with no basis in reality, and which shows no understanding whatsoever of the practical difficulties of dealing with this controversial and complex subject.

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

Yes – The Council's recent record of increasing significantly the number of authorised pitches indicates that a criteria based policy, reasonably applied, can meet the needs of the travelling community, even in areas of development restraint, if applications are professionally prepared and supported by adequate justification. The Government should therefore be thinking again about the requirement to produce five-year land supplies.

12 – Are there any other ways in which the policy can be made clearer, shorter of more accessible?

Yes – Definitions of the terms “local need” and “historical demand” must be provided to enable local authorities to have a consistent basis from which to calculate future pitch targets. This could also address the confusion that appears to exist between these terms and the guidance for determining planning applications (and in particular paragraph 20(e) of the Draft PPS). See also the answer to question 3.

The PPS also proposes the use of a “Rural Exception Site Policy” where there is a lack of affordable land to meet local traveller needs, but it is not clear whether the Government thinks that this would be an acceptable approach in the Green Belt, given that traveller sites have been added to the definition of “inappropriate development”.

As part of the discussion at the Scrutiny Panel on 14 June, a number of further points were made as follows:

Members were asked to note that Housing land supply normally includes a stock of unimplemented planning permissions, allocations of land mainly outwith the Metropolitan Green Belt, and that there is active dialogue with promoters of such development about future sites.

Gypsy, Roma and Traveller (GRT) land supply in this area does not have those attributes; rather it is influenced by; what can be purchased and afforded, what need case can be presented, whether existing sites can have their capacity raised and what GRT sites could be provided within the Master Planning of future large developments.

Members themselves raised a number of points; they contrasted what has been achieved in terms of extra pitch provision for GRTs locally with the volumes of affordable housing for those on waiting lists. To have met the 2011 target for one group with housing needs, but not to have similarly met the needs of those, some of whom are longstanding local residents, is not fair. It is unfair.

The communities within the overall District are diverse; if the costs of GRT provision arise in one locality or community, but resulting benefits, such as new homes bonus, are expended in other localities that is also unfair.

A clear message from the EFDC consultation pursuant to the Direction was that GRT do not tend to want to live “cheek by jowl” with the settled community. Advice used to seek some separation of the communities, but more recent advice has sought integration. This is a circle which has not been squared.

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

Yes – The Council believes that Gypsies and Travellers will be adversely affected by the proposed changes, on the grounds that it is likely to be much harder to identify suitable new sites in the Green Belt.

Differential treatment of different groups; on the one hand applying Green Belt policy more fairly will be likely to restrict the ability of GRT to achieve sites in this area, whereas, on the other hand the settled community may well perceive that a balanced approach is fairer overall.

Impact Assessment (Specific) Questions

Option 1: Do nothing

Do you think there are any other benefits to retaining the existing policy, and whether these can be quantified?

No – This is not a viable option, given the changes to the planning system being brought forward by the Government. Nevertheless, the Council has shown that the current system can work, even in areas of significant development restraint.

Option 2: Withdraw Circulars and do not replace them

Can you identify – in quantitative terms if possible – whether you think there would be any benefits to this option?

No.

Option 3: Withdraw Circulars and replace them with a new single policy

(a) Enabling local planning authorities to make their own assessment of need and to use this evidence to set their own targets for pitch/plot provision.

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

No – There will be extra costs. Steps are being taken to identify GRT families potentially living in bricks and mortar, mainly through consultation with Registered Social Landlords. Some cross-agency contacts have been established during discussions about the formation of a County-wide Gypsy and Traveller Unit, which may help to establish contact with other GRT families. Ideally a repeat of the consultation exercise aimed at travellers under the Direction would be best, but this was a time-consuming and costly exercise, and it is believed that the specialist consultant firm is no longer in existence.

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

Locally derived targets will be subject to rigorous challenge by the settled community, if the Council's recent experience with the Direction consultation is anything to go by. This will probably add to staff and other resource costs. There is also a broad assumption that co-operative working with other authorities to produce joint development plans, that set targets on a cross-authority basis, will ease the problem for districts such as this which are mainly Green Belt. Given the controversial nature of the particular land use, it seems unlikely that there will be much successful co-operation, and this is again likely to add to staff and other resource costs.

(b) Enabling local planning authorities to meet this need over a reasonable timescale.

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

No – The transitional period of 6 months to identify and establish a five-year supply of suitable sites is totally unachievable in this district. The timing will interfere with the preparation of the Issues and Options consultation for the Core Strategy, effectively repeating the severe disruption to the LDF timetable caused by intensive work associated with the Direction. The settled community, already angered and upset by the previous consultation, will continue to object strongly and in significant numbers, to any more specific work associated with the travelling community at this time – with potentially huge implications for staff workloads.

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

The changes are unlikely to have a significant impact. If anything, the rate will reduce with traveller sites now being fully classed as inappropriate development in the Green Belt.

(c) Enabling local planning authorities to protect Green Belt from development.

Please give your view on whether the draft policy is likely to have any significant monetary benefit in terms of protection of the Green Belt and, if so, what this is likely to be.

No – It is unlikely that there will be any measurable monetary benefits.

(d) Reducing tensions between settled and traveller communities.

No requests for comments made.

(e) Streamlining planning policy for traveller sites.

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

No – There will be benefits from amalgamating and simplifying what are two broadly similar Circulars, but familiarisation costs are likely to be minuscule or otherwise unmeasurable. Unlike the assumption made in the calculation, several officers in the Planning Directorate would need to familiarise themselves with the changes.

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

No - The Council is not able to offer a meaningful response.

Other specific questions

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

Yes – The definition of traveller sites as inappropriate development in the Green Belt is likely to trigger almost automatic refusals by this Council for applications for entirely new sites in the district. This, in turn, could lead to more frequent appeals and Inquiries with associated increased costs.

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

Yes – Travelling showpeople will experience increased difficulty in finding additional suitable and acceptable sites given the new restrictions in the Green Belt. This may have a negative effect on their way of life and their economic operations.

(iii) Are there any significant risks or unintended consequences we have not identified? If so please describe.

Yes – (i) The consultation and the impact assessment seriously underestimate the suspicion and mistrust between the settled and travelling communities in this district. The suggested approach for reducing tension, ie increased community engagement, will only inflame these feelings, and will not achieve the desired results; (ii) Too much reliance is being placed on positive outcomes from collaborative working between authorities. It seems very unlikely that participating authorities are going to agree to take another authority's pitch numbers, irrespective of whether this would suit individual families of the travelling community.

(iv) Do you think there are any groups disproportionately affected?

Yes – Life will be (even) tougher for the travelling community in districts such as this where the major part of the area is Green Belt, and where land values and amenity considerations mean that sites cannot be found in the built-up areas excluded from the Green Belt.