

## 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.

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)

**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.