



Planning for traveller sites

Consultation response form

When complete please email to: travellerspps@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please send to:

Paul Williams
Planning – Economy and Society Division
Department for Communities and Local Government
1/G6 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is Wednesday 6 July 2011.

(a) About you

(i) Your details

Name:	Ian White
Position:	Forward Planning Manager
Name of organisation (if applicable):	Epping Forest District Council
Address:	Civic Offices, 323 High Street, Epping, Essex, CM16 4BZ
Email:	IWhite@eppingforestdc.gov.uk
Telephone number:	01992 564066

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response	<input checked="" type="checkbox"/>
Personal views	<input type="checkbox"/>

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation	<input type="checkbox"/>	
Relevant authority (i.e. district, London borough, county council)	<input checked="" type="checkbox"/>	
Parish council	<input type="checkbox"/>	
Business	<input type="checkbox"/>	
Other public body (please state)	<input type="checkbox"/>	
Other (please state)	<input type="checkbox"/>	

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City	<input type="checkbox"/>	
London	<input type="checkbox"/>	
Urban	<input checked="" type="checkbox"/>	
Suburban	<input checked="" type="checkbox"/>	
Rural	<input checked="" type="checkbox"/>	
Other (please comment)	<input type="checkbox"/>	

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

(b) Consultation questions

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

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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”.

Q2. 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”?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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.

Q3. 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?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

Undecided – 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 that (a) there is

therefore no immediate need to make further provision in this district; and (b) targets can work and that the answer is yes. However setting targets here has other implications because of the answers to the questions below, so the answer could just as well be no. The issue will continue to be addressed through the LDF, as part of the wider housing agenda. The challenge is to ensure that targets are not a self-fulfilling minimum.

There is also the question of how do you allocate targets across sub-districts as any decisions should be seen to be fair to everyone in the district. Also how do you assess the impact on the settled community and what mitigating factors could be implemented.

Q4. Do you think that local planning authorities should plan for “local need in the context of historical demand”?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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. There is a considerable contrast between the historic seasonal agricultural work patterns of the Gypsy Roma Traveller community and the work patterns that exist now. The Council has also seen, on average, 12 pitches provided per year over the past three years, but that rate of provision is high compared to historical records.

The Council supports the principle (subject to developing acceptable definitions for the terms “local need” and “historical demand”), 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”.

There is a particular concentration of the GRT community in 2 parishes of this district, (80% of the GRT community) and there is a concern that addressing locally identified need or addressing historical demand will simply add to this localised concentration, particularly on sites where further recent provision has been made.

“Historical demand” should be interpreted literally, ie based on Council records as far back as they go, and should not apply to present-day incursions. There are concerns that, as the district currently has a large population of GRT, then it could be expected to significantly increase the numbers compared to other areas that have not provided as many pitches. There are also concerns that with artificially produced targets, developers are targeting specific areas and they are using “needs” arguments to circumvent planning in the Green belt. It has been stated at an inquiry that a pitch in the green belt without permission is worth only a few thousand pounds, yet with

permission is worth as much as £250,000.

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

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

The Council believes that this is wholly unrealistic and completely unachievable in this district, unless some publicly owned land in suitable locations becomes available.

Q6. Do you agree that the proposed wording of Policy E (in the draft policy) should be included to ensure consistency with Planning Policy Guidance 2: *Green Belts*?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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. Policy H, paragraph 23a in the draft document would clearly have to be subservient to Green Belt policy.

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

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

The Council believes there are some advantages in bringing pitch provision considerations within the wider housing framework, eg 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.

Q8. 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?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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 between the settled and traveller communities or indeed between different sections of the traveller community. This is based on very recent practical experience of just such a consultation in the light of a Direction made by the previous Government. The Council is also concerned about how Neighbourhood Plans and the localism agenda are expected to address the issue of traveller pitch provision.

Q9. 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*?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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 is 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”.

Q10. Under the transitional arrangements, do you think that six months is the right time local planning authorities should be given to put in place their five-year land supply before the consequences of not having done so come into force?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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.

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

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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.

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

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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”. This Council considers that the use of such an exception policy is not an acceptable approach in the Green Belt, given that traveller sites will be 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.

GRT land supply in this area does not have these attributes; rather it is influenced by (i) what can be purchased and afforded; (ii) what need case can be presented; (iii) whether existing sites can have their capacity raised; and (iv) what GRT sites could be provided within the master planning of future large developments. These are the same considerations for the settled community so why should they be treated differently.

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 whole 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. Government 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 there – the combination makes sourcing sites challenging.

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

Q13. Do you think that the proposals in this draft statement will have a differential impact, either positive or negative, on people because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation? If so, how in your view should we respond? We are particularly interested in any impacts on (Romany) Gypsies and (Irish) Travellers and welcome the views of organisations and individuals with specific relevant expertise. (A draft Equalities Impact Assessment can be found at Annex C.)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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.

(c) Consultation questions on the impact assessment

The impact assessment is annexed to the consultation document. It is a consultation stage impact assessment, which analyses the costs and benefits of the policy options alongside the 'do nothing' baseline.

General questions about the impact assessment

Q1. Do you think that the impact assessment broadly captures the types and levels of *costs* associated with the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q2. Do you think that the impact assessment broadly captures the types and levels of *benefits* associated with the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q3. 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.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q4. Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options? If not, why not?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q5. Are the key assumptions used in the analysis in the impact assessment realistic? If not, what do you think would be more appropriate and do you have any evidence to support your view?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q6. Are there any other relevant key sources of evidence relating to the policy or the effectiveness of the suggested options that have been omitted? If so, please provide details.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Q7. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comment:

--

Specific questions about the proposed policies in the impact assessment

Q8. Do you think there are any other benefits to retaining the existing policy (Option 1, do nothing), and whether these can be quantified?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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.

Q9. Can you identify – in quantitative terms if possible – whether you think there would be any benefits to Option 2 (withdraw circulars 01/2006 and 04/2007 and do not replace them)?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

--

Q10. Please comment on whether you envisage any extra costs to local planning authorities associated with the assessment of need for traveller sites in their areas, over and above those which they experience at present.

Comment:

Yes - 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.

Q11. 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.

Comment:

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.

Q12. Please give your view on whether the transitional period envisaged will lead to any extra costs – and what those might be in monetised terms.

Comment:

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.

Q13. Please give your view on the extent to which, and rate at which, you consider new sites will come forward as a result of the new approach.

Comment:

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.

Q14. Is the draft policy likely to have any significant monetary benefit in terms of protection of the Green Belt, and, if so, what this is likely to be?

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

It is unlikely that there will be any measurable monetary benefits.

Q15. Do the familiarisation costs estimated for local planning authorities appear reasonable? Please give your view on the assumptions made in this calculation.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

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.

Q16. 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.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

The Council is not able to offer a meaningful response.

Q17. 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.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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.

Q18. Do you think that the draft policy is likely to have any impact, positive or negative, on travelling showpeople as an economic group?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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

Q19. Are there any significant risks or unintended consequences we have not identified? If so, please describe.

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

(i) The consultation and the impact assessment seriously underestimate the suspicion and mistrust between the settled and travelling communities in this district. The cause of these negative feelings is the actuality or perception that planning policies are not applied even-handedly or fairly between the traveller and settled communities. The suggested approach for reducing tension, ie increased community engagement, will only inflame these feelings, and will not achieve the desired results. We believe there will always be tension between the communities because of many perceptions and local experiences. These would prove to be nearly impossible to overcome but could possibly be helped by mitigation on issues such as financial impact to the settled community;

(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; and

(iii) The consultation assumes the GRT community are individual families and does not consider the fact that developers within the GRT community are utilising their status to justify inappropriate developments in the Green Belt and as such we are seeing an increasing number of long and expensive appeals.

Q20. Do you think there are any groups disproportionately affected?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Comment:

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.

On the other hand planning needs to be seen to be fair to settled and GRT

communities. As such we want a common set of rules without “special treatment” which always causes resentment.

END