

Dear Colleague

Please excuse the general nature of this communication.

You may be aware that ODPM has now published a new planning circular on Planning for Gypsy and Traveller Sites (ODPM Circular 01/2006), a copy of which I attach for your assistance. ODPM Circular 01/2006 comes into force immediately and replaces DoE Circular 01/1994, which has now been cancelled.

The final version of the Circular largely reflects the consultation draft, which reiterates that the Government considers it necessary to publish new guidance as DoE Circular 01/1994 has failed to deliver adequate sites for gypsies and travellers to date.

The main intentions of the new guidance are set out in paragraph 12.

There is now a new definition of "gypsy" for the purpose of planning, which is identical to the consultation draft and is set out in paragraph 15. The new definition is likely to considerably curtail LPA's attempts to refuse permission for sites on the basis that an applicant or the intended occupants are not "gypsies", or have ceased to travel for a legitimate reason.

The new guidance addresses the planning process and introduces the concept of Gypsy and Traveller Accommodation Assessments (GTAA's) (paragraphs 20 -21). In line with the reforms to the planning system generally, the new guidance reinforces the importance of regional planning and the RSS, which will be informed by GTAA's. It is envisaged that the RSS will ascertain the number of pitches needed within each LPA area (without identifying their location), and that the identified need will be brought forward by site allocations within DPDs as part of the LDF for an area. Guidance on site selection is also provided (paragraph 35).

The guidance addresses proposed transitional arrangements (paragraphs 41 to 46) and sites in rural areas and the countryside (paragraphs 47 to 55). The importance of the Green Belt is recognised in the guidance and the use of local landscape or and local nature conservation designations to resist new sites is expressly discouraged.

As with the consultation draft, Annex C includes good practice guidance on the use of criteria-based policies, setting out criteria which are considered to be unacceptable.

The Circular is accompanied by three substantial companion documents published by the Gypsy & Traveller Unit of the ODPM, as follows:

1. Guide to effective use of enforcement powers (Part 1: Unauthorised Encampments);
2. Draft practice guidance on Gypsy and Traveller Accommodation Assessments; and
3. Local authorities and Gypsies and Travellers - Guide to

responsibilities and powers.

These documents are available online at www.odpm.gov.uk/gypsy-sites

Clearly the new guidance is intended to increase the number of gypsy and traveller sites in England over the next three to five years, and is likely to have a very significant and immediate impact on planning for gypsy and traveller sites at the local level. It is very likely that applicants and appellants will use the new guidance to demonstrate that existing development plan policies are inadequate and represent an obstacle to new site coming forward in appropriate locations.

The Government appears intent upon fostering a new approach to the treatment of gypsies and travellers generally by local authorities and the planning process. The companion document at 3. (above) expressly indicates the need to make increased site provision a local priority and reiterates the need for effective use of enforcement powers in the hope of reducing the amount of unauthorised encampments.

Should you wish to discuss any aspect of the new guidance, or its effect on outstanding applications and appeals, please do not hesitate to contact me in Chambers.

Kindest regards

MARK BEARD