



# Planning for traveller sites

## Consultation response form

When complete please email to: [travellerspps@communities.gsi.gov.uk](mailto: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:	Matt Thompson
Position:	Head of Policy & Practice
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**(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 checked="" type="checkbox"/>	
Relevant authority (i.e. district, London borough, county council)	<input 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 type="checkbox"/>	
Suburban	<input type="checkbox"/>	
Rural	<input type="checkbox"/>	
Other (please comment)	<input checked="" type="checkbox"/>	National

**(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 type="checkbox"/>
No	<input checked="" type="checkbox"/>

Comment:

Better to refine the definitions via footnote to reflect diversity of groups such as Romany (which may be one of 3-4 nationalities), and Irish travellers should be recognised to reflect ethnicity as well as the cultural aspects of 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:

It is not clear what difference removal of the above reference will make to practice. The reference to a “robust evidence base” requires an effective demographic assessment of need. The existing GTAA guidelines generally provide the minimum necessary to produce such “robust” projections and many LPAs will positively value consistency of approach with their neighbours.

The GTAA’s 5 year timeframe ties in with the 5 year supply now wanted but there would be the need for further evidence to support a rolling programme which would be reliant on assumptions about demographic trends/growth rates. There would be cost implications for LPAs trying to devise empirically based predictions beyond 5 years.

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

Comment:

It is important that needs are met either through allocation or by a suitably worded criteria policy that would allow suitable planning permissions to be granted. Targets worked/were given legitimacy under the existing Circulars through RSS independently examining/reconciling GTAs including whether there was evidence to suggest a reapportionment. The target was for all LPAs unless evidence was found that provision was not required or there was an absolute constraint. However it is now proposed to remove the basis of strategic re-apportionment of needs across wide areas and severely restrict the possibility of using Green Belt land appropriately for provision. A key part of the existing Circular was ensuring that LPAs with a history of enforcement but no existing or unauthorised traveller sites make appropriate provision for those that resort to their area. Equally Green Belt designation was not seen as an absolute constraint. The majority of LPAs outside of the Green Belt will presumably be expected to provide for any displaced needs as well as their own. But it is not clear what basis will be used to apportion provision or how agreement will ever be reached or any unwillingness challenged. The duty to co-operate in the Localism Bill needs to be strengthened with specific reference to such shared obligations.

**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 checked="" type="checkbox"/>

Comment:

Reliance on historic need is problematic as it will perpetuate patterns of enforcement rather than actual need. It will simply reward those LPAs that have never made any provision but sought to rely on enforcement. In turn it will put more pressure on those LPAs that have made provision rather than just relying on enforcement.

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

Comment:

Gypsy and traveller sites should be treated in the same manner as housing. However it is not clear whether separate trajectories are required for travellers/transit and showpeople. It is not clear if windfall assumptions can be used in the same way as they may be for housing. It would be sensible for windfall assumptions to be used after 10 years in the same way as for

housing.

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

Comment:

The RTPI believes a common sense approach must be taken to the Green Belt and that where a need exists and there is no demonstrable harm to the Green Belt limited releases may be considered. It is well established in case law that pitches may be acceptable in Green Belt as an exception to normal constraint where there is a need/no demonstrable harm. The insertion of "normally" reflects this case law. Equally it is consistent with the long-established approach to affordable housing rural exceptions policy in PPG3 paragraph 30 that leaves the matter to Local Planning Authority DPD rural exception policies. The apparent implication of the proposal is that, if a local planning authority wishes to permit provision on land in the Green Belt, an alteration to the defined Green Belt boundary is required through a DPD – even for a single pitch or an extra caravan on an existing pitch.

The proposal would end the LPAs flexibility on the exceptional release of land within the Green Belt for pitches including those under rural exceptions policy. The LPA would lose its long-standing flexibility to use best judgement reflecting local circumstances. Travellers would lose access to locations that would suit their requirements especially for work. It would mean that traveller families' future needs would have to be provided for in other locations. Large areas would be precluded to travellers while putting more pressure on the LPAs outside the Green Belt especially those on the edge of it. The DCLG argue that this better reflects PPG2 but the RTPI would point out that PPG2 refers to principles grounded in 1992 guidance. The planning system cannot roll back the decades and the case law/practice that has built up over the last 20 years. Any approach must be grounded in the principles of sustainable planning and current planning legislation/case law that takes account of other material considerations.

A much more pressing constraint for pitches and caravans would of course be flooding but PPG2 hardly planned for this. Even the long-standing PPG2 recognises that Green Belt releases be "a matter for the judgement of the LPA having regards to all material considerations". If the proposals were to proceed it would be at odds with PPS3 that currently does not absolutely preclude the Green Belt for affordable rural exceptions. The result could be a chaos of appeals and litigation. The RTPI is happy to work with the CLG to strengthen environmental guidance on traveller proposals within the Green Belt without making Green Belt designation an absolute constraint.

**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:

**And it will be particularly important in this context for the need for appropriate social infrastructure to be fully recognised.**

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

Comment:

**Consultation with the traveller community is not straightforward owing to the absence of a recognised representative structure. Equally the danger is that tensions may be heightened with the settled community wrong perception that travellers are being treated more favourably than before. However ensuring that all in society are consulted and kept regularly updated on policy development is key to ensuring fair representation. Planning has an established mediating role over use conflicts but it must be acknowledged that successful consultation takes a long time and substantial resource.**

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

Comment:

**Some temporary permissions have been shown to be problematic sometimes prolonging/worsening tensions with the settled community. However, the LPA 'remedy' is clear - to improve their forward planning.**

**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:

Many LPAs will be making provision for the whole plan period for the first time whilst potentially making extra provision for Green Belt LPAs no longer making provision. Six months is far too short a period for a call for sites, consultation, co-operation with other LPAs as required, and adoption – and then would proposals need to be independently examined?

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

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

Comment:

**How does the new "mediation" process/choice of various formal notices, sit with the DCLG view that new development such as traveller sites should be tackled immediately, possibly over a bank holiday? Currently, there are numerous complexities in dealing with any or all development without consent. The decision to take formal action should not be taken lightly or without proper reflection corporately.**

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

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

Comment:

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**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:

**Those travellers with needs in the Green Belt will be put at a disadvantage with potential appeals/litigation issues.**

**There is a fear that Neighbourhood Plans could be used to frustrate the intention of the Local Plan and guidance on the interaction between plans in this respect would be helpful.**

## (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 checked="" type="checkbox"/>

Comment:

**There are considerable costs potentially associated with an imposed further constraint on Green Belt for LPAs outside the Green Belt. For example, there are existing pitches within the Green Belt (including those recently won on appeal under existing national policy or granted under legal challenge). There is therefore likely to be a need for extra pitches in these areas arising from natural growth of traveller families. Costs could be incurred by LPAs from appeals against refusals in Green Belt and legal challenges under the Human Rights Act against LPAs carrying out the new rules. Under the new rules even a single extra pitch in the Green Belt would be seem to contrary to national policy. It is also not clear whether an extra caravan/caravans on an existing pitch would fall foul of the new rule. Taking such cases to court will result in costs to LPAs and the appellants.**

**There will also be costs for upgrading GTAA's (or their equivalents) to empirically plan for the whole plan period.**

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

Comment:

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

Comment:

**There are considerable costs potentially associated with imposed further constraint on Green Belt land (see answer to Q1).**

**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 checked="" type="checkbox"/>

Comment:

**There are considerable impacts potentially associated with imposed further constraint on Green Belt land (see answer to Q1).**

**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:

Unknown

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

Comment:

The Caravan Sites and Control of Development Act, 1960 - Section 1 of the Caravan Sites and Control of Development Act, 1960, provides that

“occupiers” commit an offence if they cause or allow land under their control to be used as a caravan site without a licence. The maximum fine is now scale 4. “Occupiers” includes landowners. One cannot get a site licence for a caravan site which operates in breach of planning control. Almost all litigation and prosecution for unauthorised sites is based on the Planning system.

The introduction to the 1960 Act in the “Encyclopaedia of Planning Law” refers to thousands of unauthorised holiday caravan pitches in England alone at that time. It suggests that the 1960 Act was passed in recognition that planning enforcement alone was not able to cope with unauthorised caravan sites.

Unauthorised caravan sites are a significant part of planning enforcement workloads throughout the country outside of urban boroughs in the main. Guidance must address all options and ensure a non-discriminatory approach.

**Q7.** 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:

See above comments on Green Belt.
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**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:

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**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:

This would lead to a policy vacuum.

**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:

**There will be extra costs in making robust, empirically based assessments beyond 5 years and in joint working with other LPAs.**

**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:

There are no clear time or money benefits in being able to set targets locally. There are extra costs in making robust empirically based assessments beyond 5 years and in joint working with other LPAs.

**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:

**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 supply of pitches will fall as Green Belt LPAs will not grant pitches. Those outside have no data on the implications of loss of Green Belt land and the allocation of sites through the DPD process takes time.

**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:

Higher costs for LPAs as a result of potential appeals and litigation as

mentioned above.

**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 type="checkbox"/>

Comment:

Unknown

**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:

There will be extra costs for LPAs to allocate sites through the DPD process as well as costs associated with considering them through planning applications/appeal process.

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

Comment:

See above

**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"/>
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No	<input type="checkbox"/>
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Comment:

Travelling showpeople are a detached and unrelated group. The linkage will have negative perceptions.

**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:

As Q.18 Showpeople are governed by a Guild with a greater collective awareness.

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

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

Comment:

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**END**