



RTPI

mediation of space · making of place

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By email to
katie.jones@communities.gsi.gov.uk
Communities and Local Government

Dear Ms Jones

Amendment to the Temporary Stop Notice Regulations

This letter sets out the Royal Town Planning Institute (RTPI) response to your consultation on revised planning guidance in relation to the temporary stop notice regulations.

The RTPI is a membership organisation representing over 20,000 spatial planners. It exists to advance the science and art of town planning for the benefit of the public. The National Association for Planning Enforcement (NAPE) is a body in association with the RTPI, representing planners and other professionals engaged in the enforcement of planning control. Its views are incorporated into this combined response.

This response has been published on the RTPI website at <http://www.rtpi.org.uk/item/222/23/5/3/> and may be used by you without further reference to the RTPI or NAPE.

Questions

The questions that are the subject of this consultation are:

1. In what circumstances would an additional power to use temporary stop notices to require the removal of all caravans from a site, where a suitable alternative is available, be useful in helping to reduce the problems associated with unauthorised developments?
2. Paragraphs 21-23 – Do you think that the Government's view on the requirements for an alternative site are reasonable? What practical issues would these present for local planning authorities?
3. Do you think that an alternative site should be available for the duration of any planning action, or just in the shorter term?

Response

1. This extra power will be of limited use until there is greater provision of sites. Whilst the amendment may be seen as an incentive to local authorities and others to increase provision we are skeptical that it will have the desired effect. It will be critical therefore that action to make policy is taken through RSS and LDF processes as a high priority. It will also be necessary to consider (as suggested in our response to the Travelling Showpeople draft circular in April 2007 - see <http://www.rtpi.org.uk/download/1075/Travelling-Showpeople-RSv1.pdf>), the deployment of interim criteria based policies to deliver lawful accommodation during the time before relevant RSS and LDF policy content can be completed.
2. Any alternative site must have the necessary planning permission (para. 21) to prevent the local authority consenting to or acting in breach of planning control. It follows that any site with planning permission must have the facilities mentioned in paragraph 2 in order to gain such permission (para. 22). We remained concerned about the government's joining traveling show people with Gypsies and Travelers. They are two distinct cultures with very different social and economic needs. It is unrealistic to suggest that they share sites. There should be no problem with families staying together providing the family is tightly defined and capable of being accommodated on one site. (para. 23)
3. The alternative site should certainly be there for the period of the temporary stop notice (para. 24) but allowing it to be available for the period of the planning process would not be making the best use of scarce resources or reinforce respect for planning requirements. In some cases the appeal system is being used to have the effect of obtaining temporary permission for/forbearance of unauthorised development. The possibility also exists of Gypsies and Travellers being encouraged to go on a temporary site, having to leave that site at the end of the temporary period and then camping unlawfully only to be removed back to the site that they have just been required to leave. There could be an amendment creating an immediate summary jurisdiction to remove a caravan from an individual unlawful site and/or any other unlawful site within the local planning authority area or another reasonably defined radius, after the temporary provision expires.
 - Additionally we suggest that the opportunity is taken to make the failure to comply with a Temporary Stop Notice a summary only offence. At the moment it is a hybrid or either way offence and, as such, attracts the powers of arrest under PACE (the Police and Criminal Evidence Act) as amended by the Serious and Organised Crime Act 2005. In effect anyone committing an indictable offence where their name and address are not known can be arrested. This is a disproportionate response and impacts prejudicially on the Gypsy and Traveller population especially in circumstances covered by the issue of a temporary stop notice.

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I trust that the above is clear. Please contact me on 020 7929 9494 if you have any questions.

Yours sincerely,



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Rynd Smith
Head of Policy and Practice