



Department for
Communities and
Local Government

Response form: Consultation: planning and travellers

We are seeking your views to the following questions on proposed changes to planning policy and guidance, to:

- ensure that the planning system applies fairly and equally to both the settled and traveller communities
- further strengthen protection of our sensitive areas and Green Belt
- address the negative impact of unauthorised occupation

And

On proposed planning guidance on assessing traveller accommodation needs and use of Temporary Stop Notices.

How to respond

The closing date for responses is 23 November 2014.

This response form is saved separately on the DCLG website.

Responses should be sent to PPTS@communities.gsi.gov.uk.

Written responses may be sent to:

Owen Neal
Planning Policy for Traveller Sites Consultation
Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

About you

i) Your details:

Name:	Nicki Faulkner
Position:	Principal Planner
Name of organisation (if applicable):	Arun District Council
Address:	
Email:	Nicki.faulkner@arun.gov.uk
Telephone number:	01903737645

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

Organisational response X
Personal views

iii) Please tick the box which best describes your organisation

Local/ District Council X
Unitary Authority
County Council
Parish/ Town Council
Traveller
Public
Representative body/ voluntary sector/ charity
Non Departmental Public Body
Other

(please specify):	
-------------------	--

Would you be happy for us to contact you again in relation to this questionnaire?

Yes X No

Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Ensuring fairness in the planning system

Question 1: Do you agree that the planning definition of travellers should be amended to remove the words or permanently to limit it to those who have a nomadic habit of life? If not, why not?

Yes No

Comments

The change to the definition is as follows:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily ~~or permanently...~~”

Paragraph 2.8 of the consultation document states “In determining whether applicants for traveller sites would fall under the proposed new definition, decision takers should give close scrutiny to whether the applicants are living a nomadic lifestyle.”.

The Council’s first comment is that it will be challenging to determine whether a family has ceased to travel temporarily, especially when travelling has ceased due to the educational needs of children or illness. In some cases, families may intend to cease travelling temporarily but this may become permanent after a time.

Furthermore, it will be challenging for decision makers to scrutinise whether the applicants are living a nomadic lifestyle. This will require detailed personal data and information. Requiring such information may often result in delays to decision making or may result in applications being refused due to lack of technical information.

The result in changing the definition will increase the complexity of planning applications for Gypsy and Traveller Sites and may result in increased enforcement procedures being undertaken as a result of refused planning applications. Although the consultation aims to address this issue by proposing that “intentional unauthorised occupation...should be regarded by decision takers as a material consideration that weighs against the grant of permission”, it is likely that protracted enforcement ‘battles’ may result.

Question 2: Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?

Yes X No

Comments

In addition to making provision for transit sites, it would be useful to provide further detail within the planning guidance regarding temporary stopping places for Travellers. This is a useful method for providing space for travellers in a structured way.

Question 3: Do you consider that:

a) we should amend the 2006 regulations to bring the definition of “gypsies and travellers” into line with the proposed definition of “travellers” for planning purposes?

Yes X No

Comments

The definitions must be the same to avoid any form of confusion and ensure that the process is as simplified as possible.

and

b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?

Yes X No

Comments

If those who have given up travelling permanently are not assessed/identified, then the figure represented by that part of the population will not be planned for. This could represent a significant oversight in overall planning figures.

Protecting sensitive areas and the Green Belt

Question 4: Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites (set out in para. 3.1 of the consultation document)? If not, why not?

Yes No

Comments

There is no need to repeat what is already included within the NPPF. It is clear within Planning Policy for Traveller Sites that it should be read alongside the NPPF.

Question 5: Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?

Yes No

Comments

In most cases the only sites available for Gypsy and Travellers are outside of the built up area boundary. Decision makers have local and national policies available to them to make the judgement on appropriate countryside sites. Therefore the addition on the word ‘very’ will make limited difference regarding the way in which an application is considered.

Question 6: Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above (set out in para. 3.7 of the consultation document)? If not, why not?

Yes No

Comments

An up to date five year supply should continue to be a significant material consideration. Without this requirement, planning authorities seem to be encouraged to make less appropriate provision to meet accommodation needs. In particular, the South Downs National Park Authority adjoins a number of Local Planning Authorities (LPA), including Arun District LPA and it accommodates a significant number of Traveller families. Where planning applications are refused for these families due to the proposed changes, accommodation needs may be transferred to those authorities adjoining the national park.

Question 7: Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?

Yes

No

Comments

No comment. There is no Green Belt in Arun District.

Addressing unauthorised occupation of land

Question 8: Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?

Yes No

Comments

The planning system has always treated each application on the merits involved in each case. The fact that a breach of planning control has taken place deliberately does not increase the harm (or benefit). If the change as suggested takes place, it should include all intentional breaches.

Question 9: Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

Yes No

Comments

Agree that unauthorised development can cause harm to communities and can harm community relations. No harm is caused to the planning system as it has the tools available to deal with breaches.

Question 10: Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)

Yes No

Comments

Question 11: Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 of the consultation document help that small number of local authorities in these exceptional circumstances (set out in paragraphs 4.11-4.14 of the consultation document)? If not, why not? What other measures can Government take to help local authorities in this situation?

Yes No

Comments

Large scale unauthorised sites are an illustration of a lack of permitted provision of sites. Therefore, rather than setting out that those local planning authorities are not required to plan in full to meet their traveller needs in full, the policy should require that a full assessment of need is made across the wider area to ensure that accommodation needs are met.

Question 12: Are there any other points that you wish to make in response to this consultation, in particular to inform the Government’s consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?

Yes No

Comments

Draft planning guidance for travellers (Annex A)

Question 13: Do you have any comments on the draft planning guidance for travellers (see Annex A of the consultation document)?

Yes **X** No

Comments

Having undertaken a Joint Gypsy and Traveller Accommodation Assessment in accordance with the Planning Policy for Traveller Sites (March 2012), the draft planning guidance adds little information that would assist local planning authorities in undertaking an assessment of needs in the area. However if the definition of Travellers, as proposed, is amended, then more detailed guidance would need to be provided as to how to determine whether travellers have temporarily or permanently ceased to travel.

The process of objectively assessed needs is a complex process with a number of uncertain factors such as how to assess data from public site waiting lists; determining agreed growth rates and calculating the need arising from concealed households (including those living in bricks and mortar).

It is important, owing to the complexity of the factors involved in the assessment process, that the guidance stresses the need for a proportionate evidence base.

It is suggested that Council tax records can be useful in assessing how many households occupy a site.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or you have any other observations about how we can improve the process, please contact CLG Consultation Co-ordinator.

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

or by e-mail to: consultationcoordinator@communities.gsi.gov.uk