



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 to give local councils more

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@consultation.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:	Mrs Hannah Gooden
Position:	Planning Policy Team Leader
Name of organisation (if applicable):	Sevenoaks District Council
Address:	Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG
Email:	ldf@sevenoaks.gov.uk
Telephone number:	01732 227178

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

Organisational response

☒

Personal views

☐

iii) Please tick the box which best describes your organisation

Local/ District Council

☒

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

☒

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

Sevenoaks District Council has recently conducted an initial consultation on a Gypsy and Traveller Plan for the District. One of the questions that was frequently raised by members of the settled community was why Gypsies and Travellers get permission for permanent accommodation in the Green Belt when they are rarely able to do so. Therefore, we recognise the rationale for the Government's proposals to introduce greater equality into the planning system, but we have some concerns about the potential consequences.

There are people within the G&T community who have permanently ceased to travel for previously acceptable (within the Planning definition) reasons of age, ill health and education. In a District such as Sevenoaks, where 93% of the land is Green Belt and 60% is AONB, these people would be unlikely to be able to find a site on which to seek permission for a permanent caravan, under 'regular' planning rules. The effect of this change would be to force these people to move out of the District or in to bricks and mortar housing.

The Duty to Cooperate must be strengthened to become a legally binding duty for less constrained authorities to meet unmet needs from substantially constrained districts. If people have given up travelling permanently through choice they must be considered in line with the settled population.

It is suggested that one of the unintended consequences of the proposed change would be a rise in unauthorised encampments. If families were forced to move off sites that previously benefited from temporary permission, there is a possibility that illegal encampments could be established. These encampments cause significant local community aggravation, and thankfully in this District, these have not been a serious issue in recent years. A rise in the number of illegal encampments, brought about by the proposed changes, would be a significantly detrimental potential consequence.

If this change is implemented, it is requested that further clarification should be provided on what constitutes a 'nomadic habit of life' i.e. 8 weekends travelling / 2 months travelling or more per year. This will be important in developing needs assessments and should be consistently

applied across authorities to ensure fairness.

It is also suggested that it is hard to define those who have 'permanently ceased to travel', as although people may not have travelled for some time, they may wish to re-start travelling at any given time. There is a need to strengthen the definition of 'permanently'.

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 ☒ No ☐

Comments

Transit sites facilitate a nomadic way of life. We are very concerned that they are likely to be more problematic than settled sites as they are inhabited for short term periods, without the commitment of ownership to maintain the local environment / community relations. It is questioned whether different transit camps would be needed for different groups within the Gypsy and Traveller community. This would increase the required number of sites and potentially the impact on the settled community but may prevent problems on sites.

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 ☒ No ☐

Comments

If the change is made, there needs to be consistency across the regulations / legislation. The Council is concerned that it would have great difficulty in assessing the numbers of households that meet the definition without much more detailed guidance.

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 ☒ No ☐

Comments

If the change is made, there needs to be consistency across the regulations / legislation. The Council is concerned that it would have great difficulty in assessing the numbers of households that meet the definition without much more detailed guidance.

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

Sensitive sites should be protected in accordance with the NPPF.

If the policy is to be amended in the same way as the NPPG has recently been amended on Green Belt and housing (i.e. authorities should take account of their constraints in setting targets) then the Duty to Cooperate must become a duty to agree and must be applied in such a way that requires less constrained areas to plan for those areas that will not be able to meet their own needs. This should apply not just through plan making but also in determining planning applications. To do otherwise will lead to more people being homeless and more unauthorised encampments.

The revised Planning Policy for Traveller Sites should be integrated into the main NPPF document to remove the current anomaly that the NPPF covers everything except travellers. This would help to harmonise travellers policy with other aspects of policy where the Government wants to do so and allow any specific differences to be explicitly identified. The Government's objective for the NPPF to be a single comprehensive statement of Government planning policy is currently undermined by having a separate document on travellers.

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

The open countryside should be protected, to protect the intrinsic character and beauty of the countryside

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



Sevenoaks District Council has an identified need for an additional 71 pitches in the period 2006-2026, under the existing definition. However, if the proposed consultation changes are implemented, it is highly possible that none of these sites would gain permanent permission as they are all located in the green belt. Therefore, the District would need to 'export' this need to neighbouring authorities, and all duty to co-operate discussions on this issue have indicated a clear lack of willingness or ability to help Sevenoaks District Council meet this need. The Duty to Cooperate must become a duty to agree and must be applied in such a way that requires less constrained areas to plan for those areas that will not be able to meet their own needs. This should apply not just through plan making but also in determining planning applications.

There is a risk of increased enforcement action / unauthorised encampments and displaced communities, all of which lead to tension and aggravation within both the traveller and settled community.

The Council recognises that in a very limited number of cases there may be personal circumstances (e.g. health) that constitute very special circumstances for development but it believes that these should be genuinely exceptional cases, where the very special circumstances are not easily repeated.

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

Please see response to question 6 above – if the combination of unmet need and personal circumstances are not considered likely to be capable of outweighing harm to the green belt, then in largely constrained Districts, such as Sevenoaks, there would be a need to re-locate these families out of the District, as there is no unconstrained land that would be considered suitable in policy terms.

The Council recognises that in a very limited number of cases there may be personal circumstances (e.g. health) that constitute very special circumstances for development but it believes that these should be genuinely exceptional cases, where the very special circumstances are not easily repeated.

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

There is provisional support for this proposal but only if the approach is extended to all forms of unauthorised development. To introduce this provision for traveller sites only would be blatant discrimination. The measures should be applied across all forms of unauthorised development (not just the stationing of caravans) to ensure equality and equity.

Introducing the procedure could cause problems in distinguishing intentional and unintentional breaches for some forms of development. It is suggested that proving whether a development is an 'innocent breach' or 'intentional unauthorised occupation' may be challenging, and could lead to protracted legal wrangling.

It is suggested that in addition unauthorised development should be liable to an increased (doubled?) fee for retrospective applications to act as a disincentive.

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

Yes ☒ No ☐

Comments

Unauthorised development and any retrospective planning applications can cause significant consternation in the local settled community, and can undermine confidence in the planning system. It is a situation that must be prevented as far as possible.

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

Sevenoaks District Council has substantial experience of harm caused by the unauthorised occupation of land. For example, the Council is currently considering an application (14/02513/FUL, Bluebell Paddock, Wrotham) for a Gypsy and Traveller pitch, where the occupants have settled on the site without permission and have cleared ancient woodland. This is not an isolated case, as the Council is aware of other sites where ancient

woodland / local wildlife sites have been affected due to authorised development / unauthorised expansion of existing sites.

The majority of gypsy and traveller sites in the District began as unauthorised sites and it has been the decisions of the Planning Inspectorate to permit sites in the Green Belt has led to the District's high levels of need.

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

Where an area has a large scale unauthorised site, and their area is subject to strategic planning constraints, it appears fair that they should not have to meet their needs in full. However, it is queried how in practice the duty to co-operate would work in this instance, as experience in this authority (which is largely constrained and surrounded by less constrained neighbours) is that duty to co-operate discussions have indicated a clear lack of willingness or ability to help Sevenoaks District Council meet this need.

The Council is concerned that authorities with high existing settled populations would be identified as areas that should accommodate high numbers of transit sites when the reality might be that the reasons Gypsies and Travellers settle in an area is very different from the reasons they travel to/through it. The Council is also concerned that transit sites, if not managed correctly, could become the sorts of unauthorised encampments that this proposal seeks to address.

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

The Council has expressed its concerns about how the proposals may lead to increases in the number of unauthorised encampments and the impact that increased numbers of transit sites may have.

The Council recognises that in a very limited number of cases there may be personal circumstances that constitute very special circumstances for development but it believes that these should be genuinely exceptional cases, where the very special circumstances are not easily repeated. This should be limited to personal temporary permissions.

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 ☒ No ☐

Comments

The draft guidance states that local authorities should take into account the 'nomadic lifestyle' of travellers when assessing accommodation needs. As set out in above, if the consultation changes are implemented, it is requested that further clarification should be provided on what constitutes a 'nomadic habit of life' i.e. 8 weekends travelling / 2 months travelling or more per year. This will be important in developing needs assessments and should be consistently applied across authorities to ensure fairness.

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.

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