

'Planning for Traveller Sites' Consultation

Summary

The Government is consulting on a draft Planning Policy Statement on 'Planning for Traveller Sites'. Once adopted, this will replace existing national policy in circulars 01/06 and 04/07, which the Government regards as 'flawed'. The proposed policies will require each local authority to 'set pitch and plot targets which address the likely permanent and transit site accommodation needs of travellers in the light of historical demand'. A draft response to the 'Planning for Traveller Sites' consultation is set out in this report. The key points are:

- The Government's proposed approach will lead to gypsies and travellers increasingly being concentrated in those districts that have the highest levels of existing provision.
- It is unrealistic to expect that local authorities will be able to identify 5 year supplies of deliverable sites and plan for a continuous delivery of sites for a 15 year period.
- The Government's proposed approach will not protect the Green Belt.
- The 6 month transitional period will be insufficient to allow local authorities to adopt DPDs with 5 year land supplies.

Recommendation

That the proposed response is agreed and sent as the Council's response to the Government's consultation.

Background

The draft Planning Policy Statement on 'Planning for Traveller Sites' states that the term 'travellers' is proposed as a catch-all term for gypsies, travellers and travelling showpeople. The existing planning definitions of gypsies and travellers and travelling showpeople would remain. The planning definitions, i.e. those people whose needs should be met through site allocations, include people who have stopped travelling, temporarily or permanently, only as a result of their own or their family's or dependants' education or health needs or old age (and as a result of a localised pattern of trading in the case of travelling showpeople) but not those people who have chosen to live in bricks and mortar housing for another reason.

Local authorities are encouraged to make their own assessment of need and set targets having regard to historical demand. In producing development plans local authorities should identify specific sites that will enable continuous delivery of sites for at least 15 years from the date of adoption. In addition, local authorities are expected to maintain a 5 year supply of deliverable sites.

The draft policy statement confirms that traveller accommodation is inappropriate development in the Green Belt. Local authorities should undertake minor reviews to Green Belt boundaries in development plans where it is necessary to accommodate traveller sites in the Green Belt and land should be allocated

specifically for that purpose. Rural exception sites for affordable traveller sites for households who are current residents or have an existing family or employment connection are also supported.

The Government suggests that local authorities should consider the production of joint development plans to set targets on a cross-authority basis where a local authority has special or strict planning constraints across its area.

Local authorities are to be given a 6 month period from the time that the final policy statement comes into effect to put in place a 5 year supply of deliverable sites. After the 6 month period, local authorities should consider favourably granting temporary permissions where they cannot demonstrate an up-to-date 5 year supply.

Proposed Response

Sevenoaks District Council (SDC) is a mostly rural District, with 93% of the area designated as Green Belt. It contains extensive areas of attractive landscape with 60% of the District lying within either the Kent Downs or High Weald Areas of Outstanding Natural Beauty. These designations seriously limit the scope for new development and the provision for new housing in the District is relatively limited as a result.

Sevenoaks District Council has taken its responsibility to provide accommodation for gypsies and travellers seriously. The Gypsies and Travellers Accommodation Assessment (GTAA) shows that in 2006 there were 82 existing authorised pitches in the District, 54 of which were local authority pitches. The Council considers that the strong history of making provision for gypsy and traveller sites in the District is a direct reason why its GTAA identifies a high need for pitches (64 pitches in the period 2006-2011) when compared to local authorities that have made low levels of provision in the past. However, SDC would suggest that whilst there may be an overall need for additional pitches arising from households currently living in Sevenoaks District, it is not essential that this need could not be met through providing accommodation in other districts in the area. The Council consider that a distinction can be drawn between the overall need for pitches and the desire for where they should be provided.

SDC believes that future provision should be shared more equitably than in the past so that all districts make a fair contribution, resulting in a more balanced distribution of provision within local areas. It is considered that this would produce more balanced communities and would offer the gypsy and traveller community greater choice in where they can live. The Government's proposals will lead to gypsies and travellers increasingly being concentrated into those districts with high levels of existing provision, as forecast household growth becomes the key factor in local needs assessments.

Q1: Do you agree that the current definitions of "gypsies and travellers" and "travelling showpeople" should be retained in the new policy?

The existing planning definition of gypsies and travellers should be retained. It is appropriate that the planning of pitches for gypsies and travellers should focus on

specific land use needs arising as a result of a nomadic way of life and not take into consideration ethnic gypsies and travellers with no individual history of nomadism, whose needs could be met through general housing policies.

Sevenoaks District Council has no comment to make on the definition of travelling showpeople.

Q2: Do you support the proposal to remove the specific reference to *Gypsy and Traveller Accommodation Needs Assessments* in the new policy and instead refer to a “robust evidence base”?

Sevenoaks District Council support the removal of the reference to Gypsy and Traveller Accommodation Needs Assessments forming part of the required evidence base to development plan policies. The Gypsy and Traveller Accommodation Needs Assessment guidance is primarily focused on issues to be considered under the requirements of the Housing Act. Given that the planning definition of gypsies and travellers is different to the definition to be used for the purposes of the Housing Act, it is necessary that local authorities have the flexibility to assess the need for pitches to allocate in development plans via a different assessment.

Q3: Do you think that local planning authorities should plan for “local need in the context of historical demand”?

Sevenoaks District Council objects to the Government’s proposed approach, which would require each local authority to meet its own locally arising gypsy and traveller desire to live in the area. This approach will lead to a situation where local authorities with the highest levels of existing provision find themselves needing to allocate the highest numbers of additional pitches.

Once any backlog of need for pitches is resolved within local authority areas, there will be an ongoing need for pitches as a result of household growth. In the vast majority of cases, higher levels of existing traveller provision will result in higher levels of household growth and, therefore, a higher need for pitches. Setting targets for pitches and plots based on this approach will lead to a situation where more travellers will continue to settle in districts that have in the past taken seriously their responsibility to make provision, whilst there will continue to be severely limited opportunities for travellers, and responsibilities for local authorities, in those districts that have failed to make significant provision in the past.

The only response to this issue that the draft policy statement leaves open to local authorities is to prepare joint plans to set targets on a cross authority basis. This is suggested as being particularly relevant where a local planning authority has special or strict planning constraints across its area. Acknowledgement that strict planning constraints, such as the Green Belt, will make it difficult for local authorities to meet the desire for pitches within the authority area is welcomed. However, Sevenoaks District Council’s experience in this matter firmly indicates that local authorities will be unwilling to enter into voluntary co-operation to provide pitches required as a result of need arising in neighbouring districts with strict planning constraints.

Q4: 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?

Sevenoaks District Council does not object to the principle of local authorities identifying targets in planning policies. However, these targets should balance the desire for additional pitches from families currently living in a local authority area against planning considerations and other objectives. Sevenoaks District Council consider that a key objective of national policy on planning for gypsies, travellers and travelling showpeople should be to create a more even distribution of pitches and plots to widen opportunities for them to travel and settle and to share responsibility for making provision more equitably amongst authorities.

Q5: Do you agree with the proposal to require local planning authorities to plan for a five-year supply of traveller pitches/plots?

The need for local authorities to plan for a 5 year supply of deliverable pitches is based on the PPS3 requirement to plan for a 5 year supply of deliverable housing sites. Sevenoaks District Council considers that following the policy approach used for housing does not reflect the differences between how housing and pitches are delivered and the reasons why proposals come forward. Whilst the vast majority of housing completions are developed speculatively by housing developers, gypsy and traveller pitches are much more likely to be delivered by the individual or family with an accommodation need as a result of a more immediate requirement. In order that local authorities can identify a *deliverable* 5 year supply, some support from gypsy and traveller individuals or families to deliver the sites during this period will be required. In the same way that it would be unrealistic to expect all local authority residents living in bricks and mortar housing to identify deliverable sites on which they or their current dependents will wish to live, it is unrealistic to expect that all gypsies and travellers that will have an accommodation need within a rolling 5 year period will be able to identify sites to resolve this need.

SDC consider that a strict requirement to plan for a five-year supply of deliverable pitches/plots will prove especially difficult for local authorities where there is a high level of need. To illustrate this point, in Sevenoaks District, where the Gypsy and Traveller Accommodation Assessment identified a need for 64 pitches in the period 2006-2011, a recent call for gypsy and traveller sites that could be considered for allocation saw just 1 site put forward.

Sevenoaks District Council do not contest that identifying sites would be the preferred planning option, given that it would offer greater certainty to gypsies and travellers and the settled community. However, given the issues identified above, the Council consider that a strict application of this policy is unrealistic and will lead to DPDs being found unsound. Where it can be shown through evidence that it is not possible to identify sufficient specific sites, local authorities should be offered the flexibility to develop alternative approaches.

Sevenoaks District Council also suggest that the same difficulties will be faced by local authorities looking to identify a 15 year supply of sites from the date of adoption of the relevant DPD. Flexibility in the application of this policy is required if sound DPDs are to be delivered.

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?

Gypsy and traveller sites in the Green Belt have been treated as inappropriate development under existing national policies, despite the suggested inconsistency between Circular 01/06 and PPG2. The issue that SDC has faced is that the high level of assessed need and lack of available pitches in the wider area has meant that the need for accommodation has been judged to constitute the very special circumstances needed to allow inappropriate development in the Green Belt. Unless local authorities are able to identify a 5 year supply of sites, which as it has been argued previously will be very challenging, there is nothing in the draft PPS that will change this situation.

In districts with significant Green Belt constraints and high levels of local desire for pitches, it is highly unlikely that local authorities will be able to identify a 5 year supply of pitches, and plan for a 15 year supply, without releasing Green Belt land. Whilst local authorities will need to investigate opportunities to make provision in non-Green Belt locations before Green Belt sites, land values in non-Green Belt locations are almost certain to preclude desire for local pitches being met without a release of Green Belt land. Where this is the case, the draft PPS is consistent with existing national policy in requiring local authorities to remove sites from the Green Belt before they are allocated. However, this approach is not consistent with the aim, stated in para 5 of the PPS, to protect the Green Belt from development.

Q7: Do you agree with the general principle of aligning planning policy on traveller sites more closely with that for other forms of housing?

SDC's comments on question 5, in this response, refer to the difficulties of applying housing land supply policies to planning for gypsy and traveller accommodation.

Q8: Do you think the new emphasis on local planning authorities consulting with both settled and the traveller communities when formulating their plans and determining individual planning applications will reduce tensions between these communities?

In the vast majority of cases it should be expected that local authorities will be undertaking consultation with both the settled and traveller communities on traveller policies and applications already. Therefore, it is highly unlikely that this requirement will reduce tensions between the two.

Encouraging dialogue directly between settled and traveller communities may be more effective at reducing tensions, in some circumstances.

Q9: Do you agree with the proposal in the transitional arrangements policy (paragraph 26 of the draft policy) that asks 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*?

SDC's comments on the proposal to require local authorities to demonstrate a five-year supply of deliverable sites are set out in its response to question 5.

The reference to local authorities 'considering favourably' temporary permissions is sufficiently flexible to allow local authorities to reject outright any proposals in wholly unsuitable locations, such as those at high risk of flooding, and is supported. Recent appeal decisions in Sevenoaks District, where Green Belt policies have not been used as a reason to reject applications for temporary gypsy and traveller sites, demonstrate that this flexibility is essential.

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?

SDC's comments on the proposal to require local authorities to demonstrate a five-year supply of deliverable sites are set out in its response to question 5.

Regardless of this the 6 month transitional period will be insufficient to allow local authorities to adopt DPDs. Even in situations where DPDs are ready for submission, the period between submission and adoption, which is predominately outside of the control of local authorities, will usually take at least 9 months.

Q11: Do you have any other comments on the transitional arrangements policy?

No comments.

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

No comments.

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.)

No comments.