



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:	Sandra Rogers
Position:	Senior Planning Officer
Name of organisation (if applicable):	Brighton & Hove City Council
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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



Personal views

NB: Please note that this response is subject to formal endorsement at the Economic Development and Culture Committee 15 January 2015.

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):	
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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

NO. To change the definition, as proposed, may raise human rights issues and may breach the Equality Act 2010 by being discriminatory towards Gypsies and Travellers. As such, this cannot be supported.

The consequences of the proposed change may be to force some travellers, including those with health issues or those with children in education, to go back onto the road to retain their Gypsy or Traveller status for planning purposes.

This is likely to have further consequences in terms of additional health and welfare issues for some travellers and could also lead to other consequences such as an increase in unauthorised encampments due to the lack of a sufficient network of transit provision nationally, regionally and sub-regionally.

Some Gypsies and Travellers will have ceased travelling on a permanent basis for reasons which may include health, old age or educational reasons or because they want a more settled way of life with better access to work and local services. They may however still wish to retain their Gypsy or Traveller identity based on their cultural heritage of a travelling (nomadic) way of life and live on a Gypsy or Traveller site (should one be available).

Furthermore, Gypsies or Travellers in Bricks and Mortar accommodation may lose their Gypsy / Traveller status. As a consequence, some of these people who may be willing to consider going into bricks and mortar accommodation (where there is a lack of site provision) would be less willing to do this which could serve to frustrate finding suitable accommodation solutions.

Because the consultation document does not clearly explain or define what it means by 'travel', there is also the possibility that those Gypsies and Travellers living on permanent/residential sites would lose their Gypsy and Traveller status, for planning purposes.

In all the above examples, it would appear that the proposed changes would take away such persons identity as a Gypsy or Traveller and there are concerns that this could raise human rights issues.

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

Yes. More transit provision and/or temporary stopping places on regional and sub-regional basis generally would help. This could be through formal transit provision together with more temporary stopping places to accommodate seasonal traveller movements.
In Wales, each local authority is required to make some transit provision and it would be helpful if this initiative could also be extended to English local authorities.

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

This council does not support the proposed change to the planning definition of Gypsies and Travellers as set out in the consultation document as set out under Q1.

It would, however, be helpful if the definitions (planning and housing) were consistent. Under the 2006 housing regulations, the definition for Gypsies and Travellers appears to be wider than the planning definition as it includes ‘anyone living in a caravan’. People with a cultural/ethnic/nomadic heritage should be distinguished from anyone living in a caravan.

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

The council does not support the proposed change to the planning definition of travellers as set out in the consultation document. However, should this change be confirmed then yes there will need to be a way to make sure those Gypsies and Travellers who have stopped travelling permanently have their accommodation (and other) needs assessed.

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

Yes. For consistency purposes, the Planning Policy Statement for Traveller Sites should be amended to reflect the provisions in the NPPF (as they are currently set out at footnote 9 to paragraph 14, NPPF) that provide protection to sensitive sites/areas protected under Birds and Habitats Directive or sites designated SSSIs, Local Green Space, AONB or National Parks.

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

No. The current wording is entirely sufficient and it is clear that development of sites in the *open* countryside should be strictly limited. The proposed change adds little and is poor use of the English language. In very constrained areas, as is the case in Brighton & Hove, it can be extremely difficult to find suitable sites within already densely built up urban areas and a ‘countryside’ location may prove to be the only feasible and practicable option. Not all countryside locations are sensitive or ‘open’ in character and opportunities to mitigate for any adverse impacts of potential development should be properly explored before development is ruled out.

Our experience in Brighton & Hove also indicates that high land values within urban areas may also prohibit travellers being able to bring forward sites themselves within urban areas.

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

Yes, but see below in relation to Green Belt land. In terms of those sites protected under the Birds and Habitats Directives and/or sites designated as SSSIs, Local Green Space, AONB or National Parks (footnote 9, NPPF), this would seem a reasonable and sensible approach and consistent with the approach for housing development. However, in terms of adding land designated Green Belt to this list it should be noted that, unlike the other designations noted above, Green Belt land is not necessarily designated on the basis on any intrinsic specific landscape, community or biodiversity value. Paragraph 89 and 90 of the NPPF acknowledge that some forms of development and/or a limited amount of development may be acceptable in the Green Belt. These include, for example, limited infill development within villages in the Green Belt, limited affordable housing for local community needs, limited infill or redevelopment of brownfield land in the Green Belt or development brought forward under a Community Right to Build Order may also be acceptable. On this basis, we do not agree that Green Belt land should necessarily warrant the same degree of protection where there is a lack of a five year supply of sites.

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.

As set out above, in response to Q.6, unlike the specific designations cited in footnote 9 to the NPPF, Green Belt land is not necessarily designated on the basis on any intrinsic specific landscape, cultural/community or biodiversity value.

On this basis , we do not agree that Green Belt land should warrant the same degree of protection and therefore do not agree with the proposed change to policy with respect to unmet need and personal circumstances.

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

No.

This proposed change discriminates against Gypsies and Travellers and may breach the Equality Act 2010 and therefore cannot be supported.

In terms of 'unauthorised development' more generally, local planning authorities do not regard the incidence of unauthorised development (whether intentional or not) as a material planning consideration that should weigh against the grant of permission subsequently sought (i.e. retrospective).

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

Yes No

Comments

All 'unauthorised development' has the potential to cause harm to community relations but there are provisions already within the planning system (and other regulations) that are designed to address this and to rectify the harm.

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

We do not have unauthorised site development within Brighton & Hove.

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

Yes, this would seem a reasonable approach in exceptional circumstances.

Such an approach would also be helpful if it were extended to those local authorities, like Brighton & Hove, who experience a large scale of unauthorised encampments and whose areas are (also) subject to strict and special planning constraints which make it extremely difficult to plan to meet those needs in full.

What is clearly required is a regional and sub-regional response to meeting both permanent and transit gypsy and traveller accommodation needs.

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

Yes.

This authority has serious concerns that some of the proposals outlined in the consultation paper may be discriminatory in nature and could make things much harder for Gypsy and Traveller families.

In this respect the proposed changes to the policy statement would appear to contradict some of the stated aims of this consultation and need therefore to be carefully re-considered.

The proposed change to the definition of Gypsies and Travellers could have knock-on and unforeseen consequences especially in terms of an increase in unauthorised encampments (because travellers have to stop somewhere for work, health needs, etc) which could have detrimental impacts on the settled community.

What is required is clearly a better network and more traveller sites (both permanent and transit) in response to identified needs across local authority and sub-regional areas.

Brighton & Hove is currently updating its traveller site needs assessment and will work with its adjacent authorities to help meet those needs, subject to the strict and special planning constraints that are applicable to Brighton & Hove (particularly in terms of the sea to the south and a National Park to the north, east and west of the city).

Addressing the accommodation needs of Gypsies and Travellers is the best route to help ensure positive outcomes for members of this population. Research shows that a lack of suitable accommodation is

related to poor educational and health outcomes and also contributes to tensions between the travelling and non-travelling communities.

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

No.

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

